

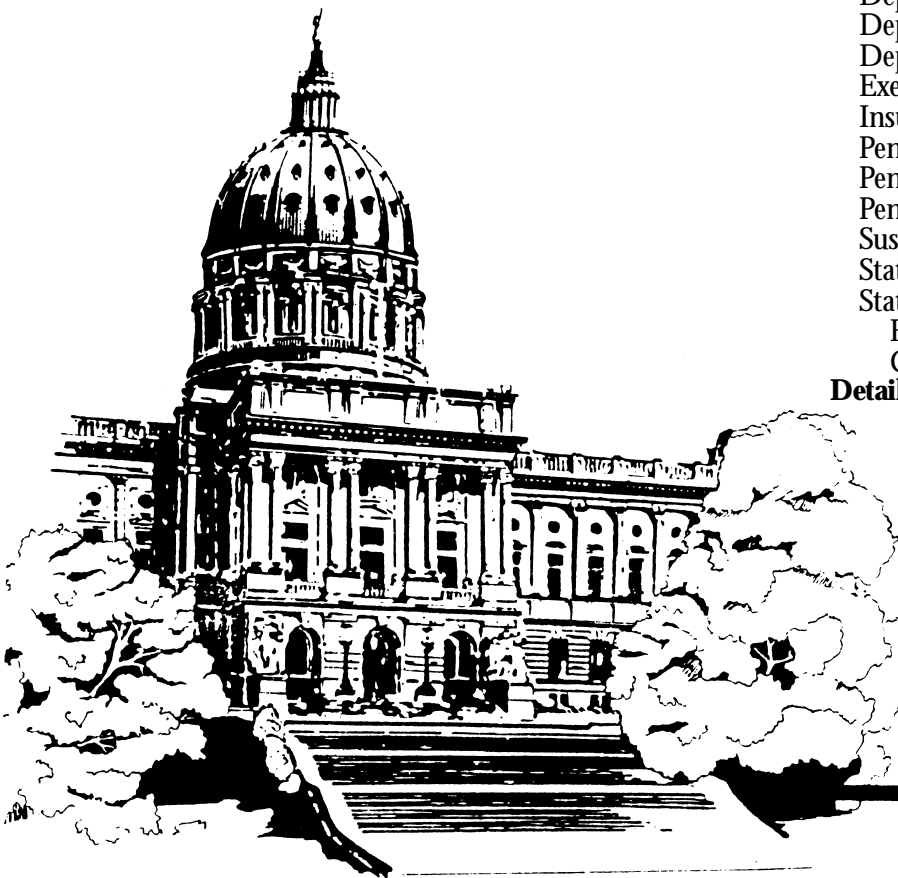
# PENNSYLVANIA BULLETIN

Volume 39  
Saturday, January 24, 2009 • Harrisburg, PA  
Number 4  
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## Agencies in this issue

The Governor  
The General Assembly  
The Courts  
Department of Agriculture  
Department of Banking  
Department of Community and Economic  
Development  
Department of Environmental Protection  
Department of Health  
Department of Revenue  
Department of Transportation  
Executive Board  
Insurance Department  
Pennsylvania Council on Aging  
Pennsylvania Gaming Control Board  
Pennsylvania Public Utility Commission  
Susquehanna River Basin Commission  
State Board of Funeral Directors  
State Board of Social Workers, Marriage and  
Family Therapists and Professional  
Counselors

**Detailed list of contents appears inside.**



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

**No. 410, January 2009**

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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.

<b>4 Pa. Code (Administration)</b>		<b>55 Pa. Code (Public Welfare)</b>	
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# THE GOVERNOR

## Title 4—ADMINISTRATION

### PART I. GOVERNOR'S OFFICE

[ 4 PA. CODE CH. 6 ]

[ EXECUTIVE ORDER NO. 2008-09 ]

### Governor's Food Safety Council

December 17, 2008

*Whereas*, the safety and security of the food supply produced and consumed in the Commonwealth is a critical concern for the well-being of Pennsylvania's 12.5 million citizens and their uninterrupted access to a safe, abundant and affordable food supply; and

*Whereas*, the stability of the Commonwealth's number one economic enterprise is at stake when threats are made to the food, fuel and fiber system, as it accounts for \$46.4 billion and supplies more than one million jobs in Pennsylvania; and

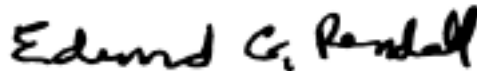
*Whereas*, recognizing that the food supply continuum is comprised of many components and stages from farm-based production to ultimate consumption; and

*Whereas*, there is an increased need for collaboration, planning, prevention and response from numerous governmental agencies, including the Department of Agriculture, Department of Health and agencies directly linked to the public health and emergency response initiatives; and

*Whereas*, threats to the food system are comprised of both naturally occurring pathogens and intentionally introduced agents and establishing food safety is a critical security issue; and

*Whereas*, it has been determined that the Governor and the Commonwealth would benefit from the advice and counsel of an official representative body of food and health safety managers, emergency response community members, policy makers, food producers, food processors, food retailers and agribusiness organizations focused on food safety and defense protocols and processes across all points of the food production spectrum.

*Now, Therefore*, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby establish the Governor's Food Safety Council (hereinafter referred to as the "Council") as hereinafter set forth.



Governor

**Fiscal Note:** 2008-09. No fiscal impact; (8) recommends adoption.

#### Annex A

#### TITLE 4. ADMINISTRATION

#### PART I. GOVERNOR'S OFFICE

#### CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES

#### Subchapter EE. GOVERNOR'S FOOD SAFETY COUNCIL

Sec.	
6.381.	Purpose.
6.382.	Responsibilities.
6.383.	Composition.
6.384.	Terms of membership.
6.385.	Compensation.
6.386.	Staffing.



- 6.387. Cooperation by State agencies.
- 6.388. Reports.
- 6.389. Effective date.
- 6.390. Termination date.

**§ 6.381. Purpose.**

The Governor's Food Safety Council shall do the following:

- (1) Advise the Governor on the development and implementation of food safety and defense protocols and practices in the Commonwealth.
- (2) Provide guidance on prevention, protection, response and recovery to food-related threats.
- (3) Facilitate coordination among Federal, State and local efforts across diverse industry segments such as production agriculture, food processing, food retailers and eating and drinking establishments, and the public health and emergency response communities.

**§ 6.382. Responsibilities.**

The Governor's Food Safety Council (Council) shall do the following:

- (1) Provide guidance and recommendations on the implementation of the Strategy for Agriculture and Food Excellence (S.A.F.E.) Initiative and the protocols and recommendations contained therein.
- (2) Provide guidance on the continued growth/enhancement/expansion of the S.A.F.E. Initiative as science, technology and threats change on the Federal, State and local level.
- (3) Facilitate coordination among the public and private entities that play a role in food safety and defense at the Federal, State and local levels.
- (4) Monitor and evaluate food safety laws and regulations to assess their impact on this Commonwealth.
- (5) Convene two times per year and at the call of the Chairperson of the Council. A simple majority of the members shall constitute a quorum.
- (6) Adopt rules of procedure consistent with this subchapter.

**§ 6.383. Composition.**

The Governor's Food Safety Council (Council) shall consist of the following members:

- (1) The following agency heads of the Commonwealth, or their designees who serve in positions related to the safety and security of the food supply:
  - (i) Secretary of Agriculture, who will serve as Co-Chairperson of the Council.
  - (ii) Secretary of Health, who will serve as Co-Chairperson of the Council.
  - (iii) Director of the Pennsylvania Emergency Management Agency.
  - (iv) Commissioner of the Pennsylvania State Police.
- (2) The Majority and Minority Chairpersons of the Senate of Pennsylvania and the Pennsylvania House of Representatives Agriculture and Rural Affairs Committees.
- (3) Additional members of the public representing the agriculture and food production sectors as well as the public health and emergency management communities. The members of the public will be appointed by and serve at the pleasure of the Governor. A member of the public appointed to the Council under this subsection may have a designee act on the member's behalf, if the member first provides the Chairperson a copy of the member's written designation authorizing the designee to so act. These members will include:
  - (i) Two members representing Local/Act 315 Health Departments.
  - (ii) Three academic members, one of whom shall represent the Agricultural Law Resource and Reference Center.

(iii) Two retail sector members, represented by the Pennsylvania Food Merchants Association and the Pennsylvania Restaurant Association.

(iv) Two processing sector members.

(v) Three agricultural producers representing animal, vegetable and fruit production.

(vi) Two members representing general agricultural organizations in this Commonwealth.

(vii) Two members representing the ports and transportation sector in this Commonwealth, one of whom shall serve as the liaison to the Port of Philadelphia.

(viii) Four members of Federal enforcement agencies representing the Federal Bureau of Investigation; United States Department of Agriculture; Center for Disease Control; and the Food and Drug Administration.

(ix) One member representing the local regional task forces in this Commonwealth.

(x) Two at-large members.

**§ 6.384. Terms of membership.**

The 23 members of the public representing the agriculture and food industry and the public health and emergency response communities will be appointed for terms of 2 years and will continue to serve thereafter until their successors have been appointed. The Governor will fill vacancies that may occur and may remove any member from the Governor's Food Safety Council at his discretion.

**§ 6.385. Compensation.**

Members of the Governor's Food Safety Council (Council) will receive no additional compensation for their service as Council members. Nongovernment members will be reimbursed for travel and related expenses in accordance with Commonwealth policy. See 4 Pa. Code Chapter 40 (relating to travel and subsistence).

**§ 6.386. Staffing.**

The Department of Agriculture shall provide administrative staff resources to support the Governor's Food Safety Council.

**§ 6.387. Cooperation by State agencies.**

Agencies under the Governor's jurisdiction shall cooperate with and provide assistance and support as needed by the Governor's Food Safety Council to carry out its functions effectively.

**§ 6.388. Reports.**

In addition to the recommendations described in this subchapter, the Governor's Food Safety Council (Council) shall submit to the Governor an annual report on the Council's activities.

**§ 6.389. Effective date.**

This subchapter shall take effect immediately.

**§ 6.390. Termination date.**

This subchapter shall remain in effect unless revised or rescinded by the Governor.

[Pa.B. Doc. No. 09-105. Filed for public inspection January 23, 2009, 9:00 a.m.]

# THE GENERAL ASSEMBLY

## COMMISSION ON SENTENCING

### Meetings Scheduled

The Commission on Sentencing announces the following public meeting dates have been selected for the year 2009:

Wednesday February 4, 2009 Harrisburg Hilton & Towers, Harrisburg, PA	Lunch/Policy Meeting Dinner/Policy Meeting	12 p.m.—5 p.m. 6 p.m.—9 p.m.
Thursday February 5, 2009 Harrisburg Hilton & Towers, Harrisburg, PA	Commission Meeting	9 a.m.—11:30 a.m.
Wednesday May 20, 2009 Holiday Inn Express, Seneca, PA	Lunch/Policy Meeting Dinner/Policy Meeting	12 p.m.—5 p.m. 6 p.m.—9 p.m.
Thursday May 21, 2009 Holiday Inn Express, Seneca, PA	Commission Meeting	9 a.m.—11:30 a.m.
Wednesday August 19, 2009 Penn Stater Conference Center Hotel, State College, PA	Lunch/Policy Meeting Dinner/Policy Meeting	12 p.m.—5 p.m. 6 p.m.—9 p.m.
Thursday August 20, 2009 Penn Stater Conference Center Hotel, State College, PA	Commission Meeting	9 a.m.—11:30 a.m.
Wednesday December 9, 2009 Union League of Philadelphia, Philadelphia, PA	Lunch/Policy Meeting Dinner/Policy Meeting	12 p.m.—5 p.m. 6 p.m.—9 p.m.
Thursday December 10, 2009 Union League of Philadelphia, Philadelphia, PA	Commission Meeting	9 a.m.—11:30 a.m.

The Wednesday afternoon Lunch/Policy Meetings are scheduled from 12 p.m. to 5 p.m., with the Policy Meeting beginning at 1 p.m.; the Wednesday evening Dinner/Policy Meetings are scheduled from 6 p.m. to 9 p.m. with the Policy Meeting beginning at 7:30 p.m. Meetings are open to the public. Direct any questions regarding Commission meetings to Mark H. Bergstrom, Executive Director at (814) 863-4368 or mhb105@psu.edu.

MARK H. BERGSTROM,  
*Executive Director*

[Pa.B. Doc. No. 09-106. Filed for public inspection January 23, 2009, 9:00 a.m.]

# THE COURTS

## Title 225—RULES OF EVIDENCE

### ARTICLE I. GENERAL PROVISIONS

[ 225 PA. CODE ART. I ]

Order Approving Revision of Comment to Pennsylvania Rule of Evidence 104; No. 456; Supreme Court Rules; Doc. No. 1

#### Order

*Per Curiam:*

Now, this 9th day of January 2009, upon the recommendation of the Committee on Rules of Evidence, and pursuant to Pa.R.J.A. No. 103(a) and a Final Report to be published with this Order.

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the revision of Comment is hereby approved as follows.

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

#### Annex A

### TITLE 225. RULES OF EVIDENCE

#### ARTICLE I. GENERAL PROVISIONS

#### Rule 104. Preliminary Questions.

\* \* \* \* \*

#### Comment

Paragraph 104(a) is identical to F.R.E. 104(a). The first sentence is consistent with prior Pennsylvania case law. See *Commonwealth v. Chester*, 526 Pa. 578, 587 A.2d 1367 (1991).

The second sentence of paragraph 104(a) is based on the premise that, by and large, the law of evidence is a "child of the jury system" and that the rules of evidence [ **should** ] **need** not be applied when the judge is the fact finder. The theory is that the judge should be empowered to hear any relevant evidence to resolve questions of admissibility. [ **Under the Federal Rule, the court may consider even the allegedly inadmissible evidence in deciding whether to admit the evidence. See *Bourjaily v. United States*, 483 U.S. 171 (1987). There is no express authority in Pennsylvania on whether the court is bound by the rules of evidence in making its determinations on preliminary questions. In view of this, the approach of the Federal Rule has been adopted. ] This approach is consistent with Pennsylvania law. See *Commonwealth v. Raab*, 594 Pa. 18, 934 A.2d 695 (2007).**

\* \* \* \* \*

#### FINAL REPORT

#### Pa.R.E. 104 Comment Revision

In view of *Commonwealth v. Raab*, 594 Pa. 18, 934 A.2d 695 (2007), the language in the second paragraph of the Comment to Pa.R.E. 104(a) is misleading. The Committee on Rules of Evidence therefore recommended the changes noted to clarify that there now is express authority in

Pennsylvania that the judge may consider hearsay evidence in preliminary hearing under Pa.R.E. 104.

[Pa.B. Doc. No. 09-107. Filed for public inspection January 23, 2009, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

#### Notice of Disbarment

Notice is hereby given that Robert E. Martin having voluntarily surrendered his license to practice law in the State of Georgia by Order of the Supreme Court of Georgia dated April 4, 1991, the Supreme Court of Pennsylvania disbarred Robert E. Martin from the practice of law in this Commonwealth by Order dated January 8, 2009, effective February 7, 2009. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,

*Secretary*

*The Disciplinary Board of  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 09-108. Filed for public inspection January 23, 2009, 9:00 a.m.]

#### Notice of Suspension

Notice is hereby given that David W. Boyer having been suspended from the practice of law in the State of New Jersey for a period of 3 months by Order of the Supreme Court of New Jersey dated February 26, 2008, the Supreme Court of Pennsylvania issued an Order dated January 8, 2009, suspending David W. Boyer from the practice of law in this Commonwealth for a period of 3 months, effective February 7, 2009. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,

*Secretary*

*The Disciplinary Board of the  
Supreme of Pennsylvania*

[Pa.B. Doc. No. 09-109. Filed for public inspection January 23, 2009, 9:00 a.m.]

#### Notice of Transfer of Attorneys to Inactive Status

Notice is hereby given that the following attorneys have been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated December 1, 2008, under Rule 111(b) Pa.R.C.L.E., which requires that all attorneys admitted to practice in any court of this Commonwealth must pay an annual assessment of \$175. The Order became effective December 31, 2008.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

Abromson, Ellen J.  
Washington, DC

Acker, Susan J.  
Twinsburg, OH

Adges, Michael C.  
Mineola, NY

Apoldo, Louis J.  
Cherry Hill, NJ

Barrett, Mark J.  
Denver, CO

Bernard Jr., Harold  
Sterling, VA

Bodnar, Joseph J.  
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Willingboro, NJ

Brennan, Frank P.  
Cherry Hill, NJ

Brennan, Patricia L.  
Kensington, MD

Brewer, Carol A.  
APO AE

Brown, David J.  
North Bethesda, MD

Buividas, Stephen J.  
Cherry Hill, NJ

Bungard, Jessica M.  
Fredericksburg, VA

Burgess, Kelton M.  
Pacifica, CA

Butler, Reeda L.  
Hyattsville, MD

Buzzinotti, Elaine M.  
Retsof, NY

Byers, Eugene S.  
New York, NY

Cameron, Patricia K.  
Oceanside, CA

Camiso, Nichole  
Bordentown, NJ

Carlton Jr., Emmitt H.  
Capital Heights, MD

Carman, Michael L.  
Ithaca, NY

Cassin, Lionel  
Corpus Christi, TX

Christopher, Tracey M.  
Snellville, GA

Ciervo, George A.  
Gloucester City, NJ

Connor, Noelle A.  
Woodbury, NJ

Corgan, Anne C.  
Montgomery Village, MD

Daly, Elizabeth A.  
Mendham, NJ

DePhillips, Kathleen M.  
Barrington, RI

Dorris, Evanjerl  
Clarksburg, MD

Endres, Dawn L.  
Towson, MD

Fagan, Charles E.  
Jamestown, NY

Feldman, Lori L.  
Las Vegas, NV

Ferzli, Adib E.  
Washington, DC

Freney, Sandra M.  
Alexandria, VA

Gardner, Brian T.  
Birmingham, MI

Gehring, Holly S.  
Arnold, MD

Goebel, Michael J.  
Akron, OH

Goellner, Alfred O.  
Plano, TX

Goldberg, Joan L.  
Weston, MA

Green, Angela T.  
Washington, DC

Greene, Douglas C.  
Arlington, TX

Grosvenor, Nicole P.  
Deptford, NJ

Handel, Cheryl A.  
Morristown, NJ

Harbold, Tamara M.  
Buffalo, NY

Harris, William E.  
Troy, NY

Haumann, William A.  
Hamilton, NJ

Hawkins, James R. A.  
Manassas, VA

Heit, Ellan A.  
Pearl River, NY

Hill, Knut R.  
Ann Arbor, MI

Hillman, Jason C.  
Winchester Center, CT

Hoffman Jr., Gilbert S.  
Marlton, NJ

Iacono, Michael A.  
Williamsville, NY

Iwanyshyn, Roman  
Miami, FL

Jargiello, David M.  
Palo Alto, CA

Johnson, Michael L.  
Los Angeles, CA

Katz, Joshua  
Rego Park, NY

Kemp, Jeffrey M.  
Coventry, VT

Koether, Jennifer S.  
Warren, NJ

Koplove, Andrea B.  
Santa Monica, CA

Lambert, Bernard  
Newark, NJ

Lazerwitz, Alison R.  
France

Lopez, David A.  
Saratoga Springs, UT

Lubin, Eric H.  
Brigantine, NJ

Luongo, Christopher P.  
East Hanover, NJ

Madayag III, Robert A.  
Marietta, GA

Marquis, David W.  
Dayton, OH

McCartney, James W.  
Puerto Rico

McStravick, Terrence M.  
Cinnaminson, NJ

Mercer III, Henry M.  
Chocowinity, NC

Merchlinski, Joshua T.  
College Park, MD

Meyer, Donna J.  
Rockville, MD

Michaelson, Dwight J.  
Edison, NJ

Millard, Howard L.  
Baltimore, MD

Mirel, Robert J.  
North Miami Beach, FL

Mitchell-Wallace, Keeley P.  
Raleigh, NC

Moore, Robert E.  
Honolulu, HI

Morris, Cheryl A.  
San Francisco, CA

Muir, Gregory R.  
San Jose, CA

Nichols, Paul F.  
Woodbridge, VA

Omoloyin, Esther F.  
Haddon Township, NJ

Parthemer, Linda L.  
Mullica Hill, NJ

Pate, Mhkeeba L.  
Seattle, WA

Pemberton, Christian A.  
Sicklerville, NJ

Raboin, Michael F.  
Switzerland

Raff, Elliot D.  
Cherry Hill, NJ

Ray, Patricia  
Torrance, CA

Rebel, Jessica L.  
Kansas City, MO

Ringgold, Kenisha L.  
Newark, DE

Rivera, Orlando M.  
Pennsauken, NJ

Rosenfeld, Maura A.  
Israel

Schambelan, Joseph N.  
New York, NY

Shanni, Erik.  
Summit, NJ

Sheehan, Kerry A.  
New York, NY

Smith, Tonya M.  
Newark, NJ

Soong, Ismael C.  
Taiwan

Spivak, Gayl C.  
Cherry Hill, NJ

Stefel, Shari B.  
Aventura, FL

Stevens, Walter S.  
Vista, CA

Stollman, David M.  
Wilmington, DE

Strom, Elisabeth A.  
Woodbury, NJ

Taub, David L.  
Riverside, CA

Tesfatsion, Menna  
New York, NY

Trigoboff, Daniel  
Fayetteville, NC

Tulli, Emily L.  
Bridgeton, NJ

Twardzik, Lori L.  
Arlington, VA

Vyas, Nita S.  
New York, NY

Wachsman, Harvey F.  
Upper Brookville, NY

Walkes, Staci B.  
Washington, DC

Wallace, Gregory G.  
Seattle, WA

Weisenfeld, Joseph J.  
Miami, FL

Whiteside, Brett T.  
Wilmington, DE

Yiannopoulos II, Konstantinos  
New York, NY

Zidow, Geraldine  
Mount Laurel, NJ

Zitron, Jordan C.  
Boca Raton, FL

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

[Pa.B. Doc. No. 09-110. Filed for public inspection January 23, 2009, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### STATE BOARD OF FUNERAL DIRECTORS

[ 49 PA. CODE CH. 13 ]

#### Renewal Fee

The State Board of Funeral Directors (Board) amends § 13.12 (relating to fees) to read as set forth in Annex A.

#### *Description and Need for the Rulemaking*

Section 18.1 of the Funeral Director Law (act) (63 P. S. § 479.18.1) requires the Board to fix the fees for renewal of licenses by regulation and if the revenue generated by fees, fines and civil penalties is not sufficient to match expenditures over a 2-year period, the Board is required to increase those fees by regulation. Section 18.1(b) of the act requires the Board to increase fees when revenue raised by fees, fines and civil penalties is not sufficient to meet expenditures. In June, 2006, the Department of State's (Department) Division of Fiscal Management projected that, without an increase in the biennial renewal fee, Board fiscal deficits will grow as follows:

<i>Fiscal Year</i>	<i>Beginning Balance</i>	<i>Revenue</i>	<i>Expenses</i>	<i>Ending Balance</i>
2006-07	\$473,880.88	\$100,000.	\$842,000.	(\$268,119.12)
2007-08	(\$268,119.12)	\$1,260,000.	\$876,000.	\$115,880.88
2008-09	\$115,880.88	\$100,000.	\$900,000.	(\$684,119.12)
2009-10	(\$684,119.12)	\$1,260,000.	\$921,000.	(\$345,119.12)
2010-11	(\$345,119.12)	\$100,000.	\$967,000.	(\$1,212,119.12)
2011-12	(\$1,212,119.12)	\$1,260,000.	\$1,015,000.	(\$967,119.12)
2012-13	(\$967,119.12)	\$100,000.	\$1,066,000.	(\$1,933,119.12)
2013-14	(\$1,933,119.12)	\$1,260,000.	\$1,119,000.	(\$1,792,119.12)
2014-15	(\$1,792,119.12)	\$100,000.	\$1,175,000.	(\$2,867,119.12)
2015-16	(\$2,867,119.12)	\$1,260,000.	\$1,234,000.	(\$2,841,119.12)
2016-17	(\$2,841,119.12)	\$100,000.	\$1,296,000.	(\$4,037,119.12)

If, however, the renewal fee is increased to \$325 beginning with the 2008-10 renewal period, the revenue and budget offices projected that the Board would recover the deficit and maintain a surplus as follows:

<i>Fiscal Year</i>	<i>Beginning Balance</i>	<i>Revenue</i>	<i>Expenses</i>	<i>Ending Balance</i>
2006-07	\$473,880.88	\$100,000.	\$842,000.	(\$268,119.12)
2007-08	(\$268,119.12)	\$2,177,025.	\$876,000.	\$1,032,905.88
2008-09	\$1,032,905.88	\$116,000.	\$900,000.	\$248,905.88
2009-10	\$248,905.88	\$2,177,025.	\$921,000.	\$1,504,930.88
2010-11	\$1,504,930.88	\$116,000.	\$967,000.	\$653,930.88
2011-12	\$653,930.88	\$2,177,025.	\$1,015,000.	\$1,815,955.88
2012-13	\$1,815,955.88	\$116,000.	\$1,066,000.	\$865,955.88
2013-14	\$865,955.88	\$2,177,025.	\$1,119,000.	\$1,923,980.88
2014-15	\$1,923,980.88	\$116,000.	\$1,175,000.	\$864,980.88
2015-16	\$864,980.88	\$2,177,025.	\$1,234,000.	\$1,808,005.88
2016-17	\$1,808,005.88	\$116,000.	\$1,296,000.	\$628,055.88

Although the Board was presented with projections for other amounts of increase in the renewal fee, the Board concluded that increasing the biennial renewal fee to \$325 would be the least restrictive means of eliminating the projected deficits and restoring the Board's fiscal integrity as required by section 18.1 of the act.

#### *Summary of Comments and Responses to Proposed Rulemaking*

The Board published notice of proposed rulemaking at 37 Pa.B. 1868 (April 21, 2007) with a 30-day public comment period. The Board received no written comments from the public. The Board received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC) as part of their review of proposed rulemaking under the Regulatory Review Act (71 P. S. §§ 745.1—745.12).

The HPLC first noted that an increase in the biennial renewal fee to \$280 would result in a surplus of \$63,801 at the end of Fiscal Year (FY) 2010-2011 and a deficit of \$847,319 at the end of FY 2016-17 and that an increase in the biennial renewal fee to \$325 would result in a surplus for all renewal periods, with a surplus of \$628,006 at the end of FY 2016-17. The HPLC then asked whether a renewal fee between \$280 and \$325 would result in an acceptable surplus. Based upon estimates prepared in September, 2007, the Department of State's division of fiscal management estimated



that increasing the renewal fee to \$290 would result in a surplus of \$19,411 at the end of FY 2008-09, a surplus of \$194,941 at the end of FY 2010-11, a surplus of \$177,471 at the end of FY 2012-13, a deficit of \$52,999 at the end of FY 2014-15, and a deficit of \$519,469 at the end of FY year 2016-17. The division of FY management also estimated that increasing the renewal fee to \$300 would result in a surplus of \$84,981 at the end of FY 2008-09, a surplus of \$326,081 at the end of FY 2010-11, a surplus of \$374,181 at the end of FY 2012-13, a surplus of \$209,281 at the end of FY 2014-15, and a deficit of \$519,469 at the end of FY 2016-17. Renewal fee increases in either amount would support the Board's projected expenses for 7 to 9 years so long as the projected expenses and revenues remain unchanged. Because the difference between the fee at \$290 or \$300 compared to \$325 is not that significant, adopting the higher renewal fee would provide a safety net for any unanticipated expenses or decrease in revenue collected if the licensee population would decline.

The HPLC next noted that the greater increases in actual and projected expenses have occurred in the legal office and enforcement and investigation and asked for further information as to the reasons for these increases, including the number and types of enforcement activities. The increase in the actual and projected expenses for the legal office and enforcement and investigation can be attributed to three major factors. First, in FY 2004-05 a record high 490 disciplinary cases were closed for the Board. Also, 392 cases were opened, a number higher than in previous years. These increases resulted in more legal staff time being charged to the Board in that year. For comparison purposes, approximately 2,373 hours were charged to the Board in fiscal year 2003-04, and 3,329 hours were charged to the Board in 2004-05. Second, the projected expenses for fiscal year 2006-07 included approximately \$77,000 for a case that is being litigated on behalf of the Board by an outside law firm. It has now been determined that, because the outcome of this case sets a precedent for all 27 licensing boards, this expense will be allocated among all of the licensing boards. Thus, the FY year 2006-07 expenses will be reduced by approximately \$75,000 to approximately \$190,000, an amount slightly lower than the previous FY. Third, the increase in the investigation and enforcement expenses can be attributed to the acquisition of two new full-time mortuary inspector positions in FY 2005-06. The numbers of investigations and inspections have increased, as shown on the following table:

Year	Invest. Opened	Investigation Activities			New	Inspection Activities			Total
		Invest. Closed	Other Opened	Other Closed		Routine	Other		
2001-02	64	81	25	23	74	316	8	398	
2002-03	183	90	18	18	59	233	6	298	
2003-04	129	170	6	3	84	56	1	141	
2004-05	91	135	9	4	87	716	52	855	
2005-06	113	109	24	25	66	717	70	853	
2006-07	112	121	19	18	81	1,103	125	1,309	

Lastly, the HPLC asked whether the adoption of this renewal fee is planned not to necessitate another renewal fee increase for another 10 years. Increasing the renewal fee to \$325 was planned to support the Board's expenses for a period of 10 years, so long as there are not any unanticipated expenses or decrease in the Board's licensee population that would impact the amount of revenue collected.

In addition to sharing the concerns expressed by the HPLC, IRRC noted that the expenses for FY 2003-04 through 2006-07 greatly exceeded the expenses projected for those FY at the time the Board increased its renewal fee from \$130 to \$185 beginning with renewals in February, 2004. In addition to the increased number of disciplinary cases and inspections discussed previously, increased salaries and benefits, increased complement of mortuary inspectors, IT enhancements and upgrades, and other factors that led to the increased expenses were not known at the time those expenses were projected in March, 2002.

The Board has not revised its rulemaking in response to the comments.

The Board was not able to respond to comments, prepare the final rulemaking, and proceed through the regulatory review process to final approval in time to permit the increased renewal fee to apply to the biennial renewal period beginning February 1, 2008, as was anticipated in the proposed rulemaking. As a result, the Board missed collecting an additional approximately \$840,000 for the 2008-10 biennial renewal cycle. In August, 2008, the Department of State's division of fiscal management prepared budget estimates based upon increasing the renewal fee to \$325 beginning with the 2010-12 biennial renewal period. The division of fiscal management now estimates that Board will alternate between surplus and deficit as follows:

Fiscal Year	Beginning Balance	Revenue	Expenses	Ending Balance
2007-08	(\$280,021.55)	\$1,302,296.39	\$986,023.73	\$36,251.11
2008-09	\$36,251.11	\$120,000.	\$928,000.	(\$771,748.89)
2009-10	(\$771,748.89)	\$2,067,000.	\$932,000.	\$363,251.11
2010-11	\$363,251.11	\$124,000.	\$979,000.	(\$491,749.89)
2011-12	(\$491,749.89)	\$2,067,000.	\$1,028,000.	\$547,251.11
2012-13	\$547,251.11	\$124,000.	\$1,079,000.	(\$407,748.89)
2013-14	(\$407,748.89)	\$2,067,000.	\$1,133,000.	\$526,251.11
2014-15	\$526,251.11	\$124,000.	\$1,190,000.	(\$539,748.89)

<i>Fiscal Year</i>	<i>Beginning Balance</i>	<i>Revenue</i>	<i>Expenses</i>	<i>Ending Balance</i>
2015-16	(\$539,748.89)	\$2,067,000.	\$1,250,000.	\$277,251.11
2016-17	\$277,251.11	\$124,000.	\$1,313,000.	(\$911,748.89)
2017-18	(\$911,748.89)	\$2,067,000.	\$1,379,000.	(\$223,748.89)

The Board determined that, in order to avoid expanding the scope of its proposed rulemaking and due to the length of time necessary to promulgate a new rulemaking, it should proceed with the renewal fee as previously proposed. In addition, the Board will look into later increasing renewal fees with the possibility of setting separate fees for funeral entities, funeral supervisors and funeral directors, as well as planning to phase in any future increase in renewal fees.

*Fiscal Impact and Paperwork Requirements*

The final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions and will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector. The final-form rulemaking will increase the biennial renewal fee for funeral directors and funeral entities in this Commonwealth.

*Effective date*

The final-form rulemaking will become effective upon publication in the *Pennsylvania Bulletin*. The increased renewal fee will first be charged for the biennial renewal period beginning February 1, 2010.

*Statutory Authority*

The final-form rulemaking is authorized under section 18.1 of the act.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 11, 2007, the Board submitted a copy of the notice of proposed rulemaking, published at 37 Pa.B. 1868, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC 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 HPLC, the SCP/PLC and the public.

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

*Additional Information*

Persons who require additional information about the final-form rulemaking should submit inquiries to Regulatory Unit Counsel, Department of State, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-3397, st-funeral@state.pa.us.

*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) and 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 final-form rulemaking adopted by this order is necessary and appropriate for the administration of the act.

*Order*

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

(a) The regulations of the Board, 49 Pa. Code Chapter 13, are amended by amending § 13.12 to read as set forth in Annex A.

(b) The Board shall submit this order and Annex A to the Office of Attorney General and the Office of General Counsel for approval 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) The final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

MICHAEL J. YEOSOCK, FD,  
*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).)*

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 13. STATE BOARD OF FUNERAL DIRECTORS LICENSURE**

**§ 13.12. Fees.**

Following is the schedule of fees charged by the Board:

Initial registration for student trainee . . . . .	\$25
Annual registration for student trainee . . . . .	\$15
Initial registration for resident intern . . . . .	\$25
Initial registration for preceptor or change . . . . .	\$25
Initial license for funeral director . . . . .	\$25
Initial license for restricted business corporation, professional corporation, partnership or shared funeral establishment . . . . .	\$150
Initial license for estate or widow, sole proprietorship or branch office . . . . .	\$125
Initial registration for supervisor . . . . .	\$25
Change director or name on existing license without reinspection . . . . .	\$35
Address change with inspection . . . . .	\$125

Reinspection after failure ..... \$85  
 Certification ..... \$25  
 Verification of licensure or registration ..... \$15  
 Biennial renewal ..... \$325  
 Application for limited license ..... \$35  
 Biennial renewal of limited license ..... \$35  
 Application for continuing education course..... \$100  
 Application for continuing education provider .... \$100  
 Renewal of registration of continuing education  
 provider ..... \$50  
 [Pa.B. Doc. No. 09-111. Filed for public inspection January 23, 2009, 9:00 a.m.]

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

**[ 49 PA. CODE CH. 47 ]**

**Corrective Amendment to 49 Pa. Code § 47.4(a)**

The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) has discovered a discrepancy between the agency text of 49 Pa. Code § 47.4(a) (relating to licensure fees), as deposited with the Legislative Reference Bureau, and the official text published at 38 Pa.B. 4509 (August 16, 2008) and the official text which was codified in the October 2008 *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 407). The fee change was codified incorrectly.

Therefore, under 45 Pa.C.S. § 901: The Board has deposited with the Legislative Reference Bureau a corrective amendment to 49 Pa. Code § 47.4(a). The corrective amendment to 49 Pa. Code § 47.4(a) is effective as of

October 4, 2008, the date the defective text was announced in the *Pennsylvania Bulletin*.

The correct version of 49 Pa. Code § 47.4(a) appears in Annex A, with ellipses referring to the existing text of the regulation.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**CHAPTER 47. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS**

**GENERAL PROVISIONS**

**§ 47.4. Licensure fees.**

(a) The fee schedule for licensure as a licensed social worker, provisional license, licensed clinical social worker, licensed marriage and family therapist or licensed professional counselor shall be as follows:

- (1) Application fee for licensure and original license issuance as a licensed social worker \$25
- (2) Biennial renewal for a licensed social worker, clinical social worker, marriage and family therapist or professional counselor \$75
- (3) Application fee for provisional license and provisional license issuance \$25
- (4) Verification of licensure \$15
- (5) Certification of license, scores or hours \$25
- (6) Application fee for licensure and original license issuance as a clinical social worker, marriage and family therapist or professional counselor \$45

\* \* \* \* \*

[Pa.B. Doc. No. 09-112. Filed for public inspection January 23, 2009, 9:00 a.m.]

# PROPOSED RULEMAKING

## PENNSYLVANIA GAMING CONTROL BOARD

[ 58 PA. CODE CHS. 403a, 435a, 441a, 461a AND 465a ]

### Revised Procedures

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and specific authority contained in 4 Pa.C.S. §§ 1202, 1207, 1209, 1305, 1322, 1326 and 1331, proposes to amend Chapters 403a, 435a, 441a, 461a and 465a to read as set forth in Annex A.

#### *Purpose of the Proposed Rulemaking*

The proposed rulemaking contains a variety of amendments which correct errors in the existing regulations, clarify a number of requirements, and revise or add new requirements that reflect current practices.

#### *Explanation of Amendments to Chapters 403a, 435a, 441a, 461a and 465a*

In § 403a.6 (relating to delegation of powers), “or order” has been added as one of the ways that the Board may make a delegation of its authority. While most delegations are made by regulation or by resolution, in a few cases, the Board has used orders as well.

In § 435a.1 (relating to general provisions), “any felony offense” is being added to the list of arrests, charges, indictments or convictions that an individual who has a license, permit or registration has a continuing duty to report to the Board. Because felonies, by their very nature, are serious offenses, this information is essential for the Board to determine an individual’s continuing suitability.

In § 441a.5 (relating to license fee payment bond or letter of credit requirements), the incorrect citation to section 1209(c) of the act has been replaced with the correct citations to sections 1209(a) and 1305(d).

In § 461a.10 (relating to automated gaming voucher and coupon redemption machines), subsection (g)(1) is being amended to allow either the slot operations or the security department to maintain the key to the lock securing the compartment housing the storage box. This will give slot machine licensees some additional operational flexibility while still preserving the departmental segregation of duties necessary to protect financial integrity. Additionally, subsection (g)(3) is being deleted. Because of the low risk for theft of coins, a lock on the compartment housing the coin storage containers is not necessary. Similarly, the second sentence in subsection (h), which requires all input/output ports to be secured, is being deleted. Since these ports are all located inside the locked housing, there is no need for additional security.

In § 461a.22 (relating to automated jackpot payout machines), new provisions are being added addressing key control and the physical security of automated jackpot payout machines. These provisions are similar to the requirements for automated gaming voucher and coupon redemption machines.

Section 461a.24 (relating to waivers) is being revised to clarify that written requests for waivers of any of the

requirements in Chapter 461a (relating to slot machine testing and control) are to be submitted to the Board as a petition under § 493a.4 (relating to petitions generally) and that the waiver must be approved by the Board.

In § 465a.2 (relating to internal control systems and audit protocols), revisions are being made to subsections (f), (g) and (i) to further clarify the approval process for amendments to internal controls. Additionally, the requirement in subsection (f) that requests for changes or amendments also be submitted to the Department of Revenue (Revenue) is being deleted. Because of the large volume of changes and the fact that most changes have no impact on Revenue’s responsibilities, there is no need for Revenue to receive all changes. Instead, the Board will notify Revenue when a change is submitted that would impact their responsibilities.

In subsection (h) of § 465a.5 (relating to annual audit; other reports; suspicious activity and currency transaction reporting), the word “license” has been replaced with “licensee.”

In § 465a.6 (relating to retention, storage and destruction of books, records and documents), subsections (b)(2) and (d)(1) and (2) are being revised to clarify that the location of books, records and documents that are required to be retained by a slot machine licensee must be secured and have a fire suppression system. This will apply if the records are stored in the licensed facility or in an approved alternate location. The reference to the Board as the entity that will review and approve request to use an alternate location for records storage has also been replaced with the Office of Gaming Operations.

Section 465a.12 has been totally rewritten to eliminate the confusion between the access control and badge system that the slot machine licensees must establish and the emergency and temporary credentials that may be issued by the Board under §§ 435a.7—435a.9 (relating to emergency credentials; temporary credentials for principals and key employees; and temporary credentials for nongaming employees). As outlined in the revisions, the slot machine licensee’s Human Resources Department will be responsible for determining the appropriate access level for each job description based upon the duties in each job description. The slot machine licensee’s Director of Security will be responsible for maintaining the database with the access levels for all employees and monitoring compliance with the access levels. The Board’s representatives will have read-only access to this database. Employees of the slot machine licensee will be required to display their access badges at all times when they are working in the licensed facility. These requirements are consistent with or very similar to the current practice in the operating licensed facilities.

In § 465a.16 (relating to accounting controls for the cashiers’ cage), the word “cashiers” has been replaced with “cashier’s” in subsection (a). Additionally, the provision in subsection (c)(1)(viii), which addresses the functions of the cage cashiers, has been moved to subsection (c)(2), which covers main bank cashier functions, as a new subparagraph (x). This reflects the current industry practice where the issuance of cash to fill these machines is a function of the main bank, not the cage cashiers.

In § 465a.28 (relating to merchandise jackpots), revisions are being made to streamline the review process for merchandise jackpots. The requirement to submit a re-

quest using an Amendment Waiver and Request Form has been replaced with just a written request submitted to the Office of Gaming Operations. Approval of these requests will be made by the Executive Director instead of the Board. This will allow quicker action on these requests, which will in turn, allow licensed facilities to more quickly respond to marketing trends. Additionally, the language in subsection (b) has been revised to provide greater clarity as to what may be included as part of a merchandise jackpot.

In § 465a.29, the phrase "or other color combination approved by the Office of Gaming Operations" is being added to subsection (b). This will make the language used in this subsection the same as the language used in §§ 461a.7 and 461a.22 (relating to slot machine minimum design standards; and automated jackpot payout machines).

As was done in § 461a.24, § 465a.30 (relating to waiver of requirements) the text is being revised to clarify that written requests for waivers of any of the requirements in Chapter 465a (relating to accounting and internal controls) are to be submitted to the Board as a petition under § 493a.4 and that the waiver must be approved by the Board.

*Affected Parties*

This proposed rulemaking will affect slot machine licensees and individuals who hold a license, permit or registration.

*Fiscal Impact*

*Commonwealth*

The clarifications and revised procedures contained in this proposed rulemaking will improve the operations of the Board which may result in some savings. However, the magnitude of these savings is expected to be minimal.

*Political Subdivisions*

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

*Private Sector*

Because most of the changes in this proposed rulemaking reflect current industry practices, provide greater operational flexibility or simplify existing requirements, the net impact of these changes may result in some slight savings for slot machine licensees.

*General Public*

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

*Paperwork requirements*

Slot machine licensees will no longer be required to submit copies of proposed changes to their internal controls to the Revenue.

Individuals who hold a license, permit or registration will be required to notify the Board if they are arrested, charged, indicted or convicted of a felony offense.

*Effective Date*

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

*Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking, within 30 days after the date of publication in the *Pennsylvania Bulletin* to Richard Sandusky, Director of Regulatory Review, Pennsylvania Gaming Control

Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-96.

*Contact Person*

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

*Regulatory Review*

Under section 5(a) and (f) of the Regulatory Review Act (71 P. S. § 745.5(a) and (f)), on January 13, 2009, the Board submitted a copy of this proposed rulemaking and a copy of the Regulatory Analysis Form, to the Legislative Reference Bureau for publication of notice of proposed rulemaking in the *Pennsylvania Bulletin*, and to the Independent Regulatory Review Commission (IRRC). Under section 5(f) of the act, the Board will submit the proposed rulemaking and the required material to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee (Committee) no later than the second Monday after the date by which both Committee designations have been published in the *Pennsylvania Bulletin*. A copy of this material is available to the public upon request and is available on the Board's web site at www.pgcb.state.pa.us.

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

MARY DIGIACOMO COLINS,  
*Chairperson*

**Fiscal Note:** 125-96. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART VII. GAMING CONTROL BOARD**

**Subpart A. GENERAL PROVISIONS**

**CHAPTER 403a. BOARD OPERATIONS AND ORGANIZATION**

**§ 403a.6. Delegation of powers.**

\* \* \* \* \*

(b) A delegation of Board authority will be effected by promulgation of a regulation or the adoption of **an order or a [ formal ]** resolution at a public meeting of the Board. The regulation, **order** or resolution will specify:

\* \* \* \* \*

(c) Delegations of authority made under this section will remain in effect indefinitely unless otherwise specified in the implementing regulation, **order** or resolution.

(d) A delegation of authority adopted by the Board may be modified or rescinded by the Board through promulgation of a regulation or the adoption of a subsequent **order or [ formal ]** resolution at a public meeting of the Board.

\* \* \* \* \*

**Subpart B. LICENSING, PERMITTING, CERTIFICATION AND REGISTRATION**

**CHAPTER 435a. EMPLOYEES**

**§ 435a.1. General provisions.**

\* \* \* \* \*

(c) An individual who receives a license, permit or registration under this part shall have the continuing duty to report to the Board an arrest, charge, indictment or conviction for:

\* \* \* \* \*

(5) **Any felony offense.**

(6) Comparable offenses in other states or foreign jurisdictions.

\* \* \* \* \*

**Subpart C. SLOT MACHINE LICENSING**

**CHAPTER 441a. SLOT MACHINE LICENSES**

**§ 441a.5. License fee payment bond or letter of credit requirements.**

(a) An application for a slot machine license shall at all times throughout the period in which the application is on file with the Board include original payment bonds or original irrevocable letters of credit, or some combination thereof, that include draw instructions guaranteeing the applicant's payment of the slot machine license fee required by [section 1209(c)] sections 1209(a) and 1305(d) of the act (relating to slot machine license fee; and Category 3 slot machine license) if the license is approved and issued.

\* \* \* \* \*

**Subpart E. SLOT MACHINES AND ASSOCIATED EQUIPMENT**

**CHAPTER 461a. SLOT MACHINE TESTING AND CONTROL**

**§ 461a.10. Automated gaming voucher and coupon redemption machines.**

\* \* \* \* \*

(g) An automated gaming voucher and coupon redemption machine must have, at a minimum, the following:

(1) One lock securing the compartment housing the storage box and one lock securing the storage box within the compartment, the keys to which must be different from each other. The key to the lock securing the compartment housing the storage box shall be controlled by the slot operations or security department. The key to the lock securing the storage box within the compartment shall be controlled by the finance department.

\* \* \* \* \*

(3) [ One lock securing the compartment housing the coin storage container, the key to which shall be controlled by the finance department.

(4) ] One lock securing the contents of the storage box, the key to which must be different from the keys referenced in paragraphs (1)[—(3)] and (2). This key shall be controlled by an employee of the finance department other than the employee controlling the keys referenced in paragraphs (1)[—(3)] and (2).

(h) An automated gaming voucher and coupon redemption machine must be designed to resist forced illegal entry. [ The slot machine licensee shall secure all

input/output ports on an automated gaming voucher and coupon redemption machine. ]

\* \* \* \* \*

**§ 461a.22. Automated jackpot payout machines.**

\* \* \* \* \*

(e) An automated jackpot payout machine must have, at a minimum, the following:

(1) One lock securing the outer cabinet housing the operating components of the automated jackpot payout machine, the currency cassettes and the coin storage container. The key to the lock securing the outer cabinet shall be controlled by the slot operations or security department.

(2) One lock securing the compartment housing the currency cassettes, the key to which shall be controlled by the finance department.

(f) An automated jackpot payout machine must be designed to resist forced illegal entry.

(g) An automated jackpot payout machine's currency cassettes must be designed to preclude access to the interior of the currency cassettes. Access to each currency cassette shall be controlled by the finance department.

**§ 461a.24. Waivers.**

\* \* \* \* \*

(b) A manufacturer may submit a written request to the Board for a waiver for one or more of the requirements in this chapter or the technical standards applicable to slot machines and associated equipment adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site. The request must [ included ]:

(1) Be submitted as a petition under § 493a.4 (relating to petitions generally).

(2) Include supporting documentation demonstrating how the slot machine or associated equipment for which the waiver has been requested will still meet the operational integrity requirements of the act, this subpart and technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

(3) Be approved by the Board.

**CHAPTER 465a. ACCOUNTING AND INTERNAL CONTROLS**

**§ 465a.2. Internal control systems and audit protocols.**

\* \* \* \* \*

(f) If a slot machine licensee intends to make a change or amendment to its system of internal controls, it shall submit the change or amendment electronically to the Office of Gaming Operations using the **Internal Controls Amendment [ and Waiver ] Request Form** posted on the Board's web site ([www.pgcb.state.pa.us](http://www.pgcb.state.pa.us)). A request for a change or amendment must include electronic copies of the attestations required under [ subsections ] subsection (b)(1) and (2). [ The slot machine licensee shall also submit a written copy of the change or amendment and the required attestations to the Department. ] The slot machine licensee may implement the change or amendment upon receipt of written notice of approval from the Board's Executive Director or on the 30th

calendar day following the filing of a complete submission unless the slot machine licensee receives a notice under subsection (g) tolling the change or amendment **or written notice of disapproval from the Board's Executive Director.**

(g) If during the 30-day review period in subsection (f), the Office of Gaming Operations preliminarily determines that a procedure in a submission contains a substantial and material insufficiency likely to have a direct and materially adverse impact on the integrity of slot operations or the control of gross terminal revenue, the Office of Gaming Operations, by written notice to the slot machine licensee, will:

\* \* \* \* \*

(2) Direct that the 30 calendar day review period in subsection (f) be tolled and that any internal controls at issue not be implemented until approved **[ by the Executive Director ] under subsection (i).**

\* \* \* \* \*

(i) When a change or amendment has been tolled under subsection (g), the slot machine licensee may submit a revised change or amendment within 30 days of receipt of the written notice from the Office of Gaming Operations. The slot machine licensee may implement the revised change or amendment **upon receipt of written notice of approval from the Board's Executive Director** or on the 30th calendar day following the filing of the revision unless it receives written notice under subsection (g) tolling the change or amendment **or written notice of disapproval from the Board's Executive Director.**

\* \* \* \* \*

**§ 465a.5. Annual audit; other reports; suspicious activity and currency transaction reporting.**

\* \* \* \* \*

(h) If the slot machine **[ license ] licensee**, or a licensed holding company, licensed intermediary or licensed principal entity of the slot machine licensee, is publicly held, the slot machine licensee shall submit a notice to the Bureau of Licensing when it files any report, including forms S-1, 8-K, 10-Q, 10-K, proxy or information statements and registration statements, required to be filed by the slot machine licensee, licensed holding company, licensed intermediary or licensed principal entity of the slot machine licensee, with the SEC or other domestic or foreign securities regulatory agency. The notice must include a listing of the reports or forms filed and the date of the filing. The notice to the Bureau of Licensing shall be made within 10 days of the time of filing with the applicable Commission or regulatory agency.

\* \* \* \* \*

**§ 465a.6. Retention, storage and destruction of books, records and documents.**

\* \* \* \* \*

(b) Original books, records and documents pertaining to the operation of a licensed facility shall be:

\* \* \* \* \*

(2) Retained **[ on the site of ] in a secure location** in the licensed facility **that is equipped with a fire suppression system** or at another **[ secure ]** location approved under subsection (d).

\* \* \* \* \*

(d) A slot machine licensee may request, in writing, that the **[ Board ] Office of Gaming Operations** approve a location outside the licensed facility to store original books, records and documents. The request must include the following:

(1) A detailed description of the proposed **[ offsite facility ] location**, including security and fire **[ safety ] suppression** systems.

(2) The procedures under which the Board, the Department and the Pennsylvania State Police will be able to gain access to the original books, records and documents retained at the **[ offsite facility ] location outside the licensed facility.**

\* \* \* \* \*

**§ 465a.12. Access badges [ and temporary access credentials ].**

(a) **[ For the purposes of this section, an access badge is a form of identification issued by a slot machine licensee and worn by a slot machine licensee employee, for purposes of identifying the areas of the licensed facility where the employee may obtain access in the course of the performance of the employee's normal duties.**

(b) Slot machine licensees shall establish procedures, in writing, for readily identifying each person permitted, during the normal course of performing his duties, to have access to one or more restricted areas within the licensed facility.

(1) The procedures must include the requirement that persons wear an access badge in a visible location.

(2) The procedures must also include a methodology for updating the access badge procedures to reflect changes and amendments in the slot machine licensee's table of organization and the positions approved with respect thereto.

(3) The procedures must further include provisions expressly addressing access by employees of licensed manufacturers, licensed manufacturer designees, licensed suppliers and registered and certified vendors.

(c) Slot machine licensees shall also establish procedures, in writing, for readily identifying each person permitted, under temporary or emergency circumstances, to have access to one or more restricted areas within the licensed facility.

(1) The procedures must include the requirement that those persons wear a temporary access badge in a visible location.

(2) The procedures must also include a methodology for updating the temporary access badge procedures to reflect changes and amendments in the slot machine licensee's table of organization and the positions approved with respect thereto.

(3) The procedures must further include provisions expressly addressing temporary or emergency access by licensed manufacturers, licensed suppliers and registered and certified vendors.

(d) The procedures required in subsection (b) are to be designed, implemented and enforced by the security department in collaboration with the human resources department or its functional equivalent. The procedures in subsection (c) are to be

designed, implemented and enforced by the security department. Procedures addressing both access badges and temporary access badges shall be retained in the security department and be made immediately available to the Board and the Pennsylvania State Police upon request. The slot machine licensee shall cooperate with the Board in making amendments to its procedures to improve the effectiveness of its access badge and temporary access badge systems. ] Slot machine licensees shall develop an access control matrix that indicates the restricted areas in a licensed facility that an employee may access for each employee job description. Access to restricted areas by an employee shall be limited to the restricted areas that the employee needs to access in the course of the performance of the employee's normal duties listed in the employee's job description.

(b) The human resources department shall be responsible for determining the appropriate level of access for each job description and updating the level of access when a job description changes. The human resources department shall transmit the level of access information for each employee to the security department.

(c) The director of security, or a designee, shall develop and maintain an electronic database system, or its functional equivalent, which contains the access level of all employees of the slot machine licensee. The electronic database system must be capable of tracking who enters or changes the access level assigned to each employee.

(d) The director of security, or a designee, shall be responsible for entering or making changes to the access level of employees of the slot machine licensee in the electronic database system.

(e) Read-only access to the electronic database system maintained by the security department shall be made available through secure computer access to the Board's representatives at the licensed facility.

(f) Slot machine licensees shall develop an access badge system consisting of a badge that contains the employee's name and a color, code or symbol that indicates the areas in the licensed facility that the employee is allowed to access.

(g) Employees of a slot machine licensee shall be required to wear an access badge in a visible location at all times while they are working in a licensed facility.

**§ 465a.16. Accounting controls for the cashiers' cage.**

(a) The assets for which slot cashiers are responsible shall be maintained on an imprest basis. At the end of each shift, slot cashiers assigned to the outgoing shift shall record on a cashiers' count sheet the face value of each cage inventory item counted and the total of the opening and closing cage inventories and shall reconcile the total closing inventory with the total opening inventory. Each [ cashiers' ] cashier's count sheet shall be signed by the preparing cashier attesting to the accuracy of the information thereon.

\* \* \* \* \*

(c) The cashiers' cage and any satellite cage shall be physically segregated by personnel and function as follows:

(1) Slot cashiers shall operate with individual imprest inventories of cash and their functions include the following:

\* \* \* \* \*

[ (viii) The issuance of cash to automated bill breaker, gaming voucher, coupon redemption and jackpot payout machines in exchange for proper documentation. ]

(2) Main bank cashier functions include the following:

\* \* \* \* \*

(x) The issuance of cash to automated bill breaker, gaming voucher, coupon redemption and jackpot payout machines in exchange for proper documentation.

\* \* \* \* \*

**§ 465a.28. Merchandise jackpots.**

(a) A slot machine licensee may not offer a merchandise jackpot payout unless:

\* \* \* \* \*

(2) The [ Board ] Executive Director has approved the specific offer of the merchandise jackpot. To obtain [ Board ] the Executive Director's approval, a slot machine licensee shall file [ an Amendment Waiver and Request Form ] a written request with the Office of Gaming Operations containing all of the details related to the merchandise jackpot payout including:

\* \* \* \* \*

(b) A merchandise jackpot may consist of one of the following:

(1) A [ combination of ] payout that consists of both merchandise and cash.

(2) [ Merchandise or ] A payout of merchandise only with an optional cash [ payment ] payout that the patron may elect to receive in lieu of receiving the merchandise.

\* \* \* \* \*

**§ 465a.29. Automated teller machines.**

\* \* \* \* \*

(b) An automated teller machine must have a label on the top of the automated teller machine and on the front of the automated teller machine that displays a unique identification number of the automated teller machine. The labels must have white lettering on a black background or other color combination approved by the Office of Gaming Operations, may not be easily removed and must be easily visible to the surveillance department. The label on the top of the automated teller machine must be at least 1.5 inches by 5.5 inches and the label on the front of the automated teller machine must be at least 1 inch by 2.5 inches.

**§ 465a.30. Waiver of requirements.**

\* \* \* \* \*

(b) A slot machine licensee may submit a [ written ] request to the Board for a waiver for one or more of the requirements in this chapter or the technical standards applicable to accounting and internal controls adopted by



the Board and published in the *Pennsylvania Bulletin* and posted on the Board's [ website ] web site. The request must [ be ]:

**(1) Be filed [ on a Amendment Waiver and Request Form and include ] as a petition under § 493a.4 (relating to petitions generally).**

**(2) Include** supporting documentation demonstrating how the accounting and internal controls for which the waiver has been requested will still meet the operational integrity requirements of the act, this subpart and technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

**(3) Be approved by the Board.**

[Pa.B. Doc. No. 09-113. Filed for public inspection January 23, 2009, 9:00 a.m.]

### [ 58 PA. CODE CHS. 461a AND 463a ] Slot Machine Master Lists

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and specific authority contained in 4 Pa.C.S. § 1207 (relating to regulatory authority of board) proposes to amend Chapters 461a and 463a (relating to slot machine testing and control; and possession of slot machines) to read as set forth in Annex A.

#### *Purpose of the Proposed Rulemaking*

This proposed rulemaking updates the requirements for filing slot machine master lists by renaming each list, revising the lists of required information for each list and requiring that all of these lists be submitted electronically.

#### *Explanation of Amendments to Chapters 461a and 463a*

In § 461a.1 (relating to definitions), definitions of the terms "machine displayed payout percentage" and "minimum payout percentage" have been added. Additionally, the definition of the term "paytable" has been amended to replace the word "payback" with "payout" which is the word that is used throughout the Board's regulations.

Revisions to § 463a.3 (relating to slot machine location) delete unnecessary language and replace the old list name "Slot Machine Master List" with the new list name "Gaming Floor Slot Machine Master List."

In § 463a.5 (relating to slot machine master lists), numerous revisions have been made to enhance the clarity of this section and to update the various reporting requirements. The generic references to the "Slot Machine Master List" have been replaced with more descriptive names for each list. The "Slot Machine Master List" for games on the gaming floor is now called the "Gaming Floor Slot Machine Master List," the list for slot machines in the possession of a slot machine licensee that are not on the gaming floor is called the "Restricted Area/Off-Premises Slot Machine Master List" and the list for non-slot machine licensees authorized to possess slot machines will retain the name "Slot Machine Master List."

The list of items required to be included in the "Gaming Floor Slot Machine Master List" has been updated and expanded to include additional information that the Bureau of Gaming Laboratory Operations needs to monitor

the operation of slot machines on the gaming floor and protect the integrity of gaming. The items required in the Restricted Area/Off-Premises Slot Machine Master List and the "Slot Machine Master List" consist of subsets of the items required for the "Gaming Floor Slot Machine Master List." Less information is needed about these slot machines because they are not being used for gaming.

Finally, all of these reports will now be required to be submitted electronically using formats approved by the Bureau of Gaming Laboratory Operations. To simplify the submission process, the Bureau of Gaming Laboratory Operations has developed Excel templates that can be used for each of the required reports.

#### *Affected Parties*

This proposed rulemaking alters what information is required to be included in the reports that slot machine licensees and other entities that are authorized by the Board to possess slot machines currently file.

#### *Fiscal Impact*

##### *Commonwealth*

Under this proposed rulemaking, the Board will receive all of this information electronically which should reduce administrative costs. However, the reduction in costs is not anticipated to be significant.

##### *Political Subdivisions*

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

##### *Private Sector*

There may be some minor cost to slot machine licensees and other entities required to file these reports because of the additional information that must be provided. However, these costs may be offset by the savings that will result from the reduction in the amount of information that must be provide for slot machines that are not on the gaming floor and the use of electronic filing.

##### *General Public*

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

##### *Paperwork requirements*

Slot machine licensees and other entities required to file these reports will be able to reduce paperwork through the use of electronic filing.

##### *Effective Date*

The proposed rulemaking will become effective 60 days after final-form publication in the *Pennsylvania Bulletin*.

##### *Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking, within 30 days after the date of publication in the *Pennsylvania Bulletin* to Richard Sandusky, Director of Regulatory Review, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-94.

##### *Contact Person*

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

##### *Regulatory Review*

In accordance with section 5(a) and (f) of the Regulatory Review Act (act) (71 P.S. § 745.5(a) and (f)), on January 9, 2009, the Board submitted a copy of this

proposed rulemaking and a copy of the Regulatory Analysis Form, to the Legislative Reference Bureau for publication of notice of proposed rulemaking in the *Pennsylvania Bulletin*, and to the Independent Regulatory Review Commission (IRRC). In accordance with section 5(f) of the act, the Board will submit the proposed rulemaking and the required material to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee no later than the second Monday after the date by which both committee designations have been published in the *Pennsylvania Bulletin*. A copy of this material is available to the public upon request and is available on the Board's web site at www.pgcb.state.pa.us.

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

MARY DIGIACOMO COLINS,  
*Chairperson*

**Fiscal Note:** 125-94. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART VII. GAMING CONTROL BOARD**

**Subpart E. SLOT MACHINES AND ASSOCIATED EQUIPMENT**

**CHAPTER 461a. SLOT MACHINE TESTING AND CONTROL**

**§ 461a.1. Definitions.**

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

\* \* \* \* \*

**Machine displayed payout percentage**—The selectable payout percentage that is set by the slot machine licensee during the initial configuration or a subsequent reconfiguration of a slot machine and is displayed in the slot machine's service menu during normal operation.

\* \* \* \* \*

**Minimum payout percentage**—The lowest aggregate awards expected to be paid out over one cycle of the game divided by the total number of combinations in the cycle of the game.

\* \* \* \* \*

**[ Paytables ] Paytable**—A selectable part of a slot machine program that contains slot machine characteristics including, but not limited to, the theoretical **[ payback ]** payout percentage, reel strips and awards.

\* \* \* \* \*

**CHAPTER 463a. POSSESSION OF SLOT MACHINES**

**§ 463a.3. Slot machine location.**

\* \* \* \* \*

(b) A slot machine **[ in a slot machine area ]** on a gaming floor shall be placed at a location, which location may contain no more than one slot machine, identified by number on a gaming floor plan approved by the Board under section 1322 of the act (relating to slot machine accounting controls and audits) and § 467a.1 and shall also be identified by this slot machine location number and an asset number on **[ a Slot Machine Master List ] the Gaming Floor Slot Machine Master List.**

§ 463a.5. Slot machine master **[ list ]** lists.

(a) Prior to the commencement of operations at a licensed facility, **[ an applicant for, or holder of, ]** a slot machine **[ license ]** licensee shall file the following with the Bureau of Gaming Laboratory Operations and the Office of Gaming Operations, **[ in writing or ]** in an electronic format approved by the **[ Board, a complete list of slot machines possessed by the applicant or licensee on its gaming floor, in restricted areas off the gaming floor but within the licensed facility approved by the Board under § 465a.8(b) (relating to licensed facility), and in storage locations in this Commonwealth off the premises of the licensed facility approved by the Board under § 463a.7 (relating to off premises storage of slot machines). The list shall be denoted as a Slot Machine Master List. ]** Bureau of Gaming Laboratory Operations:

(1) Gaming Floor Slot Machine Master List.

(2) Restricted Area/Off Premises Slot Machine Master List.

(b) **[ The ]** A Gaming Floor Slot Machine Master List must **[ contain the following information which, for those ]** list all slot machines located on the gaming floor **[ , must be presented for each slot machine ]** in consecutive order by the slot machine location number under § 463a.3 (relating to slot machine location) and contain the following information:

(2) A description of each slot machine **[ by ]** which includes:

(i) **[ Asset number and model and manufacturer's serial number ]** The zone/location number.

(ii) **[ Denomination, if configured for multiple denominations, a list the denominations ]** The asset number.

(iii) **[ Manufacturer and machine type, noting cabinet type, or if it is a progressive or a wide area progressive slot machine ]** The manufacturer's serial number.

(iv) **[ An indication as to whether the slot machine is configured to communicate with a cashless funds transfer system ]** The base denomination, or if configured for multiple denominations, a list the denominations.

(v) **[ An indication as to whether the slot machine is configured to communicate with a gaming voucher system ]** The game software/program ID.

- (vi) The operating system/base ROM.
- (vii) The manufacturer.
- (viii) The slot machine model.
- (ix) The model type (reel or video).
- (x) The game theme/description.
- (xi) The minimum payout percentage.
- (xii) The machine displayed payout percentage.
- (xiii) The payable ID.
- (xiv) Is the slot machine in a smoking area?
- (xv) Is the slot machine a progressive; if it is, the type of progressive.
- (xvi) If it is a progressive, the progressive controller type.
- (xvii) If it is a progressive, the progressive software.
- (xviii) The fund transfer/voucher system software.

[ (3) For those slot machines located off the gaming floor, an indication as to whether the slot machine is in a restricted area off the gaming floor but within the licensed facility approved by the Board under § 465a.8 or in a Board-approved storage location in this Commonwealth off the premises of the licensed facility approved by the Board under § 463a.7.

(4) Additional documentation requested by the Board related to the location of slot machines. ]

(c) If a slot machine is configured to allow a patron to select from multiple game themes, each game theme, minimum and machine displayed payout percentages and payable ID must be listed in the Gaming Floor Slot Machine Master List. Instead of listing each game theme, minimum and machine displayed payout percentage and payable ID for a slot machine configured to offer multiple game themes with the slot machine, a slot machine licensee may use a unique generic code for the game theme and attach an appendix which lists the game themes, minimum and machine displayed payout percentages and payable IDs that correspond to each unique generic game theme code.

(d) A Restricted Area/Off Premises Slot Machine Master List must include all slot machines located off the gaming floor but within a restricted area in the licensed facility approved by the Board under § 465a.8(b) (relating to licensed facility), or in storage locations in this Commonwealth off the premises of the licensed facility approved by the Board under § 463a.7 (relating to off premises storage of slot machines) grouped by the each location where the slot machines are located. A Restricted Area/Off Premises Slot Machine Master List must include the following information:

- (1) The date the list was prepared.
- (2) A description of each slot machine which includes:
  - (i) The location of the slot machine.
  - (ii) The asset number.

- (iii) The manufacturer's serial number.
- (iv) The game software/program ID.
- (v) The operating system/base ROM.
- (vi) The game theme/description.
- (vii) The manufacturer.
- (viii) The slot machine model.
- (ix) The model type (reel or video).

(e) Once a slot machine has been placed in an authorized location on the gaming floor or is stored in a restricted area off the gaming floor but within the licensed facility approved by the Board under § 465a.8 or in a location in this Commonwealth off the premises of the licensed facility approved by the Board under § 463a.7, all subsequent movements of that slot machine [ within the licensed facility ] shall be recorded by a slot department member in a slot machine movement log which includes the following:

\* \* \* \* \*

- (2) The date and time of the movement.

\* \* \* \* \*

[ (d) ] (f) Documentation summarizing slot machine movements [ within a licensed facility ] shall be submitted to the Bureau of Gaming Laboratory Operations, in [ writing or in ] an electronic format approved by the [ Board ] Bureau of Gaming Laboratory Operations, on a daily basis.

[ (e) ] (g) On the first Tuesday of each month following the initial filing of [ a Slot Machine Master List, an applicant for, or holder of ] the Gaming Floor Slot Machine Master List and the Restricted Area/Off Premises Slot Machine Master List, a slot machine [ license ] licensee shall file with the Bureau of Gaming Laboratory Operations, in [ writing or in ] an electronic format approved by the [ Board ] Bureau of Gaming Laboratory Operations, an updated [ Slot Machine Master List ] Gaming Floor Slot Machine Master List and an updated Restricted Area/Off Premises Slot Machine Master List containing the information, required in [ subsection (b) ] subsections (b)—(d).

[ (f) ] (h) Manufacturer [ licensees ], manufacturer designee [ licensees, ] and supplier licensees[ , ] and educational institutions, [ Board-authorized ] manufacturers, manufacturer [ designee ] designees and suppliers not licensed within this Commonwealth and regulatory and law enforcement agencies [ that ] authorized by the Board to possess slot machines under § 463a.1 (relating to possession of slot machines generally) shall file with the Bureau of Gaming Laboratory Operations, [ in writing or ] in an electronic format approved by the [ Board ] Bureau of Gaming Laboratory Operations, a complete list of slot machines possessed by the person. The list shall [ be ]:

**(1) Be** denoted as a Slot Machine Master List[, **shall be** ].

**(2) Be** filed within 3 business days of the initial receipt of slot machines [**and contain** ].

**(3) Contain** the following information:

[ **(1)** ] **(i)** The date on which the list was prepared.

[ **(2)** ] **(ii)** A description of each slot machine [**by** ] **including:**

[ **(i) Model and manufacturer's serial number.**

**(ii) Manufacturer and machine type, noting cabinet type, or if it is a progressive or a wide area progressive slot machine. ]**

**(A) The manufacturer.**

**(B) The manufacturer's serial number.**

**(C) The slot machine model.**

**(D) The model type (reel or video).**

**(E) Whether or not the slot machine is a progressive, and if it is, the type of progressive.**

[ **(g)** ] **(i)** On the first Tuesday of each month following the initial filing of a Slot Machine Master List, those persons enumerated in subsection [ **(f)** ] **(h)** shall file with the Bureau of Gaming Laboratory Operations, [**in writing or** ] in an electronic format approved by the [ **Board** ] **Bureau of Gaming Laboratory Operations**, an updated Slot Machine Master List containing the information, required in subsection [ **(f)** ] **(h)**.

[Pa.B. Doc. No. 09-114. Filed for public inspection January 23, 2009, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD [ 4 PA. CODE CH. 9 ]

#### Reorganization of the Department of Education

The Executive Board approved a reorganization of the Department of Education effective December 12, 2008.

The organization chart at 39 Pa.B. 428 (January 24, 2009) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of code).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 09-115. Filed for public inspection January 23, 2009, 9:00 a.m.]

### PART II. EXECUTIVE BOARD [ 4 PA. CODE CH. 9 ]

#### Reorganization of the Department of Revenue

The Executive Board approved a reorganization of the Department of Revenue effective December 24, 2008.

The organization chart at 39 Pa.B. 431 (January 24, 2009) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of code).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 09-117. Filed for public inspection January 23, 2009, 9:00 a.m.]

### PART II. EXECUTIVE BOARD [ 4 PA. CODE CH. 9 ]

#### Reorganization of the Department of Public Welfare

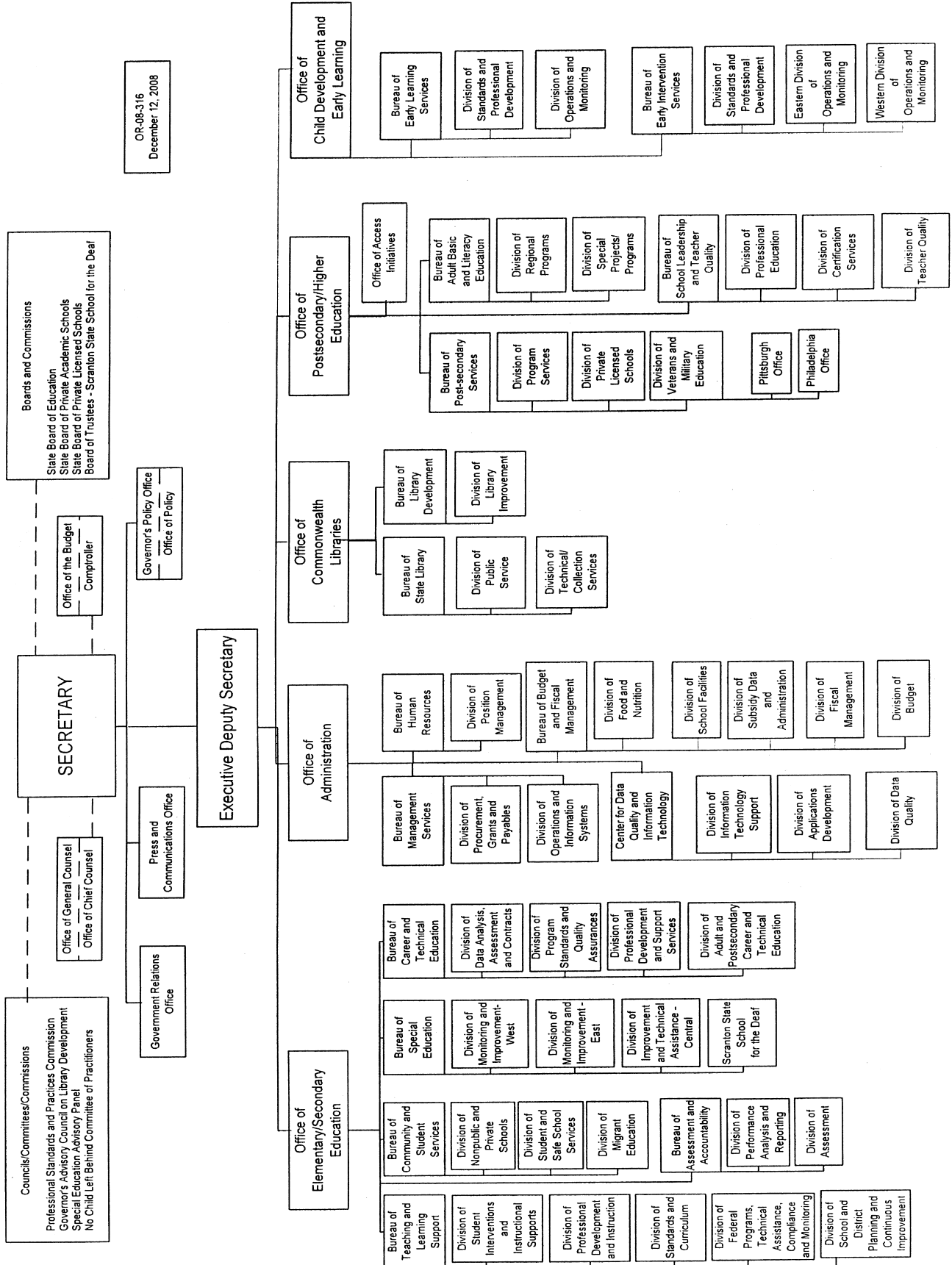
The Executive Board approved a reorganization of the Department of Public Welfare effective December 24, 2008.

The organization charts at 39 Pa.B. 429 and 430 (January 24, 2009) are published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of code).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

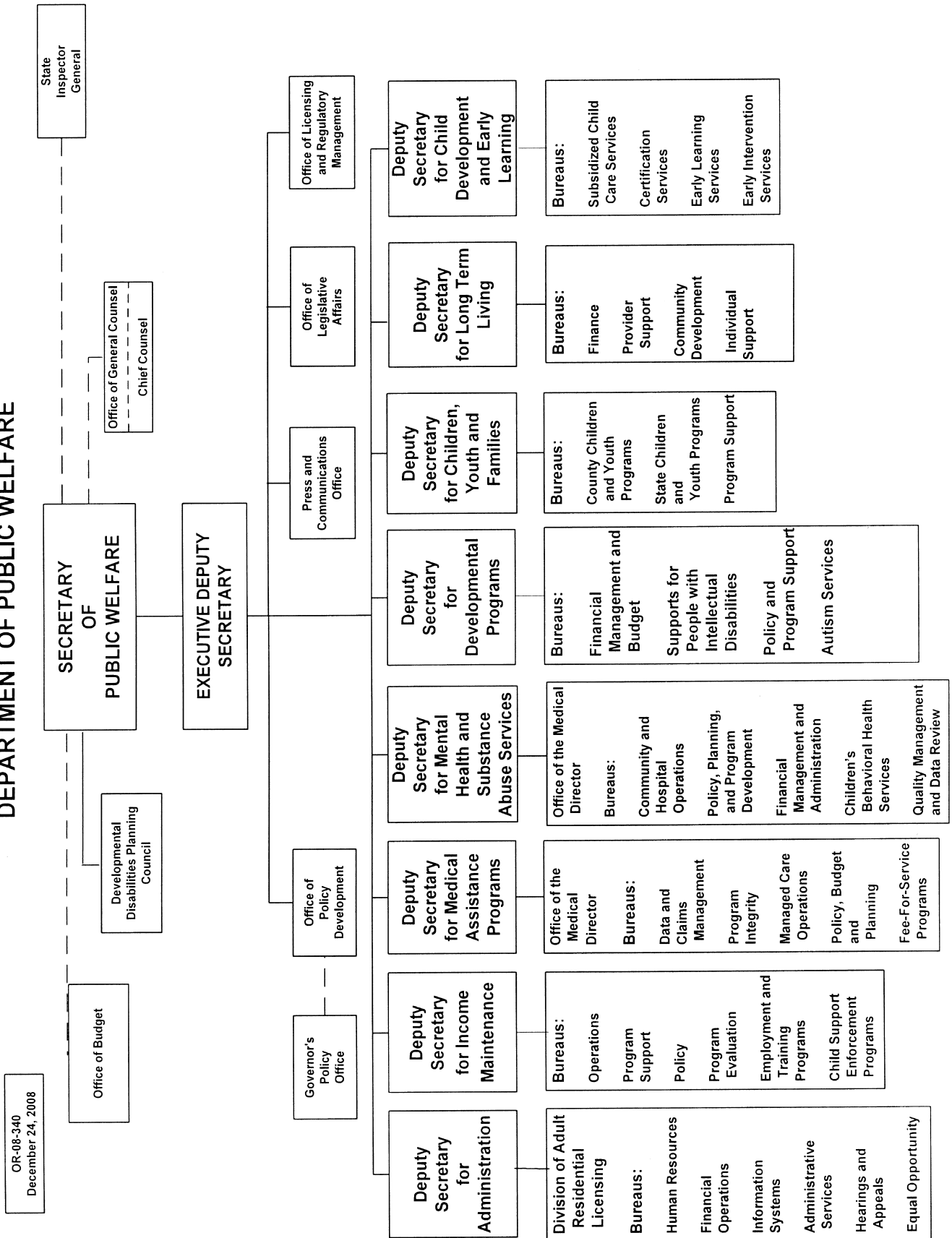
[Pa.B. Doc. No. 09-116. Filed for public inspection January 23, 2009, 9:00 a.m.]

DEPARTMENT OF EDUCATION



OR-08-316  
December 12, 2008

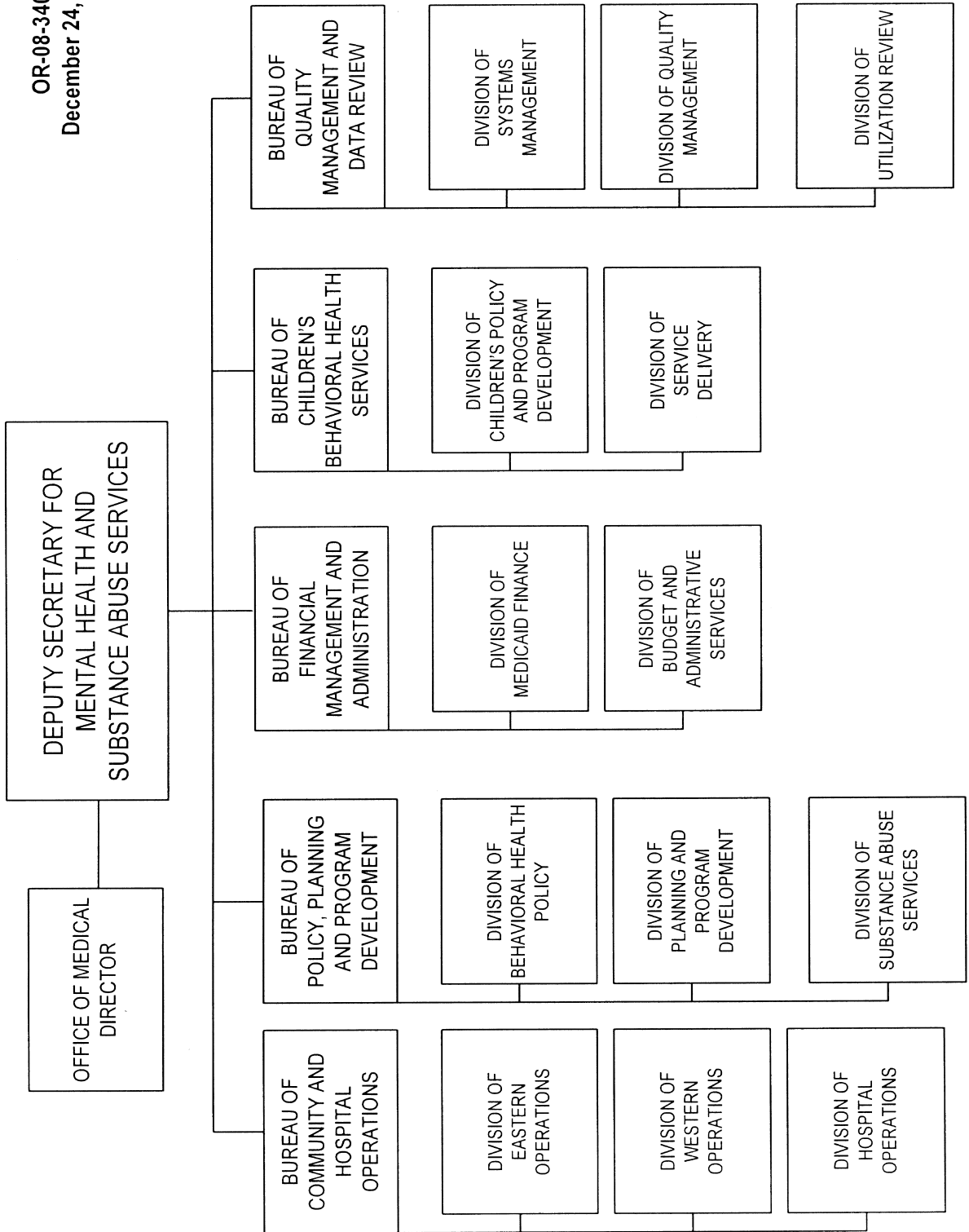
DEPARTMENT OF PUBLIC WELFARE



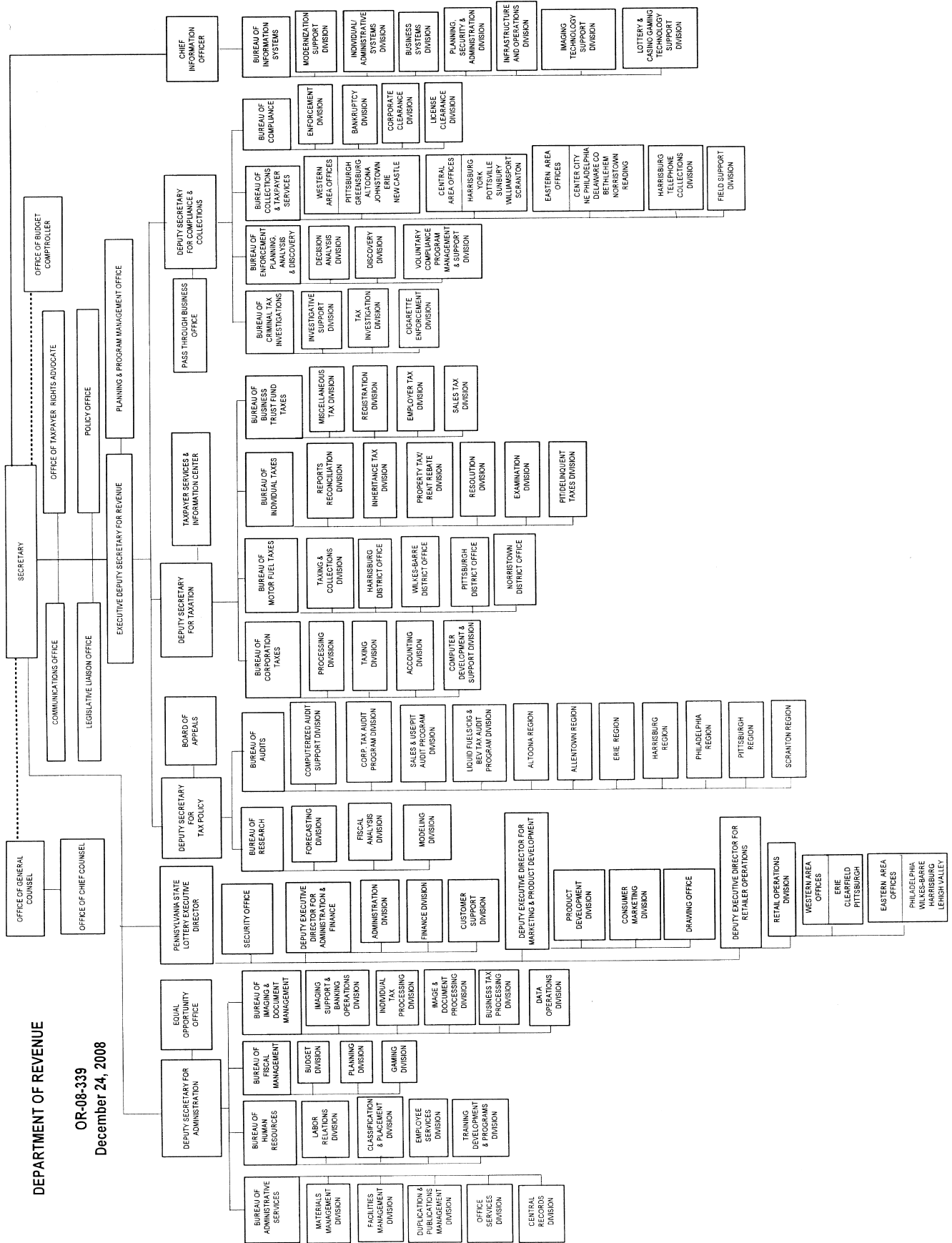
OR-08-340  
December 24, 2008

DEPARTMENT OF PUBLIC WELFARE  
DEPUTY SECRETARY FOR MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES

OR-08-340  
December 24, 2008







# NOTICES

## DEPARTMENT OF AGRICULTURE

### Avian Influenza Virus Control; Live Bird Markets

#### *Recitals.*

A. Avian Influenza—an infectious disease of poultry—is designated a “dangerous transmissible disease” of animals under the provisions of the Domestic Animal Law (law) (3 Pa.C.S. §§ 2301—2389), at 3 Pa.C.S. § 2321(a)(6). Avian Influenza exists, or is suspected to exist, within this Commonwealth and in other states.

B. The law provides the Department of Agriculture (Department) extensive responsibility and authority to regulate the keeping and handling of domestic animals to exclude, contain or eliminate dangerous transmissible diseases.

C. Avian Influenza has, in past outbreaks, caused significant economic loss to the Pennsylvania poultry industry. The presence of Avian Influenza within Pennsylvania’s poultry flocks may severely limit the market for Pennsylvania-produced poultry and poultry products.

D. Avian Influenza sub-types H5 and H7 are of particular concern because of their potential to mutate into virulent (highly pathogenic) forms. These sub-types are easily spread, and can mutate into strains that are communicable to or among humans.

E. Live Bird Markets—markets that sell live birds for consumers to slaughter, or that sell live birds and slaughter them on-premises for their customers—are of particular concern in that Avian Influenza is more likely to be present at these markets than at other poultry production operations. For this reason, reducing the number of infected markets will reduce the chance of sub-types H5 and H7 developing into virulent (highly pathogenic) forms of Avian Influenza virus.

F. The quarterly closure and cleaning of live bird markets in other states (such as, New York and New Jersey) has reduced the number of Avian Influenza-infected live bird markets in these other jurisdictions. This approach is proven and effective; and the Department intends to establish a similar quarterly closure and cleaning requirement for live bird markets that are located within Pennsylvania.

G. The Domestic Animal Law allows (at 3 Pa.C.S.A. § 2329(d)) for the establishment of a general quarantine under the circumstances described previously.

#### *Order*

In consideration of the previous recitals, and with these recitals incorporated into this Order by reference, the Department hereby establishes a general quarantine under authority of the Domestic Animal Law (at 3 Pa.C.S. § 2329(d)) and section 1702 of The Administrative Code of 1929 (71 P. S. § 442). The following are the conditions and requirements of this Order:

1. *Quarantine Area.* The area covered by this Order of General Quarantine is the entire Commonwealth.

2. *Applicability.* The terms of this Order are applicable to live bird markets located within this Commonwealth.

3. *“Live Bird Market” Defined.* For purposes of this Order, a “live bird market” is a market that sells live birds for consumers to slaughter, or that sells live birds and slaughters them on-premises for its customers.

4. *Mandatory Emptying, Cleaning and Disinfection.* A live bird market located within this Commonwealth shall, at least 4 times each calendar year and at intervals of no greater than 120 days, do the following:

a. Sell and/or depopulate all live bird inventory such that no live birds are present on the premises of the live bird market; and then

b. Clean and disinfect the premises of the live bird market in accordance with cleaning and disinfection procedures prescribed by the Department or the United States Department of Agriculture (USDA); and then

c. Leave the live bird market empty of live birds for at least 24 hours after cleaning and disinfection, and until the Department personnel and/or USDA personnel inspect the live bird market and approve the reintroduction of live birds.

5. *PDA and/or USDA Inspection.* At least 24 hours after the cleaning and disinfection described in Paragraph No. 4, previously, the Department and/or USDA personnel will inspect a live bird market to determine whether the cleaning and disinfection process has been satisfactorily completed, and whether the market is ready for the reintroduction of live birds. The inspector shall, at the conclusion of the inspection, inform the person in charge at the market of the inspection result and whether the reintroduction of live birds may proceed.

6. *Timing of the Department and/or USDA Inspections.* The Department and/or USDA inspections described in Paragraph No. 5, previously, will be conducted during normal business hours, Monday through Friday, between 8 a.m. and 4 p.m. Operators of live bird markets should, in planning the timetable for the actions required by this Order, be aware of this inspection availability schedule.

7. *Inspection/Compliance Standard.* The objective of the inspection described in Paragraph No. 5, previously, shall be to determine whether the live bird market is in compliance the *USDA Uniform Standards for Prevention and Control of H5 and H7 Low Pathogenicity Avian Influenza in the Live Bird Marketing System* guidelines. These guidelines can be viewed on-line, at [www.aphis.usda.gov/newsroom/hot\\_issues/avian\\_influenza/contents/printable\\_version/Uniform\\_Standards\\_2008.pdf](http://www.aphis.usda.gov/newsroom/hot_issues/avian_influenza/contents/printable_version/Uniform_Standards_2008.pdf).

8. *Violations and Penalties.* Any person violating the requirements of this Order shall be subject to criminal prosecution and/or civil penalties of up to \$10,000 per violation.

9. *No Restriction on Further Action by the Department.* This Order shall not be construed as limiting the Department’s authority to establish additional quarantine or testing requirements or take any actions otherwise permitted under applicable statute or regulation.

10. *Effective Date.* This Order is immediately effective January 9, 2009, and shall remain in effect unless rescinded or modified by subsequent order.

DENNIS C WOLFF,  
Secretary

[Pa.B. Doc. No. 09-118. Filed for public inspection January 23, 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 January 13, 2009.

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

### BANKING INSTITUTIONS

#### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
12-31-2008	First Chester County Corporation, West Chester, acquired 100% of American Home Bank, National Association, Mountville, which was merged with and into First National Bank of Chester County, West Chester, a wholly-owned subsidiary of First Chester County Corporation	West Chester	Effective

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-2-2009	The Bryn Mawr Trust Company Bryn Mawr Montgomery County	849 Paoli Pike West Chester Chester County	Opened

### SAVINGS INSTITUTIONS

No activity.

### CREDIT UNIONS

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
1-12-2009	TruMark Financial Credit Union Trevose Bucks County	1931 South Broad Street Philadelphia Philadelphia County	Filed

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

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 09-119. Filed for public inspection January 23, 2009, 9:00 a.m.]

## Maximum Lawful Rate of Interest for Residential Mortgages for the Month of February 2009

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of February, 2009, is 5 1/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemp-

tion was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury.

The latest yield rate on long-term government securities is 2.80 to which was added 2.50 percentage points for a total of 5.30 that by law is rounded off to the nearest quarter at 5 1/4%.

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 09-120. Filed for public inspection January 23, 2009, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### Consolidated Plan for Federal Fiscal Year

The Department of Community and Economic Development (DCED) proposes to adopt the Commonwealth's Consolidated Plan for Federal Fiscal Year (FFY) 2009-2013 in addition to the Action Plan for FFY 2009. The Consolidated Plan (Plan) is a document submitted to the United States Department of Housing and Urban Development (HUD). The document is both a plan and an annual application to HUD for funds administered by the Commonwealth. The HUD funding programs covered by the Plan and administered by DCED are the Community Development Block Grant (CDBG), the HOME Investment Partnerships, and the Emergency Shelter Grant Programs. The Department of Health administers the Housing Opportunities for Persons with AIDS Program.

This summary is designed to provide an opportunity for citizens, local governmental officials and interested organizations of the Commonwealth to comment about the Plan. Written comments should be submitted to Karen Overly Smith, Center for Community Development, Department of Community and Economic Development, 400 North Street, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120-0225. Written comments must be received by close of business, 4 p.m., February 24, 2009, to be included as testimony in the Plan.

#### *Public Hearing*

One public hearing is scheduled. The public hearing will be conducted electronically by means of the Internet. The format will be more accessible in that persons who wish to make a comment or discuss policy may participate on February 20, 2009, directly from their personal computer or from any computer location that has Internet access, such as their public library. Access to the public hearing by means of the Internet will occur between the hours of 9:30 a.m. and 11:30 a.m.

Individuals or organizations may give testimony or comments by means of the Internet. Comments will be accepted about topics related to community development, housing, and the content of the Commonwealth's draft Action Plan for FFY 2009, and the process by which the public input is gathered. The Commonwealth encourages public participation in this process.

Anyone who wants to participate must register in advance online by means of the Internet. Contact Karen Overly Smith at (717) 214-5340 to receive registration instructions for the Internet meeting at least 24 hours prior to the meeting date. During the hearing, if support is required, call (717) 214-5340.

Anyone who has a disability and wishes to attend the public hearing should contact Karen Overly Smith, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0225 or (717) 214-5340 to discuss how the DCED can accommodate their needs. Text telephone calls can be placed through the Pennsylvania Relay System at (800) 654-5984. Calls will be relayed to the Department's number listed previously.

#### *Purpose*

The Plan will describe how the programs will be administered in 2009. HUD must approve this Plan in order for the Commonwealth and organizations within the state to receive funding under most HUD housing and community development programs. Applicants for funding from Federal housing programs must obtain certification that their proposed use of HUD assistance will be consistent with the applicable Plan for the area. The Consolidated Plan creates a unified strategy for housing and community development programs, as well as the necessary linkages for building successful neighborhoods and communities.

The Plan will have a major impact on the type, location and number of affordable housing units generated and preserved in the Commonwealth, as well as the infrastructure and public facilities, services and other economic and community development initiatives that communities of this Commonwealth will undertake.

#### *Content*

The Consolidated Plan for FFY 2009-2013 will include updated needs data by means of this document. The most significant change is the inclusion of the Neighborhood Stabilization Program, which is a new component of CDBG, and is designed to support neighborhood sustainability and address the housing foreclosure crisis. Funding was provided during FFY 2008 and DCED anticipates using much of those funds during 2009.

#### *Public Review*

The Consolidated Plan is available on the Internet or in hardcopy for public comment January 24, 2009—February 24, 2009, at the locations listed as follows:

1. County Offices, DCED Regional Offices, and Pennsylvania's 27 District Libraries. Call (717) 214-5340 for the locations.

Audio Cassette copies of the Consolidated Plan can be obtained. Call (717) 214-5340 for a cassette.

2. The Draft Consolidated Plan 2009-2013 can be viewed on the Internet at [www.newPA.com](http://www.newPA.com). The final plan will be made available again at these same locations following HUD approval.

#### *Written Comments*

Written comments on the content of the Consolidated Plan must be submitted by 5 p.m., February 23, 2009. Submit such comments to Karen Overly Smith, Department of Community and Economic Development, Center for Community Development, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225.

JOHN P. BLAKE,  
*Acting Secretary*

[Pa.B. Doc. No. 09-121. Filed for public inspection January 23, 2009, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

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### APPLICATIONS

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

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

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

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

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

Unless indicated otherwise, the 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 &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0013218 (Industrial Waste)	Tredegear Film Products P. O. Box 160 30 Maple Avenue Marlin, PA 17951-0160	Schuylkill County Norwegian Township	West Branch Schuylkill River 3A	Y

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

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

**Application No. PA 0261220**, Sewage, **Jason Brenneman**, 1114 Mifflin Street, Huntingdon, PA 16652. This facility is located in Walker Township, **Huntingdon County**.

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

The receiving stream, Crooked Creek, is in Watershed 11-B, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for United Water Company is located on the Susquehanna River, approximately 100 miles downstream. The discharge is not expected to affect the water supply.

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
Total Residual Chlorine	0.5		1.6
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform (5-1 to 9-30)		200/100 ml as a Geometric Average	
(10-1 to 4-30)		2,000/100 ml as a Geometric Average	

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

The EPA waiver is in effect.

**Application No. PA PA0021695, Amendment No. 1**, Sewage, **Orbisonia-Rockhill Joint Municipal Authority**, P. O. Box 346, Orbisonia, PA 17243-0346. This facility is located in Cromwell Township, **Huntingdon County**.

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

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

The proposed effluent limits for Outfall 001 for a design flow of 0.100 mgd are:

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

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

The EPA waiver is in effect.

**Application No. PA 0009423**, Industrial Waste, SIC Code 4941, **Borough of Everett Area Municipal Authority**, 100 Mechanic Street, Everett, PA 15537-1177. This facility is located in West Providence Township, **Bedford County**.

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

The receiving stream, UNT Johns Branch, is in Watershed 11-D, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Saxton Municipal Water Authority located on the Raystown Branch Juniata River, approximately 21 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.028 mgd are:

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
pH			From 6.0 to 9.0 inclusive		
Total Suspended Solids	XXX	XXX	30	60	75
Total Iron	XXX	XXX	2	4	5
Total Aluminum	XXX	XXX	1.5	3.0	3.75
Total Manganese	XXX	XXX	1.0	2.0	2.5

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

The EPA waiver is in effect.

**Application No. PAS 803504**, Industrial Waste, SIC Code 4213, **UPS Freight**, 1000 Semmes Avenue, Richland, VA 23224. This facility is located in Hampden Township, **Cumberland County**.

Description of activity: The application is for issuance of an NPDES permit for an existing discharge of stormwater.

The receiving stream, a UNT to Trindle Spring Run, is in Watershed 7-B, and classified for HQ-CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Steelton Municipal Waterworks located on the Susquehanna River, approximately 20.9 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall S01 are:

Parameter	Concentration (mg/l)		
	Average Monthly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	Monitor and Report		
Chemical Oxygen Demand	Monitor and Report		
Total Suspended Solids	Monitor and Report		
Total Phosphorus	Monitor and Report		
Total Kjeldahl Nitrogen	Monitor and Report		
Total Iron	Monitor and Report		
Oil and Grease	Monitor and Report		
pH (Standard Units)	Monitor and Report		

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.

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

**PA0114821**, Sewage, SIC 4952, **Gregg Township Municipal Authority**, P. O. Box 192, 16736 Route 15, Allenwood, PA 17810. This existing facility is located in the Gregg Township, **Union County**.

Description of Proposed Activity: The applicant seeks to renew and increase the flow of their NPDES permit for the wastewater treatment facility consisting of screening, sequencing batch reactors and chlorine disinfection.

The receiving stream for Outfall 001, the West Branch Susquehanna River, is in the State Water Plan Watershed 10C and is classified for: WWF. The nearest public water supply surface water intake, owned by PA America, is located on the West Branch Susquehanna River in Milton, 7.0 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.26 mgd.

Parameter	Concentration (mg/l)			Mass (lbs)		
	Monthly Average	Weekly Average	Daily Maximum	Instantaneous Maximum	Monthly Load	Annual Load
CBOD <sub>5</sub>	25	40		50		
Total Suspended Solids	30	45		60		
Total Chlorine Residual	0.5			1.6		
Fecal Coliforms (5-1 to 9-30)	200 col/100 ml as a Geometric Mean					
(10-1 to 4-30)	2,000 col/100 ml as a Geometric Mean					
pH	Within the range of 6.0 to 9.0					

## Chesapeake Bay Tributary Strategy Nutrient Requirements

Parameter	Concentration (mg/l)		Mass (lbs)
	Monthly Average	Monthly Load	Annual Load
Ammonia-N	Report	Report	Report**
Kjeldahl-N	Report	Report	
Nitrate-Nitrate as N	Report	Report	
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen		Report	23,013*
Net Total Phosphorus		Report	3,068*

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

\* The compliance date for the Net Total Nitrogen and Net Total Phosphorus effluent limits will begin on the permit effective date. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2009. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2009.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2009.

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

1. Chesapeake Bay Nutrient Requirements.

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

**PA0002488**, Industrial Waste, SIC 4911, **FirstEnergy Generation Corp.**, P. O. Box 128, Shippingport, PA 15077-0128. This application is for renewal of an NPDES permit to discharge untreated stormwater and miscellaneous water from washing of gravel from its borrow pit in Georgetown Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Ohio River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing downstream potable water supply is in East Liverpool, OH, located 1.5 miles below the discharge point.

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

Parameter	Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	
Flow (mgd)	Monitor and Report				
Suspended Solids			30		60
pH	not less than 6.0 nor greater than 9.0				

Other Conditions: The outfall from this facility is currently capped and there is no discharge from the borrow pit.

The EPA waiver is in effect.

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

**PA0034720**, Sewage, **Lakeview Manor MHP**, 9 Corporate Center, Broadview Heights, OH 44147. This existing facility is located in Union Township, **Crawford County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Emlenton Water Company located on the Allegheny River approximately 60 miles below point of discharge.

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



The proposed effluent limits for Outfall 001 are based on a design flow of 0.016 mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX		
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
NH <sub>3</sub> -N (5-1 to 10-31)	7.5		15
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a Geometric Average 2,000/100 ml as a Geometric Average	
Total Residual Chlorine	0.5		1.2
pH		6.0 to 9.0 Standard Units at all times	

XX—Monitor and Report on monthly DMRs.

The EPA waiver is in effect.

**PA0240222**, Sewage, **Medix Hotel**, 23155 Quehanna Highway, Weedville, PA 15868. This proposed facility is located in Benetzette Township, **Elk County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing downstream potable water supply, considered during the evaluation is the Keystone Water Company intake located on the West Branch Susquehanna River and is approximately 121.6 miles below the point of discharge.

The receiving stream, the Bennett Branch Sinnemahoning Creek, is in Watershed 8-A and classified for: WWF, aquatic life, water supply and recreation

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0034 mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX		
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a Geometric Average 2,000/100 ml as a Geometric Average	
Total Residual Chlorine	1.4		3.3
pH		From 6.0 to 9.0 inclusive	

#### Chesapeake Bay Requirements

	<i>Concentration (mg/l)</i>		<i>Mass (lbs)</i>
	<i>Monthly Average</i>	<i>Monthly</i>	<i>Annual</i>
Ammonia-N	XX	XX	XX
Kjeldahl-N	XX	XX	
Nitrate-Nitrite as N	XX	XX	
Total Nitrogen	XX	XX	XX
Total Phosphorus	XX	XX	XX
Net Total Nitrogen		XX	0
Net Total Phosphorus		XX	0

XX—Monitor and Report

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

Net Total Nitrogen and Net Total Phosphorus limits compliance date will begin on January 1, 2011. Since these reporting requirements are annual loads, reporting on compliance with the annual limitations will be required on the Supplemental DMRs—Annual Nutrient Summary by September 30, 2011. The facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until December 31, 2010.

The EPA waiver is in effect.

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


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

**WQM Permit No. WQM6008403**, Sewerage, SIC 4952, **Gregg Township Municipal Authority**, P. O. Box 192, 16736 Route 15, Allenwood, PA 17810. This proposed facility is located in Gregg Township, **Union County**.

Description of Proposed Action/Activity: Upgrade of the existing treatment facility to replace screening and grit removal, add new influent pumps, and add two more SBRs. This will increase the treatment plant capacity from 0.98 mgd to 1.26 mgd.

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

**WQM Permit No. 2408402**, Sewerage, **Medix Hotel**, 23155 Quehanna Highway, Weedville, PA 15868. This proposed facility is located in Benezette Township, **Elk County**.

Description of Proposed Action/Activity: This permit approves construction and operation of sewage wastewater facilities. Treatment consists of a 1,000 gallon grease trap, and four 1,500 gallon septic tanks, 800 gallon dosing tank, and 1,700 square feet recirculating subsurface sand filter with distribution box to split exiting flows, tablet chlorination with 500 gallon chlorine contact tank.

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


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


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


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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021308003	Turnpike Commission Attn: Frank Kempf 700 South Eisenhower Boulevard Middletown, PA 17057	Carbon	Penn Forest Township	Stony Creek EV

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023909002	Northwestern Lehigh School District Attn: Susanne Meixsell 6493 Route 309 New Tripoli, PA 18066	Lehigh	Heidelberg and Lynn Townships	Tributary to Jordan Creek HQ-CWF, MF School Creek EV

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


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

## PUBLIC WATER SUPPLY (PWS) PERMIT

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

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department

of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

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

The permit application and any related documents are on file at the office listed before the application and are

available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

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

### SAFE DRINKING WATER

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

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

##### Application No. 4608505, Public Water Supply.

Applicant	<b>Ambler Borough Water Department</b>
Township	Whitpain
County	<b>Montgomery</b>
Responsible Official	Robert C. Schmauk 122 East Butler Avenue Ambler, PA 19002
Type of Facility	PWS
Consulting Engineer	Gilmore & Associates, Inc. 350 East Butler Avenue New Britain, PA 18901
Application Received Date	January 24, 2008
Description of Action	Construction and development of Well No. 15.

##### Application No. 0908503, Public Water Supply.

Applicant	<b>Perksie Borough Authority</b>
Township	East Rockhill
County	<b>Bucks</b>
Responsible Official	Gary J. Winton 301 North Fifth Street Perkasie, PA 18944
Type of Facility	PWS
Consulting Engineer	Anderson Engineering Corporation 306 North Fifth Street Perkasie, PA 18944
Application Received Date	January 23, 2008
Description of Action	Development of Well No. 7.

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

##### Application No. 6408504, Public Water Supply.

Applicant	<b>Honesdale Consolidated Water Co.</b> Honesdale Borough <b>Wayne County</b>
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Responsible Official	Roswell McMullen, P. E. Honesdale Consolidated Water Co. 106 Shook Road Suite 6 Hawley, PA
Type of Facility	Public Water System
Consulting Engineer	Entech Engineering, Inc. 4 Fourth Street P. O. Box 32 Reading, PA
Application Received Date	December 12, 2008
Description of Action	The installation of an absorption unit to treat arsenic at the quarry well.

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

##### Application No. 1409501—Construction, Public Water Supply.

Applicant	<b>Nittany Grove Mobile Home Park</b>
Township or Borough	Harris Township
County	<b>Centre</b>
Responsible Official	Kirk G. Aguer, Owner 113 Ramsey Way Boalsburg, PA 16827
Type of Facility	Public Water Supply—Construction
Consulting Engineer	Eric A. Casanave, P. E. Penn Terra Engineering, Inc. 3075 Enterprise Drive Suite 100 State College, PA 16801
Application Received Date	January 9, 2009
Description of Action	Installation of 12,000 gallon underground finished fiberglass storage tank and abandonment of existing storage tank.

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

##### Permit No. 9996518, Public Water Supply.

Applicant	<b>Absopure Water Company, Inc.</b>
Township or Borough	Plymouth, Michigan
Responsible Official	Glen Davis, QA Manager
Type of Facility	Out-of-State Bottled Water System
Application Received Date	December 16, 2008

Description of Action Applicant requesting a permit amendment to add a new treatment process (reverse osmosis) for purified and distilled water products. Bottled water to be sold in Pennsylvania under the brand names: Absopure Natural Spring Water, Absopure Steam Distilled Drinking Water, Absopure Purified Drinking Water, Roundy's Infant Drinking Water, Roundy's Steam Distilled Water, Roundy's Natural Spring Water, Roundy's Sodium Free Drinking Water, Walgreen's Drinking Water, Walgreen's Distilled Water, Pure American Spring Water, American Fare Spring Water, American Fare Purified Water and American Fare Distilled Water.

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.*

**Brandywine Paperboard Mills**, Downingtown Borough, **Chester County**. Eric Poulson, Poulson & Associates, LLC, 5 Camby Chase, Media, PA 19063 on behalf of Kevin Silverang, SHDC Papermill Associates, LLC, 595 Lancaster Avenue, Suite 203, St. Davis, PA 19087 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted with the release of unleaded gasoline, No. 4 fuel oil and VOCs. The future use the site is residential and commercial.

**Staats Oil Company**, Malvern Borough/Willistown Township, **Chester County**. Michael Welsh, Applied Environmental Management, Inc., 16 Chester County Commons, Malvern, PA 19355 on behalf of Eli Kahn, 237 King Partners, LLC, 55 County Club Drive, Downingtown, PA 19335 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted with the release of unleaded gasoline. The future use of the site is residential.

**US Steel Fairless Works 35.26 Acre Liberty Coating Parcel (KIPC)**, Falls Township, **Bucks County**. Kathleen Mayher, United State Steel Corporation, 600 Grant Street, Pittsburgh, PA 15219 on behalf of Donald Barder, Liberty Coating Company, 21 South Steel Road, Morrisville, PA 19067 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of chlorinated solvents. The future use of the site will remain the same.

**Anro, Inc.**, Easttown Township, **Chester County**. James F. Mullan, P. E., Hocage Consulting, Inc., 9987 Haddon Avenue, Collingswood, NJ 08108 on behalf of Dave Spinell, ANRO, Inc., 222 Lancaster Avenue, Devon, PA 19333 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with the release of MTBE and No. 2 fuel oil. While the subject property is currently utilized for commercial purpose, in the future the site may be redeveloped with a residential use. A summary to the Notice to Intent to Remediate was reported to have been published in the *Daily Local News* on November 14, 2008.

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

## 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,

**Pocono Manor Inn and Resort**, Route 314, Pocono Township, **Monroe County**. Jeffrey E. Mulligan, EcolSciences, Inc., 75 Fleetwood Drive, Suite 250, Rockaway, NJ 07866 has submitted a Notice of Intent to Remediate (on behalf of his client, Matzel Development at Pocono Manor, LLC, c/o Pocono Manor Investors, P. O. Box 38, Pocono Manor, PA 18349), concerning the remediation of soil found to have been impacted by No. 2 fuel oil and leaded gasoline as a result of a release from underground storage tanks. The property will remain in use as a resort facility. 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.

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

**Former Hamilton Beach/Proctor Silex Corporation**, Antis Township, **Blair County**. URS Corporation, 1600 Perimeter Park Drive, Suite 400, Morrisville, NC 27560, on behalf of Hamilton Beach Brands, Inc., 4421 Waterfront Drive, Glen Allen, VA 23060; Carpenter Company, R. R. 7, Box 614, Altoona, PA 16601; and MLR Pinecroft Associates, LLC, 116 Stonehedge Road, Hollidaysburg, PA 16648 submitted a Notice of Intent to Remediate site soils and groundwater contaminated with chlorinated solvents. The site will be remediated to the Site-Specific Standard and will remain a manufacturing facility.

**Eastern Industries, Inc. Naginey Quarry**, Armagh Township, **Mifflin County**. Chambers Environmental Group, Inc., 629 East Rolling Ridge Drive, Bellefonte, PA 16823, on behalf of Eastern Industries, Inc., 220 Park Road, P. O. Box 177, Winfield, PA 17889, submitted a Notice of Intent to Remediate site soils contaminated with PCBs and VOCs from an old transformer. The site will be remediated to the Residential Statewide Health Standard.

**Former Rouse's Market**, Hampden Township, **Cumberland County**. Herbert, Rowland & Grubic, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Martin Rouse, 2707 Walnut Street, Camp Hill, PA 17011, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with petroleum fuel products from underground storage tanks. The site will be remediated to a combination of Statewide Health and Site-Specific Standards. Future use is unknown.

#### INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

**Applications received or withdrawn under the Solid Waste Management Act of July 7, 1980 (P. L. 380, No. 97) (35 P. S. §§ 6018.101—6018.1003) and Act 93 of June 28, 1988 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 471, Harrisburg, PA 17105-8471.*

#### *Renewal Applications Received*

**The Pennsylvania State University**, 6 Eisenhower Parking Deck, University Park, PA 16802. License No. PA-HC 0153. Received on August 28, 2008.

**Environmental Transport Group, Inc.**, P. O. Box 296, Flanders, NJ 07836. License No. PA-HC 0023. Received on September 26, 2008.

**Daniel's New Jersey, LLC**, 2133-126 Upton Drive, No. 436, Virginia Beach, VA 23454. License No. PA-HC 0222. Received on October 1, 2008.

**Pet Memorial Services, Corp.**, 126 Turner Lane, West Chester, PA 19380. License No. PA-HC 0195. Received on October 21, 2008.

**The Williamsport Hospital**, 777 Rural Avenue, Williamsport, PA 17701. License No. PA-HC 0186. Received on November 14, 2008.

**Conservative Environmental Services, Inc.**, P. O. Box 745, Mechanicsburg, PA 17055-0745. License No. PA-HC 0224. Received on December 3, 2008.

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

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

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit Application No. 100992. The Harrisburg Authority Waste Ash Landfill**, located in Harrisburg City and Swatara Township, **Dauphin County**. An application was submitted to renew the Municipal Waste Ash Landfill permit. The application was determined to be administratively complete. We will commence the technical review.

Comments concerning the application should be directed to Anthony Rathfon, Program Manager, Southcentral Regional Office. Persons interested in obtaining more information about the general permit application may contact the Southcentral Regional Office, (717) 705-4706. TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service at (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

## 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.*

**39-318-118: American Atelier, Inc.** (2132 Downyflake Lane, Allentown, PA 18103) for relocation of their existing wood finishing operations to a facility in Allentown, **Lehigh County**.

**58-329-005: Cabot Oil & Gas Corp.** (900 Lee Street East, Charleston, WV 25301) for installation of a new compressor engine at their Teel Compressor Station site in Springville Township, **Susquehanna County**.

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

**63-00936A: Mark West Liberty Gas Gathering, LLC** (1515 Arapahoe Street, Tower 2, Suite 700, Denver, CO 80202-2126) for installation of a propane removal system at the Houston Gas Plant 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.*

**16-132H: Clarion Boards, Inc.** (143 Fiberboard Road, Shippensburg, PA 16245) for modification of plan approvals 16-132B and C conditions with regards to the RTO in Paint or VOC. This is a Title V facility.

**33-055C: Glen-Gery Corp.** (P. O. Box 68, Route 28, Summerville, PA 15864) for plan approval to modify emission limits from the tunnel kiln at the Hanley facility on Route 28 in Summerville Borough, **Jefferson County**. This is a Title V facility.

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

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

**46-0198N: Blommer Chocolate Co.** (1101 Blommer Drive, East Greenville, PA 18041) for a change in venting an existing Line 4 Nuisance Pick-up Dust Collector from indoors to the atmosphere in Upper Hanover Township, **Montgomery County**. The proposed source has the potential to emit 0.86 tpy PM after controls.

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

**36-05002D: Armstrong World Industries, Inc.** (P. O. Box 3001, Lancaster, PA 17604) for renovation of the existing vinyl floor coating operations in the City of Lancaster, **Lancaster County**. The renovations will include equipment removals and relocations along with the installation of several new units. Potential VOC emissions from the plant will be reduced by an estimated 150 tpy. The plan approval will include emission limits along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. The facility currently operates under Title V operating permit No. 36-05002. The plan approval will be incorporated into the permit in accordance with 25 Pa. Code § 127.450 (Administrative Amendment).

**67-05114B: BAE Systems Land & Armaments, LP** (1100 Bairs Road, York, PA 17404) for the removal of a 41 tpy VOC emission limit on surface coating operations at their armored military vehicle manufacturing/refurbishing facility located in West Manchester Township, **York County**. The facility will be capped at 96.3 tons of VOC per year. The Title V operating permit will contain emission restrictions, monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

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

**AMS 08296: Aker Philadelphia Shipyard** (2100 Kitty Hawk Avenue, Philadelphia, PA 19112) for converting the existing tent drying operation into a shot blasting operation in the City of Philadelphia, **Philadelphia County**. The change will be a modification of the Paint Shop Blasting Operations under the facility's Title V Operating Permit (Group 04, P-30). The abrasive blasting operation will include installation of an abrasive blasting equipment, vacuum system with dust collector, abrasive recycle system with dust collector, four dust collectors (rated between 10,000–40,000 cfm) and four 587,000 Btu/hr natural gas air handling units. Emission from activities associated with the Panel Shop, Fabrication Shop, Grand Block Shop, Paint Shop, Dock Shop with associated Dry Dock and Building 620 is limited to the following:

(1) CO emissions shall not exceed 11.0 tons per rolling 12-month period;

(2) HAPs shall not exceed 50.4 tons per rolling 12-month period;

(3) NO<sub>x</sub> shall be less than 24.5 tons per rolling 12-month period;

(4) PM shall not exceed 89.0 tons per rolling 12-month period;

(5) SO<sub>2</sub> emissions shall not exceed 0.2 ton per rolling 12-month period;

(6) VOCs shall not exceed 154.0 tons per rolling 12-month period.

The plan approval will contain operating, monitoring, recordkeeping and reporting requirements to ensure operation within all applicable requirements.

**V07-005: Aker Philadelphia Shipyard, Inc.—Philadelphia Naval Business Center** (2100 Kitty Hawk Avenue, Philadelphia, PA 19112) to reduce Building 763's VOCs emission limit from 24.5 tons per rolling 12-month period to 5 tons per rolling 12-month period in the City of Philadelphia, **Philadelphia County**. The public notice for the intent to reissue the operating permit was published in the *Pennsylvania Bulletin* on November 1, 2008 and in the *Philadelphia Daily News* on November 24, 25 and 26, 2008.

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

#### 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.

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

**48-00006: Reliant Energy Mid-Atlantic Power Holding, LLC** (121 Champion Way, Canonsburg, PA 15317) for issuance of a Title IV Acid Rain Permit for an electric generating plant in Upper Mt. Bethel Township, **Northampton County**. The permit will allow Reliant to average their NO<sub>x</sub> emissions between this station and two others (Titus and Shawville Generating Stations) owned and operated by Reliant. The facility currently has a Title V Operating Permit No. 48-00006.

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

**04-00497: Tegrant Diversified Brands** (800 Fifth Avenue, P. O. Box 448, New Brighton, PA 15066-0448) for operation of their foam molding facility in New Brighton Borough and Pulaski Township, **Beaver County**. This is a renewal of the Title V operating permit issued in 2004.

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

**10-00023: Mercer Lime and Stone Co.—Branchton Plant** (560 Branchton Road, Slippery Rock, PA 16057) for a Title V Operating Permit Re-issuance to operate a lime manufacturing facility in the Slippery Rock Township, **Butler 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.*

**46-00191: Merck & Co, Inc.** (351 North Sumneytown Pike, North Wales, PA 19454) for operation of their office complex in Upper Gwynedd Township, **Montgomery County**. The permit is for a non-Title V (State-only) facility. The sources of air emissions include: several boilers, generators and miscellaneous combustion sources. The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**09-00010: TEVA Pharmaceuticals USA, Inc.** (650 Cathill Road, Sellersville, PA 18960) for the renewal of a Non-Title V Facility, State-only, Synthetic Minor Permit in Milford Township, **Bucks County**. TEVA Pharmaceuticals USA, Inc. manufactures pharmaceutical products with some products that use ethanol or isopropyl alcohol as a solvent. These alcohols are emitted into the atmosphere during the drying process. This facility has a limit of less than 24 tons of VOC emissions per year on a 12-month rolling sum basis. The facility also operates two 7.9 mmBtu/hr boilers that fire No. 2 Fuel Oil, two diesel-fired emergency generators, and two diesel-fired fire pumps that contribute to NO<sub>x</sub> and SO<sub>2</sub> emissions from this facility. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

**46-00165: Murlin Chemical, Inc.** (10 Balligomongo Road, West Conshohocken, PA 19428) for operation of a Bone Ash Manufacturing Facility in West Conshohocken, **Montgomery County**. This action is a renewal of the original State-only Operating Permit (Natural Minor), which was issued on March 18, 2004. Several typographical changes have been made to the permit. The pressure drop across the baghouse was changed from 4—6 in. w.g. to 4—11 in. w.g. The calciner was removed as a source from the operating permit. The facility shall continue to remain a natural minor. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**34-05004: Jay Fulkroad & Sons, Inc.** (R. R. 1, Box 3060, McAlisterville, PA 17049) for operation of a limestone crushing plant and two batch asphalt plants in Fayette Township, **Juniata County**. The State-only operating permit will include emission limits along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

**36-03012: Herr & Sacco, Inc.** (P. O. Box 99, Landisville, PA 17538) for operation of a paint spray booth, an outdoor painting area and a sandblasting booth in East Hempfield Township, **Lancaster County**. This is a renewal of their State-only operating permit issued in 2004.

**36-03129: Kalas Manufacturing, Inc.** (25 Main Street, Denver, PA 17517) for operation of their existing battery terminal manufacturing facility in Denver Borough, **Lancaster County**. This is a permit renewal of their existing operating permit.

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

**11-00282: Ameriserv Financial** (216 Franklin Street, Johnstown, PA 15901-1911) for operation of a tri-fuel boiler at in Johnstown City, **Cambria County**. This is a renewal of the State-only operating permit issued in 2004.

**26-00020: Hanson Aggregates BMC, Inc.** (2200 Springfield Pike, Connellsville, PA 15425-6412) for operation of a limestone aggregate processing plant at their Rich Hill Quarry in Bullsken Township, **Fayette County**. This is a renewal of the State-only operating permit issued in 2004.

**65-00625: Gulf Oil, LP** (275 Washington Street, Suite 300, Newton, MA 02458-1630) for operation of a petroleum distribution and storage facility at their Delmont Terminal in Salem Township, **Westmoreland County**. The facility's major sources of emissions include truck load racks, four large above-ground gasoline storage tanks and a vapor control unit.

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

**S08-003: Verizon-Market Central Office** (900 Race Street, Philadelphia, PA 19107) for the operation of a telecommunications facility in the City of Philadelphia, **Philadelphia County**. The facility's air emissions sources include one 1,500 kW Emergency Generator firing diesel, Kerosene or No. 2 Fuel oil and three 1,547 Emergency Generators firing diesel, Kerosene or No. 2 Fuel oil.

The operating permit will be reissued under the 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the previous operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating

permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

Written comments or objections related to a mining permit application should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

Requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code §§ 77.123 or 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

Where a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. The Department has made a tentative determination to issue the NPDES permit in conjunction with the mining activity permit, but the issuance of the NPDES permit is contingent upon the approval of the associated mining activity permit.

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



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

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

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

Persons wishing to comment on an NPDES permit application should submit a statement to the Department at the address of the district mining office indicated previously each application within 30 days of this public notice. Comments received within the comment period

will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92.61. The request or petition for a public hearing shall be filed within 30 days of this public notice and shall contain the name, address, telephone number and the interest of the party filing the request, and shall state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. In the case where a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

#### *Coal Applications Received*

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

Parameter	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 <sup>1</sup>		greater than 6.0; less than 9.0	
Alkalinity greater than acidity <sup>1</sup>			

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

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

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

**03031301 and NPDES Permit No. PA0235563, Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201-9642), to renew the permit for the Keystone East Mine in Plumcreek Township, **Armstrong County** and related NPDES permit for reclamation only. No additional discharges. Application received December 8, 2008.

**32901602 and NPDES Permit No. PA0214442, AMFIRE Mining Company, LLC**, (One Energy Place, Latrobe, PA 15650), to renew the permit for the I-22 Tipple in Burrell Township, **Indiana County** and related NPDES permit. No additional discharges. Application received November 14, 2008.

**33901602 and NPDES Permit No. PA0214604, AMFIRE Mining Company, LLC**, (One Energy Place, Latrobe, PA 15650), to renew the permit for the Brockway Tipple in Snyder Township, **Jefferson County** and related NPDES permit. No additional discharges. Application received December 22, 2008.

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

**03080106 and NPDES Permit No. PA0251542, Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Application for commencement, operation and reclamation of a bituminous surface mine, located in Redbank Township, **Armstrong County**, affecting 261 acres. Receiving streams: UNTs to Mahoning Creek and a UNT to Pine Run, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received December 17, 2008.

**63080104 and NPDES Permit No. PA0251551, Oxford Mining Co., LLC** (544 Chestnut Street, P. O. Box 427, Coshocton, OH 43812-0427). Application for commencement, operation and reclamation of a bituminous surface mine, located in Jefferson Township, **Washington**

**County**, affecting 187.9 acres. Receiving streams: UNTs to Scott Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received December 29, 2008.

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

**16030101 and NPDES Permit No. PA0242349. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127). Renewal of an existing bituminous surface strip operation in Redbank and Limestone Townships, **Clarion County** affecting 75.2 acres. Receiving streams: UNTs to Pine Creek; Poe Run to Piney Creek; Town Creek to Redbank Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received January 8, 2009.

**33030103 and NPDES Permit No. PA0242357. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127). Renewal of an existing bituminous surface strip operation in Union Township, **Jefferson County** affecting 11.5 acres. Receiving streams: Three UNTs to Little Mill Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received January 8, 2009.

**16090101 and NPDES Permit No. PA0148694. RFI Energy, Inc.** (P. O. Box 162, Sligo, PA 16255). Commencement, operation and restoration of a bituminous surface strip, coal refuse disposal, and beneficial use of

coal ash operation in Perry Township, **Clarion County** affecting 28.0 acres. Receiving streams: Two UNTs to the Clarion River, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is West Freedom Water Association. Application received January 6, 2009.

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

**17080118 and NPDES No. PA0257028. Waroquier Coal Company** (P. O. Box 128, Clearfield, PA 16830). Commencement, operation and restoration of a bituminous surface-auger mine in Lawrence Township, **Clearfield County**, affecting 53.0 acres. Receiving streams: UNT to West Branch Susquehanna River and West Branch Susquehanna River, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received December 23, 2008.

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

**54813009R5. Joe Kuperavage Coal Company**, (916 Park Avenue, Port Carbon, PA 17965), renewal of an existing anthracite surface mine operation in East Norwegian Township, **Schuylkill County** affecting 57.7 acres, receiving stream: none. Application received January 2, 2009.

*Noncoal Applications Received*

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

Table 2

Parameter	30-day Average	Daily Maximum	Instantaneous Maximum
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.*

**43820603. Larry G. Temple** (228 Georgetown Road, Hadley, PA 16130). Renewal of NPDES Permit No. PA0604607, Mill Creek Township, **Mercer County**. Receiving streams: UNT to Mill Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal received January 6, 2009.

**37020307. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Renewal of NPDES Permit No. PA0242276, Wayne Township, **Lawrence County**. Receiving streams: UNTs to Beaver River, classified for the following use: WWF. There are no potable surface water supply intakes within 10 miles downstream. NPDES renewal application received January 8, 2009.

**3076SM13. White Rock Silica Sand Company, Inc.** (331 Methodist Road, Greenville, PA 16125). Renewal of NPDES Permit No. PA0207535, Hempfield Township, **Mercer County**. Receiving streams: Mathay Run and UNT to Shenango River, classified for the following use: WWF. The first downstream potable surface water supply intake from the point of discharge is Greenville Municipal Water Authority. NPDES renewal application received January 9, 2009.

**FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401**

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of

an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E06-642: City of Reading**, 503 North 6th Street, Reading, PA 19601, City of Reading, **Berks County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain an 8.0-foot wide by 35.0-foot long concrete boat launch, an 8.0-foot wide, 170.0-foot long paved access walkway, a 12.0-foot wide, 250.0-foot long paved access roadway, and a 680.0 square foot paved parking area all located in the floodway of the Schuylkill River (WWF) (Reading, PA Quadrangle N: 14.7 inches; W: 8.7 inches, Latitude: 40° 19' 51"; Longitude: 76° 56' 18"), for the purpose of providing access to the Schuylkill River in the City of Reading, Berks County.

**E36-845: Warwick Devco, LP, c/o RJ Waters and Associates, Inc., Kevin Lahn**, 200 Old Forge Lane, Suite 201, Kennett Square, PA, Warwick Township, **Lancaster County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a wetland road crossing consisting of three 110.0-foot long 24-inch HDEPEP culvert pipes impacting 0.32 acre of palustrine emergent wetland (Lititz, PA Quadrangle N: 1.45 inches; W: 8.10 inches, Latitude: 40° 07' 58.74"; Longitude: 76° 18' 28.51"), and to relocate 220.0 linear feet of UNT to the Little Conestoga Creek (TSF) (Lititz, PA Quadrangle N: 1.36 inches; W: 8.19 inches, Latitude: 40° 07' 56.88"; Longitude: 76° 18' 31.08") for the purpose of expanding an existing retail shopping center located off of Route 501 in Warwick Township, Lancaster County. Wetland mitigation in the amount of 0.49 PEM/PSS is proposed onsite.

**E06-644: Metropolitan Edison Co.—Schuylkill River Crossing, Kathryn Kunkel**, 2800 Pottsville Pike, P. O. Box 16001, Reading, PA 19612-6001, Tilden Township and Hamburg Borough, United States Army Corps of Engineers, Philadelphia District.

To remove and existing aerial electric line consisting of two wooden poles and wires having a normal span of 261.5-feet, and to construct and maintain an aerial electric line crossing consisting of two wooden poles and three wires having a normal span of 290.0 feet and underclearances of 62.0 feet, 68.0 feet, and 72.0 feet across the Schuylkill River (WWF) (Hamburg, PA Quadrangle N: 9.375 inches; W: 16.0 inches, Latitude: 40° 33' 21"; Longitude: 76° 59' 49"), for the purpose of relocating an existing aerial electric line crossing in Tilden Township and the Borough of Hamburg, **Berks County**.

**E22-541: Highspire Borough Authority**, 7 Spring Hill Lane, Elizabethtown, PA 17022, Highspire Borough, **Dauphin County**, United States Army Corps of Engineers, Baltimore District.

To remove two 75-foot diameter aeration tanks and to perform improvements to an existing wastewater treatment plant consisting of the construction and maintenance of the following: (1) a 10.0-foot by 27.0-foot clarifier having a height of 7.5 feet; (2) a 13.0-foot by 20.3-foot distribution box having a height of 11.3 feet; (3) two primary clarifier/thickener tanks, each having a diameter of 42.0 feet and a height of 16.7 feet; (4) a 20.0-foot by 29.0-foot influent pump station having a height of 13.0 feet; (5) a 150.0-foot by 166.0-foot oxidation ditch having a height of 16.0 feet; (6) a 7.0-foot by 17.0-foot distribution box having a height of 16.0 feet; (7) a 58.0-foot diameter final clarifier tank having a height of 8.5 feet; (8) a 42.0-foot by 54.0-foot control building having a height of 20.0 feet; (9) an 8.5-foot by 12.5-foot WAS valve box having a height of 10.5 feet; (10) a 27.0-foot by 39.0-foot RAS pump station; and (11) the parking area, driveway and utilities related to upgrades to the treatment plant. The impacts are located in the floodplains of Burd Run (WWF) and the Susquehanna River (WWF). The project is located south of intersection of Lumber Street and Industrial Road (Steelton, PA Quadrangle N: 14.70 inches; W: 5.45 inches, Latitude: 40° 12' 21.4"; Longitude: 76° 47' 20.4") in Highspire Borough, Dauphin County. The purpose of the project is to improve the plant's capacity for nitrogen and phosphorus removal.

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

**E02-1601. Pennsylvania American Water Company**, 852 Wesley Drive, Mechanicsburg, PA 17055-4475. To construct and replace a water main under Becks Run in two locations in the City of Pittsburgh and Baldwin Borough, **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District (Pittsburgh East, PA Quadrangle N: 6.3 inches; W: 11.7 inches, Latitude: 40° 24' 35"; Longitude: 79° 57' 33", second: N: 6.0 inches, W: 12.4 inches; Latitude: 40° 24' 29", Longitude: 79° 57' 51"). The applicant proposes to construct and maintain a 42 inch diameter water main under the bed and across the channel of Becks Run (WWF) at two locations for the purpose of replacing the existing aged water mains and convey raw water from the Becks Run Raw Water Pump Station to the Hays Mine Station Water Treatment Plant. The project is located approximately 2,000.0 feet up-

stream from the intersection of Becks Run Road and SR 837 and will impact approximately 118.0 linear feet of stream channel.

**E02-1602. Kimberly and John Gatesman**, 321 Ferry Street, Sewickley, PA 15143. To relocate a stream channel in the Borough of Edgeworth, **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District (Ambridge, PA Quadrangle N: 9.5 inches; 8.0 inches, Latitude: 40° 33' 08"; Longitude: 80° 10' 57"). The applicant proposes to relocate and maintain approximately 200.0 linear feet of a UNT to the Ohio River (Quaker Run) (WWF) by constructing a new channel consisting of two 6.0 foot high walls for the purpose of constructing a single-family home on Lot No. 10, known as the MacLeod Plan 2. The project is located on the north side of Way Hollow Road, approximately 1,200.0 feet upstream from the intersection of Way Hollow and Woodland Roads and will impact approximately 200.0 linear feet of stream channel.

#### ENVIRONMENTAL ASSESSMENTS

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

**EA1009-012. Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation,

Cambria Office, 286 Industrial Park Road, Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Cherry Township, **Butler County**, United States Army Corps of Engineers, Pittsburgh District.

The applicant proposes to backfill an abandoned 5 acre surface mine, which includes a total of 600 feet of Priority 2 dangerous highwall. The height of the highwall ranges from 20 feet to 40 feet high and steeply slopes into a waterbody of unknown depth. The project will include the backfilling of 0.3 acre of open water that has developed within the low lying area of the pit (West Sunbury, PA Quadrangle N: 9.65 inches; W: 6.4 inches).

#### OIL AND GAS MANAGEMENT

*Southwest Region: Regional Oil and Gas Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**DOG6309-001. Range Resources—Appalachia, LLC**, 380 Southpointe Boulevard, Suite 300, Canonsburg, PA 15317, Hopewell Township, **Washington County**. Project proposes to operate and maintain the existing Lowry Fresh Water Impoundment Dam as a centralized impoundment to collect and temporarily store flow-back water, for the use and reuse of hydraulic fracturing water, from the William Unit Well No. 3H and future wells in the area (Washington West, PA Quadrangle Latitude: 40° 14' 44"; Longitude: 80° 21' 07").

### 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

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0260151 (Sew)	Maxatawny Township Municipal Authority 127 Quarry Road Suite 1 Kutztown, PA 19530	Berks County Maxatawny Township	Sacony Creek 3-B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0209431 (nonmunicipal)	Thomas R. Shroul 788 Beaver Branch Road Pennsylvania Furnace, PA 16865-9734	Halfmoon Township Centre	UNT Halfmoon Creek 11A	Y
PA0228699 (nonmunicipal)	Walter E. Badeau SFTF 7421 Mason Hill Road Driftwood, PA 15832	Portage Township Cameron County	Cowley Run HQ-CWF	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0037958 Sewage	Center Township Sewer Authority 224 Center Grange Road Aliquippa, PA 15001	Beaver County Center Township	Ohio River	Y
PA0252506 Sewage	Indiana County Municipal Services Authority 602 Kolter Drive Indiana, PA 15701	Armstrong County Cowanshannock Township	UNT of Huskins Run	Y
PA0206067 Sewage	Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106-7676	Washington County California Borough	South Branch of Maple Creek	Y
PA0252476 Sewage	Alex Shuppe P. O. Box 218 Dilliner, PA 15327	Greene County Dunkard Township	UNT of Dunkard Creek	Y
PA0252590 Sewage	Center Township Supervisors P. O. Box 435 Rogersville, PA 15359	Greene County Center Township	South Fork Tenmile Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0103829	Precise Plastics, Inc. 7700 Middle Road Fairview, PA 16415-1703	Fairview Township Erie County	Trout Run 15-TR	Y
PA0033936	Denny Ridge MHP 14807 Nickelson Drive Meadville, PA 16335	Hayfield Township Crawford County	UNT to Cussewage Creek 16-D	Y

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


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


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

**WQM Permit No. 4400401, Amendment 08-1**, Sewage, **Granville Township Mifflin County**, 100 Helen Street, Lewistown, PA 17044. This proposed facility is located in Granville Township, **Mifflin County**.

Description of Proposed Action/Activity: Permit amendment approving the modification of sewerage facilities consisting of installation of Chemical Feed Equipment, installation of Submersible Mixers and installation of Fine Bubble Diffusers.

**WQM Permit No. 4495402, Amendment 08-1**, Sewage, **Union Township Municipal Authority**, P. O. Box 5625, Belleville, PA 17004. This proposed facility is located in Union Township, **Mifflin County**.

Description of Proposed Action/Activity: Permit amendment approving the construction of sewerage facilities consisting of installation of new fine screen in wet well channel, installation of chemical addition equipment for phosphorous removal.

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

**WQM Permit No. WQG016170**, Sewerage, **Joseph Bauer**, 326 Pine Run Road, Fombell, PA 16123. This proposed facility is located in Marion Township, **Beaver 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. WQG018664**, Sewerage, **Lesley Malarkey**, P. O. Box 128, West Sunbury, PA 16061. This proposed facility is located in Sandy Creek Township, **Venango County**.

Description of Proposed Action/Activity: Issuance of a single-residence sewage treatment plant.

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


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


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


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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 4608005	Glenn Springs Holdings, Inc. 375 Armand Hammer Boulevard Pottstown, PA 19464	Montgomery	Lower Pottsgrove Township	Schuylkill River WWF-MF
PAI01 4608006	Star Link Logistics, Inc. 1041 Routes 202—206 Mail Code J103F Bridgewater, NJ 08807-0800	Montgomery	Lower Gwynedd Township	Wissahickon Creek TSF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021308002	Carbon Career and Technical Institute 150 West 13th Street Jim Thorpe, PA 18229	Carbon	Jim Thorpe Borough	Slaughterhouse Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030507002	Ryan Clark 257 Town Hill Road New Enterprise, PA 16664	Bedford	South Woodbury Township	Yellow Creek HQ

*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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10F106(3)	Ian Salada Penn State University 113P Physical Plant Building University Park, PA 16802	Centre	State College Borough College Township	Slab Cabin Run CWF Spring Creek HQ-CWF Thompson Run HQ-CWF

*Clinton County Conservation District: 45 Cooperation Lane, Mill Hall, PA 17751, (570) 726-3798.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041808003	John and Miriam Glick 6104 Nittany Valley Drive Mill Hall, PA 17751	Clinton	Porter Township	UNT to Fishing Creek HQ-CWF

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

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

### **List of NPDES and/or Other General Permit Types**

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

#### *General Permit Type—PAG-2*

#### *Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
City of Philadelphia Philadelphia County	PAG201 5108029	Drexel University 1601 Cherry Street Suite 11622 Philadelphia, PA 19102	UNT Schuylkill River CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bristol Borough Bucks County	PAG200 0908107	Bristol Riverview Partners, LP 3411 Silverside Road Wilmington, DE 19810	Delaware River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Doylestown Township Bucks County	PAG200 0908060	Central Bucks Family YMCA 2500 Lower State Road Doylestown, PA 18901	Neshaminy Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Montour County Mahoning Township	PAG2004708006	Geisinger Parking Garage 100 North Academy Avenue Danville, PA 17822	Sechler Run CWF	Montour County Conservation District 112 Woodbine Lane Suite 2 Danville, PA 17821 (570) 271-1140
Potter County Coudersport Borough	PAG2005308003	Borough of Coudersport 201 South West Street Coudersport, PA 16915	Allegheny River CWF	Potter County Conservation District 107 Market Street Coudersport, PA 16915 (814) 274-8411, Ext. 4
Union County Kelly Township	PAG2006008009	Melody Oliveri Apple Estates 47 1/2 North Front Street Lewisburg, PA 17837	UNT to Buffalo Creek CWF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Union County White Deer Township	PAG2006008010	UGI Energy Services 1 Meridian Boulevard Suite 2C01 Wyomissing, PA 19610	UNT to Susquehanna River WWF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Allegheny County South Fayette Township	PA-R10-A528-R-1	Secon Corporation 2559 Washington Road Pittsburgh, PA 15241	Chartiers Creek WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Jefferson Hills Borough	PAG-2-0005-0002-021-R	Maronda Homes, Inc. 202 Park West Drive Pittsburgh, PA 15275	Lick Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Kennedy Township	PAG-2-00-02-03-112-R	Maronda Homes, Inc. 202 Park West Drive Pittsburgh, PA 15275	Moon Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County North Fayette Township	PAG-2-00-02-03-118-R	A & R Development Company 139 West Allegheny Road Imperial, PA 15126	North Branch WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Collier Township	PAG-2-00-02-03-123-R	Maronda Homes, Inc. 202 Park West Drive Pittsburgh, PA 15275	Toms Run TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County Collier Township	PAG-2-0005-0002-03- 063-R	Greicin Construction and Development Co. 8 Alice Street Pittsburgh, PA 15205	Robinson Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Baldwin Borough	PAG-2-00-02-04-014-R	William Tomko 2559 Route 88 Finleyville, PA 15332	Streets Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Findlay Township	PAG-2-00-02-04-031-R	Mashuda Corporation 21101 Route 19 Cranberry Township, PA 16006	Potato Garden Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Moon Township	PAG-2-00-02-05-050-1	Moon Area School District 8353 University Boulevard Coraopolis, PA 15108	Montour Run TSF	Allegheny County Conservation District (412) 241-7645



<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Allegheny County Fawn and Harrison Townships	PAG-2-00-02-07-054	Harvest Baptist Church 884 Kenneth Avenue New Kensington, PA 15068	Ohio River WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Aleppo Township	PAG-2-00-02-07-068-1	Sun Life Assurance Co. of Canada One Sun Life Exec. Pk. Wellesly Hills, MA 02448	Kilbuck Run CWF	Allegheny County Conservation District (412) 241-7645
Allegheny County McCandless Township	PAG-2-00-02-07-102	Northern Holdings, LLC 125 Warrendale-Bayne Road Warrendale, PA 15086	Pine Creek CWF	Allegheny County Conservation District (412) 241-7645
Allegheny County West Deer Township	PAG-2-00-02-08-003	C.P.C., LLC 511 Cedar Run Road Allison Park, PA 15101	Deer Creek CWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Jefferson Hills Borough	PAG-2-00-02-08-006	Castor Farm Associates 405 McNeilly Road Pittsburgh, PA 15226	Peters Creek TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County Shaler Township	PAG-2-00-02-08-047	McDonalds Corporation 1000 Omerga Drive Pittsburgh, PA 15205	Pine Creek TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County Franklin Park Borough	PAG-2-00-02-08-048	Shipleigh Brothers Development 12300 Perry Highway Wexford, PA 15090	Breakneck Creek WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Sewickley Hills Borough	PAG-2-00-02-08-062	Pelly Properties, Inc. 150 Lake Drive Wexford, PA 15090	Kilbuck Run CWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Greentree Borough	PAG-2-00-02-08-067	Greentree Borough 10 West Manilla Avenue Pittsburgh, PA 15220	Sawmill Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Moon Township	PAG-2-00-02-08-068	Clearview Federal Credit Union 8895 University Boulevard Coraopolis, PA 15108	Montour Run TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County Pittsburgh	PAG-2-00-02-08-069	Gokul, Inc. 1150 Banksville Road Pittsburgh, PA 15216	Saw Mill Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Pittsburgh	PAG-2-00-02-08-070	University of Pittsburgh 3400 Forbes Avenue Pittsburgh, PA 15213	Ohio and Allegheny Rivers WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Moon Township	PAG-2-00-02-08-071	DiCicco Development 1550 Coraopolis Heights Road Coraopolis, PA 15108	Montour Run TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County Leet Township	PAG-2-00-02-08-074	Watson Institute 301 Camp Meeting Road Sewickley, PA 15143	Big Sewickley Creek TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County Hampton Township	PAG-2-00-02-08-075	Chace Development, LLC 13 Dewey Street Gibsonia, PA 15044	Willow Run TSF	Allegheny County Conservation District (412) 241-7645

*Facility Location:  
Municipality &  
County*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAG-2-00-02-08-076	Sol Gross 3810 Crooked Run Road North Versailles, PA 15137	Brush Creek WWF	Allegheny County Conservation District (412) 241-7645
PAG-2-00-02-08-078	Sterling Jewelers 375 Ghent Road Akron, OH 44333	Graeser Run WWF	Allegheny County Conservation District (412) 241-7645
PAG-2-00-02-08-081	Brandon Orosz 6365 Oyster By Court Bridgeville, PA 15017	Millers Run WWF	Allegheny County Conservation District (412) 241-7645
PAG-2-00-02-08-084	Pittsburgh Public Schools 1305 Murial Street Pittsburgh, PA 15203	Ohio River WWF	Allegheny County Conservation District (412) 241-7645
PAG-2-00-02-08-085	Eastside Limited Partnership V 535 Smithfield Street Pittsburgh, PA 15222	Allegheny River WWF	Allegheny County Conservation District (412) 241-7645
PAG2003207007	Armagh Meadows 1100 Centennial Avenue Suite 201 Piscataway, NJ 08854	Mardis Run CWF	Indiana County Conservation District (724) 463-8547
PAG2003708011	Ed Trainer 10 South Scotland Lane New Castle, PA 16101	UNT to Shenango River WWF	Lawrence County Conservation District (724) 652-4512

*General Permit Type—PAG-3*

*Facility Location:  
Municipality &  
County*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAR324805 (Stormwater)	American Rock Salt Company, LLC P. O. Box 190 Mt. Morris, NY 14510	UNT to Sandy Lick Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
PAR504807	Homestand Land Corp. Browning-Ferris Waste Systems of North America, Inc. 5600 Niagara Falls Boulevard Niagara Falls, NY 14304-1532	Morgan Run Camp Hope Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
PAR214828 (Stormwater)	New Enterprise Stone and Lime Company, LLC P. O. Box 77 New Enterprise, PA 16664	UNT to West Branch Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
PAR606181	Casturo's 750 West 5th Street McKeesport, PA 15132	Monongahela River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-4**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Marion Township Beaver County	PAG046395	Joseph Bauer 326 Pine Run Road Fombell, PA 16123	Tributary to Connoquenessing Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Conneaut Township Crawford County	PAG048685	Christopher E. Carr 20886 Cole Road Conneautville, PA 16406-3842	UNT to Conneaut Creek 15	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Shenango Township Mercer County	PAG049484	Keith Palumbo 3600 Hubbard- Middlesex Road West Middlesex, PA 16159	UNT to the Shenango River 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Lackawannock Township Mercer County	PAG049485	URRA Company, Inc., d/b/a Flynn's Tire Sales 7464 West Market Street Mercer, PA 16137	UNT to the Little Neshannock Creek 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Sandy Creek Township Venango County	PAG049481	Lesley Malarkey P. O. Box 128 West Sunbury, PA 16061	UNT to Sandy Creek 16-G	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

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

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Warwick Township Lancaster County	PAG083535	Lititz Wastewater Treatment Plant 50 Lititz Run Road Lititz, PA 17543	Warwick Township Lancaster County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

## PUBLIC WATER SUPPLY (PWS) PERMITS

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the

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

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

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

## SAFE DRINKING WATER

**Actions taken under the Pennsylvania Safe Drinking Water Act**

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

**Permit No. 4608512**, Public Water Supply.

Applicant **North Penn Water Authority**  
300 Forty Foot Road  
P. O. Box 1659  
Lansdale, PA 19446

Township Various Municipalities

County **Bucks and Montgomery Counties**

Type of Facility PWS

Consulting Engineer Daniel C. Preston  
300 Forty Foot Road  
P. O. Box 1659  
Lansdale, PA 19446

Permit to Construct Issued December 9, 2008

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

**Permit No. 3506502MA, Minor Amendment**, Public Water Supply.

Applicant **Pennsylvania American Water**  
800 West Hersheypark Drive  
Hershey PA 17033  
Archbald Borough

County **Lackawanna**

Type of Facility PWS

Consulting Engineer Richard B. Kresge, Jr., P. E.  
Quad Three Group, Inc.  
37 North Washington Street  
Wilkes-Barre, PA 18701

Permit to Construct Issued January 5, 2009

**Permit No. 1308502**, Public Water Supply.

Applicant **Palmerton Borough**  
443 Delaware Avenue  
Palmerton, PA 18071  
Palmerton Borough

County **Carbon**

Type of Facility PWS

Consulting Engineer Charles E. Volk, P. E.  
ARRO Consulting, Inc.  
1150 Glenlivet Drive  
Suite A19  
Allentown, PA 18106

Permit to Construct Issued January 5, 2009

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

**Permit No. 3108503**, Public Water Supply.

Applicant **Mary Couch**

Municipality Jackson Township

County **Huntingdon**

Type of Facility Installation of nitrate treatment at Couch Subs and Grocery.

Consulting Engineer Mark V. Glenn, P. E.  
Gwin, Dobson & Foreman, Inc.  
3121 Fairway Drive  
Altoona, PA 16602-4475

Permit to Construct Issued January 7, 2009

**Operations Permit** issued to **Pequea Valley School District**, 7360779, Paradise Township, **Lancaster County** on January 6, 2009, for the operation of facilities approved under Construction Permit No. 3608507.

**Operations Permit** issued to **United Water Pennsylvania**, 7210028, Upper Allen Township, **Cumberland County** on January 6, 2009, for the operation of facilities approved under Construction Permit No. 2108506.

**Operations Permit** issued to **Western Berks Water Authority**, 3060066, Spring Township, **Berks County** on December 31, 2008, for the operation of facilities approved under Construction Permit No. 0608513 MA.

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

**Permit No. 1807502—Operation**, Public Water Supply.

Applicant **Chapman Township Water Authority**

Township or Borough Chapman Township

County **Clinton**

Responsible Official Richard Eliason, Chairperson  
Chapman Township Water Authority  
P. O. Box 433  
North Bend, PA 17760

Type of Facility Public Water Supply—Operation

Consulting Engineer K. Alan Uhler, Jr., P. E.  
Kerry A. Uhler & Assoc., Inc.  
140 West High Street  
Bellefonte, PA 16823

Permit Issued Date January 9, 2009

Description of Action Operation of a 64,000 gallon glass-coated, bolted-steel finished water storage tank.

**Jersey Shore Area Joint Water Authority**, Public Water Supply, **Lycoming County**. The Source Water Protection (SWP) and Wellhead Protection (WHP) program for the Jersey Shore Area Joint Water Authority has been approved on January 7, 2009. Jersey Shore Area Joint Water Authority personnel are to be commended for taking these proactive steps to protect these water sources for their community. Development of the program was funded, in part by a SWP and WHP grant. (Robert C. Yowell, (570) 327-3695)

**SEWAGE FACILITIES ACT PLAN APPROVAL****Plan Approvals Granted under section 5 of the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)**

*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>
Duboistown Borough	2651 Euclid Avenue Duboisstown, PA 17702	Lycoming County
South Williamsport Borough	239 West Southern Avenue South Williamsport, PA 17702	Lycoming County
Armstrong Township	216 Old Cement Road Montoursville, PA 17754	Lycoming County
Lycoming Township	1951 Green Avenue Williamsport, PA 17701	Lycoming County
Loyalsock Township	2501 East Third Street Williamsport, PA 17701	Lycoming County
Old Lycoming Township	1951 Green Avenue Williamsport, PA 17701	Lycoming County
Woodward Township	4910 SR 220 Highway Suite 2 Linden, PA 17744	Lycoming County

*Plan Description:* On January 9, 2009, the Department of Environmental Protection (Department) approved the greater Williamsport Tributary Communities Act 537 Update. The communities are Duboisstown and South Williamsport Boroughs, Armstrong, Lycoming, Loyalsock, Old Lycoming and Woodward Townships all located in Lycoming County. The approved plan calls for, among other things, new and improved collection and conveyance systems in the municipalities to reduce excessive inflow/infiltration, eliminate sanitary sewer overflows during wet weather and participation in the cost to upgrade the Williamsport Sanitary Authority's wastewater treatment plants to meet the Chesapeake Bay derived permit requirements. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

**SEWAGE FACILITIES ACT PLAN DISAPPROVAL****Plan Disapprovals Granted under section 5 of the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)**

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

*Plan Location*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Strasburg Township	400 Bunker Hill Road Strasburg, PA 17579	Lancaster County

*Plan Description:* The Steven Stoltzfus proposed plan revision for one residential lot using an onlot sewage system plus a residue lot, was disapproved because the Preliminary Hydrogeologic Study failed to account for the total sewage flows and total nitrate contribution to the groundwater from the lots involved in this subdivision. Specifically, grey water is not without nitrate impact. The groundwater modeling should have included factors for the mass and volume contributions from the grey water discharge on Lot 1. Consequently, Lot 1 is not large enough to accommodate the expected contribution from the onlot sewage disposal systems on the property. The

proposed subdivision is located on the south side of White Oak Road east of Beaver Valley Pike in Strasburg Township, Lancaster County. The Department of Environmental Protection Code Number is A3-36952-209-2 and the APS Number is 661259.

**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.*

**Lustrik Corporation**, City of Philadelphia, **Philadelphia County**. Craig Herr, RT Environmental Service, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Tom Vezzosi, Philadelphia Rust-Proof Company, 2086 East Willard Street, Philadelphia, PA 19134, David Vezzosi, Lustrik Corporation, 4329 Paul Street, Philadelphia, PA 19124 has submitted a Remedial Investigation and Final Report concerning remediation of site groundwater and soil contaminated with No. 4 fuel oil,

MTBE and chlorinated solvent's. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Natural Lands Trust Property Crows Nest Preserve**, Warwick Township, **Chester County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18973 on behalf of Bob Johnson, Natural Lands Trust, 1031 Palmers Mill Road, Media, PA 19063 has submitted a 90 day Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Sonoco Product Downingtown Paper**, East Clan Township, **Chester County**. Gerald Kirkpatrick, 1140 Valley Forge Road, P. O. Box 810, Valley Forge, PA 19482 on behalf of E. Ragland Coxe, Sonoco Products Company, 1 North Second Street, Hartsville, SC 29550 has submitted a Remedial Investigation Report concerning remediation of site soil contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Segich Residence**, Borough of Parkside, **Delaware County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Ann Segich, 20 West Chelton Road, Brookhaven, PA 19015 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.

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

**St. Andrews Evangelical Lutheran Church**, 1024 South Pike Avenue, Salisbury and Upper Saucon Townships, **Lehigh County**. Heath A. Brown, Environmental Standards, Inc., P. O. Box 810, 1140 Valley Forge Road, Valley Forge, PA 19482-0810 has submitted a Final Report (on behalf of his client, St. Andrews Evangelical Lutheran Church, 1024 South Pike Avenue, Allentown, PA 18103), concerning the remediation of soils found to have been impacted by No. 2 fuel oil as a result of an accidental release during the refueling of an out-of-service, nonregulated 1,000 gallon underground storage tank. The report was submitted to document attainment of the Residential Statewide Health Standard. A public notice regarding the submittal of the Final Report was published in *The Morning Call* on December 15, 2008.

**Pocono Manor Inn and Resort**, Route 314, Pocono Township, **Monroe County**. Jeffrey E. Mulligan, EcolSciences, Inc., 75 Fleetwood Drive, Suite 250, Rockaway, NJ 07866 has submitted a Final Report (on behalf of his client, Matzel Development at Pocono Manor, LLC, c/o Pocono Manor Investors, P. O. Box 38, Pocono Manor, PA 18349), concerning the remediation of soil found to have been impacted by No. 2 fuel oil and leaded gasoline as a result of a release from underground storage tanks. 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 *Pocono Record* on November 21, 2008, and in *The Journal of the Pocono Plateau* on November 26, 2008.

**Sunrise Terrace Mobile Home, Lot 54 Property**, Route 191, Honesdale Borough, **Wayne County**. Dean Cruciani and Martin Gilgallon, Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, PA 18452 have submitted a Final Report (on behalf of their client, Ronald Gardas, 329 Laurel Drive, Honesdale, PA 18431), concerning the

remediation of soil found to have been impacted by No. 2 fuel oil as a result of an accidental release from a nonregulated aboveground 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 Scranton Times* on December 29, 2008.

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

**PPL Distribution Pole No. 49389S26254**, Salisbury Township, **Lancaster County**. PPL Services Corporation, Two North Ninth Street, Allentown, PA 18101-1179, submitted a Final Report concerning remediation of site soil contaminated with PCBs. The report was submitted within 90 days of the release and is intended to document remediation to the Residential Statewide Health Standard.

**Former Gene Latta Ford**, Hanover Borough, **York County**. Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Gene Latta Ford/Buick, Inc., 1565 Carlisle Pike, Hanover, PA 17331 and You're The Man, LLC, 1830 Carlisle Pike, Hanover, PA 17331, submitted a combined Remedial Investigation and Final Report concerning remediation of site groundwater and soils contaminated with PCE and MTBE. The applicant is seeking to remediate to the Site-Specific Standard.

**Former Myers Great Value Market**, Dillsburg Borough, **York County**. EPSYS Corporation, 1414 North Cameron Street, Harrisburg, PA 17103, on behalf of Parula Properties, LLC, 100 South 7th Street, Akron, PA 17501, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated by leaded gasoline from underground storage tanks. The site is being remediated to the Site-Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a Site-Specific Standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report

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

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the 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.*

**3662 Market Street**, Upper Chichester Township, **Delaware County**. Raymond Duchaine, ENVision Environmental, Inc., 912 North Orianna Street, Philadelphia, PA 19123 on behalf of Gregory Harvey, Wawa, Inc., 260 West Baltimore Pike, Wawa, PA 19063 has submitted a Final Report concerning the remediation of site soil contaminated with lead. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on December 18, 2008.

**CRC Industrial, Inc.**, Warminster Township, **Bucks County**. Peter Beyer, P. G., Environmental Resources Management, Inc., 350 Eagleview Boulevard, Suite 200, Exton, PA 19341 on behalf of Adam Selisker, CRC Industries, Inc., 885 Louis Drive, Warminster, PA 18974 has submitted a Remedial Investigation Report concerning the remediation of site groundwater contaminated with chlorinated solvents. The Remedial Investigation Report was disapproved by the Department of Environmental Protection on December 18, 2008.

**Summit Cleaners and Tailors**, Middletown Township, **Bucks County**. Kevin Billings, Property Solutions, Inc., 323 New Albany Road, on behalf of Ronald D. Gigliotti, Gigliotti Group, Inc., Suite 2G-H, Summit Square Center, SR 413 and Double Woods Road, Langhorne, PA 19047 has submitted a Remedial Investigation and Final Report concerning the remediation of site groundwater and soil contaminated with chlorinated solvents. The Remedial Investigation and Final Report were disapproved by the Department of Environmental Protection on December 29, 2008.

**Goshen Terrace Apartment**, West Goshen Township, **Chester County**. Dave Fennimore, Earth Data Northeast, 924 Springdale Drive, Exton, PA 19341 on behalf of Steve Berger, Pennsylvania Management Corporation, P. O. Box, 1036 Blue Bell, PA 19244 has submitted a Final Report concerning the remediation of site groundwater contaminated with chlorinated solvents, MTBE, unleaded gasoline. The Final Report was placed on hold by the Department of Environmental Protection on December 31, 2008.

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

**St. Andrews Evangelical Lutheran Church**, 1024 South Pike Avenue, Salisbury and Upper Saucon Townships, **Lehigh County**. Heath A. Brown, Environmental Standards, Inc., P. O. Box 810, 1140 Valley Forge Road, Valley Forge, PA 19482-0810 submitted a Final Report (on behalf of his client, St. Andrews Evangelical Lutheran Church, 1024 South Pike Avenue, Allentown, PA 18103), concerning the remediation of soils found to have been impacted by No. 2 fuel oil as a result of an accidental release during the refueling of an out-of-service, nonregulated 1,000 gallon underground storage tank. The report documented attainment of the Residential Statewide Health Standard for soils and was approved on January 8, 2009.

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

**Former SKF USA, Inc. Facility**, City of Altoona, **Blair County**. Environmental Standards, 1140 Valley Forge Road, Valley Forge, PA 19482 on behalf of C. William McGlocklin, SKF USA, Inc., 1111 Adams Avenue, Norristown, PA 19403 and Maurice Lawruk, Sr., 800 Logan Boulevard, LP, P. O. Box 2566, Altoona, PA 16603, submitted a Final Report concerning remediation of separate phase liquid (lubricating oil) on groundwater released during historic manufacturing processes. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on December 19, 2008.

**Manheim Plaza**, Manheim Township, **Lancaster County**. Rettew Associates, Inc., 3020 Columbia Avenue, Lancaster, PA 17603, on behalf of Horst Venture I, LP, 205 Granite Run Drive, Suite 280, Lancaster, PA 17601-6821, submitted a Final Report concerning remediation of site soils and groundwater contaminated with petroleum hydrocarbons and metals. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on December 22, 2008.

**350 North Duke Street/Sovereign Bank Stadium**, York City, **York County**. Spotts, Stevens and McCoy, Inc., 1047 North Park Road, P. O. Box 6307, Reading, PA 19601, on behalf of Redevelopment Authority of the County of York, 144 Roosevelt Avenue, Suite 100, York, PA 17404-3333, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated by No. 2 fuel oil. The combined report demonstrated attainment of a combination of Nonresidential Statewide Health and Site-Specific Standards and was approved by the Department of Environmental Protection on December 30, 2008.

**Former Gene Latta Ford**, Hanover Borough, **York County**. Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Gene Latta Ford/Buick, Inc., 1565 Carlisle Pike, Hanover, PA 17331 and You're The Man, LLC, 1830 Carlisle Pike, Hanover, PA 17331, submitted a combined Remedial Investigation and Final Report concerning remediation of site groundwater and soils contaminated with PCE and MTBE. The reports demonstrated attainment of the Site-Specific Standard and were approved by the Department of Environmental Protection on December 31, 2008.

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

**Sel-Lo Oil, Inc., I-80 WB Exit 123 Accident**, Bradford Township, **Clearfield County**. Mountain Research, Inc., 825 Twenty-Fifth Street, Altoona, PA 16601 on behalf of Sel-Lo Oil, R. R. 2, Box 269, Altoona, PA 16601 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with diesel/kerosene blend of fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on January 6, 2009.

**Smooth Landings**, Ralpho Township, **Northumberland County**. Brian Snyder, 1387 Airport Road, Paxinos, PA 17860 has submitted a Final Report concerning remediation of site soil contaminated with Chlorinated Solvents. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on December 9, 2008.

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

**ARG Refinery**, City of Bradford, **McKean County**. Conestoga-Rovers & Associates, 651 Colby Drive, Waterloo, Ontario, Canada N2V 1C2, on behalf of ARG Refining Group, Inc., 77 North Kendall Avenue, Bradford, PA 16701 and Chemtura Corporation, 199 Benson Road, Middlebury, CT 06749 has submitted a Cleanup Plan concerning the remediation of site soils contaminated with petroleum refining related compounds including, but not limited to, benzene, toluene, ethyl benzene, xylenes, benzo(a)pyrene, arsenic, cadmium, lead and site groundwater contaminated with petroleum refining related compounds including, but not limited to, benzene, toluene, ethyl benzene, xylenes, arsenic, iron, aluminum, cadmium, lead and chlorinated hydrocarbons. The Cleanup Plan was approved by the Department of Environmental Protection on January 6, 2009.

**Mooney Chem (OMG Americas)**, Borough of Sugar Creek, **Venango County**. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of OMG Americas, Two Mile Run Road, P. O. Box 111, Franklin, PA 16323 has submitted a Risk Assessment Report concerning remediation of site soils contaminated with arsenic, lead, xylenes (total), ethylbenzene, benzo[a]anthracene, benzo[b]fluoranthene, benzo[a]pyrene and groundwater contaminated with benzene, naphthalene, arsenic, benzene, naphthalene, aluminum, barium, iron and manganese. The Risk Assessment Report was approved by the Department of Environmental Protection on January 8, 2009.

## HAZARDOUS WASTE TRANSPORTER LICENSE

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

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

*Hazardous Waste Transporter License Renewed*

**Laidlaw Carriers Van GP, Inc.**, 1179 Ridgeway Road, Woodstock, ON N4S 1E3. License No. PA-AH 0714. Effective September 5, 2008.

**Hazleton Oil & Environmental, Inc.**, 300 Tamaqua Street, Hazleton, PA 18201. License No. PA-AH 0713. Effective September 8, 2008.

**Chemical Solvents, Inc.**, 3751 Jennings Road, Cleveland, OH 44109. License No. PA-AH 0049. Effective September 10, 2008.

**R. L. Carter Trucking, Inc.**, 8451 South State Road 39, Clayton, IN 46118. License No. PA-AH 0662. Effective October 1, 2008.

**Bionomics, Inc.**, P. O. Box 817, Kingston, TN 37763. License No. PA-AH 0730. Effective October 1, 2008.

**Transport Rollex Ltee**, 910 Boul Lionel-Boulet, Varennes, PQ J3X 1P7. License No. PA-AH 0544. Effective October 20, 2008.

**Technic, Inc.**, 1 Spectacle Street, Cranston, RI 02910. License No. PA-AH S134. Effective October 21, 2008.

**DTC Environmental Services, Inc.**, 2567 Congo Arroyo Road, Newell, WV 26050. License No. PA-AH 0612. Effective October 28, 2008.

**Envirite of Pennsylvania, Inc.**, 730 Vogelsong Road, York, PA 17404. License No. PA-AH 0549. Effective November 6, 2008.

**Heritage-Crystal Clean, LLC**, 2175 Point Boulevard, Suite 375, Elgin, IL 60123. License No. PA-AH 0672. Effective November 10, 2008.

**Empire Wrecking Co. of Reading, PA**, 1420 Clarion Street, Reading, PA 19601. License No. PA-AH 0255. Effective November 19, 2008.

**Buffalo Fuel Corp.**, 4870 Packard Road, Niagara Falls, NY 14304. License No. PA-AH 0147. Effective November 20, 2008.

**Bishop & Associates, Inc.**, P. O. Box 6483, Baltimore, MD 21230. License No. PA-AH 0717. Effective November 20, 2008.

**Environmental Transport Group, Inc.**, P. O. Box 296, Flanders, NJ 07836-0296. License No. PA-AH 0104. Effective November 20, 2008.

**Ferrick Construction Co., Inc.**, 811 Ivy Hill Road, Philadelphia, PA 19150. License No. PA-AH0473. Effective December 4, 2008.

**Dart Trucking Co., Inc.**, 41738 Easterly Drive, P. O. Box 60, Columbiana, OH 44408. License No. PA-AH 0219. Effective December 10, 2008.

**HMHTTC Response, Inc.**, 400 Valley Road, Suite 303, Mount Arlington, NJ 07856. License No. PA-AH 0554. Effective December 18, 2008.



**Ross Transportation Servcies, Inc.**, 36790 Giles Road, Grafton, OH 44044. License No. PA-AH 0133. Effective December 22, 2008.

**Gary W. Gray Trucking, Inc.**, P. O. Box 48, Delaware, NJ 07833. License No. PA-AH 0474. Effective December 30, 2008.

*Hazardous Waste Transporter License Issued*

**ON R OWN Trucking, Inc.**, 30468 Speidel Road, Hanoverton, OH 44423. License No. PA-AH 0751. Effective September 8, 2008.

**Wills Trucking, Co.**, P. O. Box 501, Richfield, OH 44286. License No. PA-AH 0749. Effective September 17, 2008.

**South Park Motor Lines, Inc.**, 9850 Havana Street, Henderson, Co 80640. License No. PA-AH 0755. Effective October 27, 2008.

**Disposal Consultant Services, Inc.**, 50 Howard Street, Piscataway, NJ 08854. License No. PA-AH 0754. Effective October 27, 2008.

**Biomedical Waste Services, Inc.**, 7610 Energy Parkway, Baltimore, MD 21226. License No. PA-AH 0753. Effective October 27, 2008.

**Pride Transportation, Inc.**, P. O. Box 81507, Bakersfield, CA 93380. License No. PA-AH 0756. Effective November 18, 2008.

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

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

*Hazardous Waste Transporter License Expired*

**Wills Trucking, Inc.**, 3185 Columbia Road, Richfield, OH 44286-9622. License No. PA-AH 0295. Effective November 30, 2008.

*Hazardous Waste Transporter License Voluntarily Terminated*

**Inland Waters Pollution Control, Inc.**, 2021 South Schaefer Highway, Detroit, MI 48217-1239. License No. PA-AH 0292. Effective September 9, 2008.

**Information Research Corporation, d/b/a Summit Transport & Environmental**, 150C Johns Street, Weston, WV 26452-2184. License No. PA-AH 0729. Effective October 1, 2008.

**INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE**

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

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

*Infectious and Chemotherapeutic Waste Transporter License Renewed*

**The Pennsylvania State University**, 6 Eisenhower Parking Deck, University Park, PA 16802. License No. PA-HC 0153. Effective September 17, 2008.

**Environmental Transport Group, Inc.**, P. O. Box 296, Flanders, NJ 07836. License No. PA-HC 0023. Effective October 7, 2008.

**Daniel's New Jersey, LLC**, 2133-126 Upton Drive No. 436, Virginia Beach, VA 23454. License No. PA-HC 0222. Effective October 9, 2008.

**Pet Memorial Services, Corp.**, 126 Turner Lane, West Chester, PA 19380. License No. PA-HC 0195. Effective November 25, 2008.

**The Williamsport Hospital**, 777 Rural Avenue, Williamsport, PA 17701. License No. PA-HC 0186. Effective December 3, 2008.

**Conservative Environmental Services, Inc.**, P. O. Box 745, Mechanicsburg, PA 17055-0745. License No. PA-HC 0224. Effective December 11, 2008.

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

**Determination of Applicability for General Permit Approved under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and 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.**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**General Permit Application No. WMGR096, Program I.D. WMGR096NE001, Hazleton Creek Properties, LLC**, 580 Third Avenue, Kingston, PA 18704. A renewal of the General Permit Determination of Applicability was issued for the beneficial use of regulated fill as construction material at this residual waste beneficial use facility bounded by SR 924, SR309 and Broad Street located in the City of Hazleton, **Luzerne County**. The renewed Determination of Applicability was issued by the Regional Office on January 8, 2009.

Persons interested in obtaining more information about the Determination of Applicability application may contact Edward G. Dudick, Chief, Engineering and Facilities Section, Waste Management Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790 at (570) 826-2511. TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service, (800) 654-5984.

**AIR QUALITY**

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

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

**GP1-22-03019A: Harrisburg Housing Authority** (100 Hall Manor, Harrisburg, PA 17104) on January 8, 2009, for Small Gas and No. 2 Oil Fired Combustion Units under GP1 in the City of Harrisburg, **Dauphin County**. This is a renewal of the GP1 permit.

**GP1-67-03024: North Metal & Chemical Co.** (609 East King Street, York, PA 17405) on January 7, 2009, for a Small Gas and No. 2 Oil Fired Combustion Unit under GP1 in the City of York, **York County**.

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**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.**

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

**46-0162A: Hammond Lead Products, Inc.** (10 Grosstown Road, Pottstown, PA 19464) on January 9, 2009, for installation of an exhaust point at their existing poly-dispersion process and rail car loading operations at their facility in West Pottsgrove Township, **Montgomery County**. The facility is a lead oxide manufacturing plant. Facility-wide potential to emit for all criteria pollutants is below major facility thresholds for the Philadelphia Consolidated Metropolitan Statistical Area. The plant is therefore a Natural Minor Facility. The plan approval will include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**38-05020B: Keystone Protein Co.** (P. O. Box 37, Fredericksburg, PA 17026-0037) on January 5, 2009, for modification to rendering operations with a new cooker controlled by existing scrubber and a 600 hp boiler in Bethel Township, **Lebanon 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.*

**32-00397: Rosebud Mining Co.** (301 Market Street, Kittanning, PA 16201) on January 6, 2009, to construct a coal processing facility consisting of conveyors, a screen, radial stackers, stockpiles, a haul road and other supporting equipment at the Heilwood Mine in Pine Township, **Indiana County**.

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**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.**

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

**23-0082: Liberty Electric Power, LLC** (1000 Industrial Highway, Eddystone, PA 19022) on January 7, 2009, to operate a combined cycle power plant in Eddystone Borough, **Delaware County**.

**15-0068A: Spring City Electrical Manufacturing Co.** (1 South Main Street, P. O. Box 19, Spring City, PA 19475) on January 8, 2009, to operate a baghouse for their blast shed in Spring City Borough, **Chester County**.

**23-0106: BPG Real Estate Investors Straw I, LP** (3815 West Chester Pike, Newtown Square, PA 19073-2387) on January 8, 2009, to operate two boilers in Newtown Township, **Delaware County**.

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

**06-03134: Dietrich's Specialty Processing, LLC** (61 Vanguard Drive, Reading, PA 19606) on January 7, 2009, to install new food processing dryers at their plant in Exeter Township, **Berks County**. This plan approval was extended.

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

**11-00034A: Johnstown Specialty Casting, Inc.** (545 Central Avenue, Johnstown, PA 15902-2697) on January 12, 2009, received an extension effective January 14, 2009, of the period of temporary operation of the billet grinder covered under plan approval 11-00034A until July 13, 2009, at the Johnstown Plant in the City of Johnstown, **Cambria County**. The plan approval has been extended.

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

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

**46-00048: Wyeth Pharmaceuticals** (500 Arcola Road, Collegeville, PA 19426) on January 9, 2009, for a renewal of Title V Operating Permit in Upper Providence Township, **Montgomery County**. The facility's primary sources include boilers and emergency generators. The permit will include monitoring, recordkeeping and reporting requirements designed to address all applicable air quality requirements.

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

**01-05029: Reliant Energy Wholesale Generation, LLC** (121 Champion Way, Suite 200, Canonsburg, PA 15317-5817) on January 8, 2009, to operate a natural gas fired electric generating facility at their Hunterstown Station in Straban Township, **Adams County**.

**67-05004: P. H. Glatfelter Co.** (228 South Main Street, Spring Grove, PA 17362-1000) on January 5, 2009, to operate a pulp and paper mill in Spring Grove Borough, **York County**. This Title V operating permit was administratively amended to incorporate Plan Approval numbers 67-05004M and 67-05004N. This is Revision No. 2.

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

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

**09-00154: Bucks County Water and Sewer Authority** (1275 Almshouse Road, Warrington, PA 18976) on January 8, 2009, a renewal for a Non-Title V Facility, State-only, Natural Minor Permit in Doylestown Township, **Bucks County** at their facility at Pine Run Road and Old Dublin Pike. Bucks County Water and Sewer Authority is a sewage treatment plant. The sources of emissions include an emergency generator and the wet well controlled by a scrubber. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

**23-00077: County of Delaware—Fair Acres Complex** (340 North Middletown Road, Lima, PA 19037) on January 9, 2009, for operation of boilers and emergency generators on its grounds at Middletown Township, **Delaware County**. This action is a renewal of a State-only Operating Permit (Synthetic Minor), which was originally issued on November 6, 2003. The entire facility took a 4,150 pounds per month (24.9 tpy) limit on the NOx emissions produced by the consumption of fuels. The renewal contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**39-00071: Anda Sportswear, Inc.** (15 South Albert Street, Allentown, PA 18109-2700) on January 7, 2009, for a textile manufacturing process and boilers in the City of Allentown, **Lehigh County**. This is a State-only Natural Minor operating permit.

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

**06-03038: Stericycle, Inc.** (1525 Chestnut Hill Road, Morgantown, PA 19543-9508) on January 5, 2009, for operation of two pet crematoriums in Robeson Township, **Berks County**. This is a renewal of the State-only operating permit.

**06-05083: Williams Metalfinishing, Inc.** (870 Commerce Street, P. O. Box 2029, Sinking Spring, PA 19608) on January 5, 2008, for operation of a metal finishing facility in Sinking Spring Borough, **Berks County**. This is a renewal of the State-only operating permit.

**22-03067: Dayton Parts, LLC** (1300 North Cameron Street, Harrisburg, PA 17103-1010) on January 7, 2009, for their steel spring manufacturing operation in the City of Harrisburg, **Dauphin County**. This is a renewal of the State-only operating permit.

**22-05034: Pennsy Supply, Inc.**, (P. O. Box 3331, 1001 Paxton Street, Harrisburg, PA 17104-1645) on January 5, 2009, for operation of their Hummelstown Asphalt Plant in South Hanover Township, **Dauphin County**. This is a renewal of the State-only operating permit.

**22-05040: Pennsy Supply, Inc.** (P. O. Box 3331, 1001 Paxton Street, Harrisburg, PA 17105) on January 5, 2009, for operation of the Fiddlers Elbow Asphalt Plant in

Lower Swatara Township, **Dauphin County**. This is a renewal of the State-only operating permit.

**28-03039: Warrior Roofing Manufacturing of Pennsylvania, LLC** (3050 Warrior Road, P. O. Box 40185, Tuscaloosa, AL 35404) on January 9, 2009, for operation of two asphalt roofing manufacturing lines at their facility in Greene and Letterkenny Townships, **Franklin County**.

**36-03076: Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506-0550) on January 7, 2009, for operation of the company's Weaverland limestone crushing plant in East Earl Township, **Lancaster County**. This is a renewal of the State-only operating permit.

**36-03103: Kunzler & Company, Inc.** (652 Manor Street, Lancaster, PA 17603-5108) on January 6, 2009, for operation of a meat processing facility in the City of Lancaster, **Lancaster County**. This is a renewal of the State-only operating permit.

**36-03142: Haines & Kibblehouse, Inc.** (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on January 5, 2009, for operation of their Silver Hill Quarry Crushing Plant in Brecknock Township, **Lancaster County**. This is a renewal of the State-only operating permit.

**36-05010: American LaFrance, LLC** (64 Cocalico Creek Road, Ephrata, PA 17522-9455) on January 7, 2009, for their Ephrata Aerials Facility in West Earl Township, **Lancaster County**. This is a renewal of the State-only operating permit.

**36-05106: Premier Custom Built, Inc.** (110 Short Street, New Holland, PA 17557-1515) on January 5, 2009, for the operation of its cabinet manufacturing facility in East Earl Township, **Lancaster County**. This is a renewal of their State-only operating permit.

**36-05120: Meridian Products** (124 Earland Drive, New Holland, PA 17557-1503) on January 6, 2009, for operation of their cabinet door manufacturing plant in East Earl Township, **Lancaster County**. This is a renewal of the State-only operating permit.

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

**24-00121: Industrial Timber and Lumber Company, Inc.—ITL** (54C Montmorenci Road, SR 948, Ridgway, PA 15853) on January 6, 2009, to issue a Natural Minor Operating Permit to operate a facility that processes logs into lumber Ridgway Township, **Elk County**. The facility's primary emission sources include a wood fired boiler, three wood-fired space heaters, miscellaneous woodworking operations and four hardwood drying kilns.

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

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

**15-00051: Allan A. Myers, LP—d/b/a Independence Construction Materials—Devault Asphalt Plant** (4042 State Road, Charlestown Township, PA 19432) on January 8, 2009, for their batch asphalt plant in Charlestown Township, **Chester County**. The State-only Natural Minor Operating Permit was modified to change

the operating pressure drop range for the baghouse to 2 to 7 inches (w.g.). The modified SOOP includes monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

**15-00052: Allan A. Myers, LP—d/b/a Independence Construction Materials—Coatesville Asphalt Plant** (Route 82 South, Coatesville, PA 19320) on January 8, 2009, for their batch asphalt plant in East Fallowfield Township, **Chester County**. The State-only Synthetic Minor Operating Permit was modified to remove the monitoring and recordkeeping requirements for the pressure drop across the cyclone and to change the operating pressure drop range for the baghouse to 2 to 7 inches (w.g.). The modified SOOP includes monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

**15-00118: Allan A. Myers, LP—d/b/a Independence Construction Materials** (4042 State Road, Devault—Charlestown Township, PA 19432) on January 9, 2009, for their quarry in Charlestown Township, **Chester County**. On January 9, 2009, the State-only Natural Minor Operating Permit was modified to change the frequency of the required paved in-plant sweeping to a minimum one time per week, weather permitting. The modified SOOP includes monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Minor modification of SOOP No. 15-00118 is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.462.

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

**07-03002: Pittsburgh Glass Works, LLC** (P. O. Box 307, Tipton, PA 16684-0307) on January 2, 2009, to operate glass screen printing, bending and tempering equipment at the company's Tipton Works plant in Antis Township, **Blair County**. This State-only operating permit has been administratively amended due to a change of ownership. This is Revision No. 1.

**36-05126: Pennsy Supply, Inc.** (P. O. Box 4688, Lancaster, PA 17604-4688) on January 6, 2009, for a batch asphalt plant controlled by a fabric filter at Donegal Quarry, Heisey Quarry Road in West Donegal Township, **Lancaster County**. This State-only operating permit was administratively amended to incorporate Plan Approval 36-05126B. This is Revision No. 2.

**36-05129: Haines & Kibblehouse, Inc.** (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on January 5, 2009, for operation of the asphalt plant at their Silver Hill Quarry in Brecknock Township, **Lancaster County**. This State-only operating permit has been administratively amended to incorporate Plan Approval 36-05129A. This is Revision No. 1.

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

**20-00034: Weyerhaeuser NR Co.** (11117 Skyline Drive, Titusville, PA 16354) on January 7, 2009, Natural Minor Operating Permit was Administratively Amended to incorporate the change of ownership, responsible official and permit contact person into the State-only Permit located in Oil Creek Township, **Crawford County**.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).**

### Coal Permits Actions

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

**03971301 and NPDES Permit No. PA0215091, AMFIRE Mining Company, LLC**, (One Energy Place, Latrobe, PA 15650), to revise the permit for the Ridge Mine in South Bend Township, **Armstrong County** to change the land use on 1.4 surface activity site acres in the existing permit from wildlife habitat to industrial. No additional discharges. Application received March 26, 2008. Permit issued January 6, 2009

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

**56813006 and NPDES No. PA0125466. PBS Coals, Inc.**, P. O. Box 260, 1576 Stoystown Road, Friedens, PA 15541, permit renewal for the continued operation and restoration of a bituminous surface mine in Stonycreek Township, **Somerset County**, affecting 285.9 acres. Receiving streams: UNTs to/and Clear Run; UNTs to/and Boone Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 29, 2008. Permit issued January 5, 2009.

**56080102 and NPDES No. PA0262609. Sherpa Mining Contractors, Inc.**, 337 Benny Road, Hooversville, PA 15936 commencement, operation and restoration of a bituminous surface mine in Shade Township, **Somerset County**, affecting 373.2 acres. Receiving streams: Dark Shade Creek; Shade Creek UNTs to Hinson Run, Hinson Run, UNTs to Miller Run and Miller Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 19, 2008. Permit issued January 7, 2009.

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

**65910103 and NPDES Permit No. PA0592447. Coal Loaders, Inc.** (210 East Main Street, Ligonier, PA 15658). Transfer of permit formerly issued to Calvin W. Hepler for continued operation and reclamation of a bituminous surface/auger mining site located in South Huntingdon Township, **Westmoreland County**, affecting 42.4 acres. Receiving streams: UNTs to Barren Run. Application received August 18, 2008. Transfer permit issued January 5, 2009.

**03060104 and NPDES Permit No. PA0250996. Thomas J. Smith, Inc.** (2340 Smith Road, Shelocta, PA 15774). Transfer of permit formerly issued to Short Brothers, Inc., for continued operation and reclamation of a bituminous surface/auger mining site located in Manor and Kittanning Townships, **Armstrong County**, affecting 85.4 acres. Receiving streams: UNTs to Campbell Run to Crooked Creek to Allegheny River. Application received October 14, 2008. Transfer permit issued January 6, 2009.

**03020109 and NPDES Permit No. PA0250228. Thomas J. Smith, Inc.** (2340 Smith Road, Shelocta, PA 15774). Permit renewal issued for continued reclamation only of an existing bituminous surface/auger mining site located in Plumcreek Township, **Armstrong County**, affecting 181.0 acres. Receiving streams: Cherry Run and one UNT. Application received October 17, 2008. Reclamation only renewal issued January 7, 2009.

**63080101 and NPDES Permit No. PA0251381. Muligan Mining, Inc.** (5945 Pudding Stone Lane, Bethel Park, PA 15102). Permit issued for commencement, operation and reclamation of a bituminous surface mining site located in Smith Township, **Washington County**, affecting 124.0 acres. Receiving streams: Raccoon Creek and UNT to Raccoon Creek. Application received April 25, 2008. Permit issued January 8, 2009.

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

**17050109 and NPDES No. PA0256293. Forcey Coal, Inc.** (P. O. Box 225, Madera, PA 16661), revision of an existing bituminous surface mine for variance on T-348 in Bloom Township, **Clearfield County**, affecting 116.0 acres. Receiving streams: UNT to Little Anderson Creek and UNT to Bell Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received October 22, 2008. Permit issued December 17, 2008.

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

**40980102R2. Lombardo Brothers Development Co., Inc.**, (22 Hale Street, Yatesville, PA 18640), renewal of an existing anthracite surface mine operation for reclamation only in Hughestown Borough, **Luzerne County** affecting 7.24 acres, receiving stream: none. Application received March 8, 2008. Renewal issued January 7, 2009.

#### *Noncoal Applications Returned*

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

**28072803. R & D Contractors**, 5436 Sunset Pike, Chambersburg, PA 17201-9604, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Southampton Township, **Franklin County**, affecting 5.0 acres, receiving streams: Muddy Run. Permit received June 29, 2007. Permit returned January 7, 2009.

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

**53080805. Roger Long** (270 West Branch Road, Galeton, PA 16922). Commencement, operation and restoration of a small noncoal (flagstone) operation in Abbott Township, **Potter County**, affecting 1.0 acre. Receiving streams: UNT, tributary to Long Run. Application received June 26, 2008. Application returned December 4, 2008.

#### *Noncoal Permits Actions*

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

**08082802. KBK Corporation** (Route 6 West, P. O. Box 741, Wyalusing, PA 18853). Commencement, operation and restoration of a small noncoal (bluestone) operation in Wilmot Township, **Bradford County**, affecting 3.0 acres. Receiving streams: Wyalusing Creek, tributary to North Branch Susquehanna. Application received June 9, 2008. Permit issued November 26, 2008.

**17080801. Lee Coal Contracting, Inc.** (P. O. Box 147, Drifting, PA 16834). Commencement, operation and restoration of a small noncoal (shale) operation in Cooper Township, **Clearfield County**, affecting 11.4 acres. Receiving streams: UNT to Basin Run and Rolling Stone Run, tributary to West Branch Susquehanna River. Application received August 8, 2008. Permit issued December 17, 2008.

#### **ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

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**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.**

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#### *Blasting Permits Actions*

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

**01084117. Geological Tech, Inc.**, P. O. Box 70, Falling Waters, WV 25419-0070, blasting activity permit issued for commercial development in Bonneauville Borough, **Adams County**. Blasting activity permit end date is December 30, 2009. Permit issued December 30, 2008.

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

**20094001. Great Lakes Geophysical, Inc.** (P. O. Box 127, Williamsburg, MI 49690) Blasting activity permit for oil and gas well exploration in Conneaut, Summit and Summerhill Townships, **Crawford County**. This blasting activity permit will expire on March 31, 2009. Application received January 2, 2009. Permit issued January 5, 2009.

**42094001. U.S. Energy Development Corporation** (2350 North Forest Road, Getzville, NY 14068) Blasting activity permit to build a road for oil and gas exploration in Foster Township, **Elk County**. This blasting activity permit will expire on January 8, 2010. Application received January 7, 2009. Permit issued January 8, 2009.

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

**17094001. Conquest Seismic Services**, (504 I St. Center, Horseheads, NY 14845), blasting located in Cooper Township, **Clearfield County** and Snow Shoe and Rush Townships, **Centre County**. Permit issued January 9, 2009. Permit expires February 28, 2009.

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

**45084154. ER Linde Construction Corp.**, (9 Collan Park, Honesdale, PA 18431), construction blasting for Route 611 Sewer in Paradise Township, **Monroe County** with an expiration date of January 10, 2010. Permit issued January 5, 2009.

**46084124. Brubacher Excavating, Inc.**, (P. O. Box 528, Bowmansville, PA 17507), construction blasting for East Norriton, Plymouth, Whitpain Sewage Treatment Plant upgrade in Plymouth Township, **Montgomery County** with an expiration date of December 31, 2009. Permit issued January 5, 2009.

**46084004. Explo-Craft, Inc.**, (P. O. Box 1332, West Chester, PA 19380), construction blasting at 1233 Valley Road, Upper Merion in Lower Merion Township, **Montgomery County** with an expiration date of January 30, 2009. Permit issued January 6, 2009.

**38094101. Keystone Blasting Service**, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Cornwall Hills in Cornwall Borough, **Lebanon County** with an expiration date of December 31, 2010. Permit issued January 9, 2009.

### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

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

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E05-345: Yellow Creek Coalition, Gerald F. Sherlock**, 132 McElwee Drive, Hopwell, PA 16650-7900, Hopewell Township, **Bedford County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a 20.0-foot wide single span bridge of 54.0 feet with an underclearance of 7.0 feet across the Maple Run (TSF) and associated improvements to provide access to a proposed parking lot of the Yellow Creek Coalition located along Jacks Corner Road (T-555) 1.13 miles north of Cottles Corner Village (Hopewell, PA Quadrangle N: 5.17 inches; W: 12.20 inches, Latitude: 40° 09' 12.4"; Longitude: 78° 20' 12.7") in Hopewell Township, Bedford County.

**E21-406: Wormleysburg Borough, Wormleysburg Trail**, 20 Market Street, Wormleysburg, PA 17043, Wormleysburg Borough, **Cumberland County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a 9.0-foot wide by 3,100.0-foot long boardwalk along the right bank 100-year floodway and floodplain of the Susquehanna River (WWF) to provide a pedestrian walkway located downstream of the Harvey-Taylor Bridge (Harrisburg West, PA Quadrangle N: 1.60 inches; W: 3.93 inches, Latitude: 40° 15' 32"; Longitude: 76° 54' 11" to N: 0.50 inches; W: 2.83 inches, Latitude: 40° 15' 10"; Longitude: 76° 53' 43") in Wormleysburg Borough, Cumberland County.

**E36-809: Elizabethtown Borough**, 600 South Hanover Street, Elizabethtown, PA 17022 in Elizabethtown Borough and West Donegal Township, **Lancaster County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a 120-foot long by 45-foot wide bridge with a 15-foot underclearance, an 8-inch sanitary sewer line attached to the bridge and a 12-inch water line below the stream across Conoy Creek (TSF) (Elizabethtown, PA Quadrangle Latitude: 40° 08' 33.20"; Longitude: 76° 36' 25.67", North: 3.15"; West: 14.95") and to construct and maintain a 120-foot long, 30-inch HDPEP culvert crossing of an intermittent UNT to Conoy Creek (TSF) (Elizabethtown, PA Quadrangle Latitude: 40° 08' 29.72"; Longitude: 76° 36' 6.19", North: 3.02"; West: 14.25") associated with the construction of a subdivision known as Conoy Crossing located in Elizabethtown Borough and West Donegal Township, Lancaster County. The project will have a permanent impact on 120 feet of intermittent stream channel.

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

**E24-248, Veolia ES Greentree Landfill, LLC**, 635 Toby Road, Kersey, PA 15846, Phases I and II Landfill Expansion, in Fox Township, **Elk County**, United States

Army Corps of Engineers, Pittsburgh District (Brandy Camp, PA Quadrangle N: 41° 17' 25"; W: 78° 38' 69").

The applicant proposes to expand the existing municipal landfill increasing the disposal area an additional 104.31 acres into land consisting mainly of a strip mine spoil area and currently permitted borrow areas involving: 1) to fill a total of 1,465 feet of one UNT to Bear Run and six UNTs to Little Toby Creek each with drainage areas less than 100 acres including 1,185 feet of intermittent/ephemeral streams and 280 feet of perennial streams; 2) to fill 0.38 acre of PEM wetlands, 0.61 acre of PFO/PSS/PEM wetlands and 0.61 acre of PEM/PSS wetlands; 3) to construct 3.29 acres of wetlands to mitigate project wetland impacts and 5,196 linear feet of low flow channel/watercourse partially within the mitigation wetland cells to mitigate watercourse impacts; and 4) to construct and maintain outfalls from sedimentation basin/stormwater basins.

**E62-418, Southwest Township**, R. D. 2, Box 184A, Titusville, PA 16354. Sutton Road Across Caldwell Creek, in Southwest Township, **Warren County**, United States Army Corps of Engineers, Pittsburgh District (Grand Valley, PA Quadrangle N: 41° 41' 39"; W: 79° 34' 17").

To remove the existing structure and to construct and maintain a prestressed concrete spread box beam bridge having a clear span of 58 feet and an underclearance of 7 feet on an 60° skew across West Branch Caldwell Creek and impacting a de minimis area of wetland (EV) on T-304 Flat Road approximately 0.5 mile northeast of Selkirk Road.

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

If individuals want to challenge this action, their appeal must reach the Board within 30 days. Individuals do not need a lawyer to file an appeal with the Board. Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. If individuals cannot afford a lawyer, individuals may qualify for free pro bono representation. Call the Secretary to the Board (717) 787-3483 for more information.

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

ESCP-0809801	Fortuna Energy, Inc. 337 Daniel Zenker Drive Horseheads, NY 14845	Bradford County	Troy Township	South Branch Sugar Creek TSF
ESCP-1809801	Texas Keystone, Inc. 130 Raymond Drive Indiana, PA 15701	Clinton County	Beech Creek Township	Tangascootack Creek CWF

**STORAGE TANKS**

**SITE-SPECIFIC INSTALLATION PERMITS**

**The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.**

<i>SSIP Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
09-51-017	Sunoco, Inc. (R & M) 3144 Passyunk Avenue Philadelphia, PA 19145-5299 Attn: Michael McKee	Philadelphia	City of Philadelphia	1 AST storing Sodium Hydroxide	53,000 gallons
09-23-009	ConocoPhillips Company 4101 Post Road Trainer, PA 19061 Attn: John Ponticello	Delaware	Trainer Borough	1 AST storing Potassium Hydroxide	26,000 gallons
09-39-005	Samuel Adams Pennsylvania Brewery 7880 Penn Drive Breinigsville, PA 18031 Attn: Ronald Holmes	Lehigh	Upper Macungie Township	1 AST storing Sodium Hydroxide	42,000 gallons

[Pa.B. Doc. No. 09-122. Filed for public inspection January 23, 2009, 9:00 a.m.]



## DEPARTMENT OF HEALTH

### Application for Exception to 28 Pa. Code § 127.32

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirements of 28 Pa. Code § 127.32 (relating to written orders):

Heritage Valley Beaver  
Heritage Valley Sewickley  
Holy Spirit Hospital  
Marian Community Hospital

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

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

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

EVERETTE JAMES,  
*Acting Secretary*

[Pa.B. Doc. No. 09-123. Filed for public inspection January 23, 2009, 9:00 a.m.]

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### Application of Lewistown Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lewistown Hospital has requested an exception to the requirements of 28 Pa. Code § 101.31(7) (relating to hospital requirements).

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, [paexcept@health.state.pa.us](mailto:paexcept@health.state.pa.us).

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

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

EVERETTE JAMES,  
*Acting Secretary*

[Pa.B. Doc. No. 09-124. Filed for public inspection January 23, 2009, 9:00 a.m.]

### Application of St. Christopher's Hospital for Children for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that St. Christopher's Hospital for Children has requested an exception to the requirements of 28 Pa. Code § 569.35(7) (relating to general safety precautions).

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, [paexcept@health.state.pa.us](mailto:paexcept@health.state.pa.us).

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

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

EVERETTE JAMES,  
*Acting Secretary*

[Pa.B. Doc. No. 09-125. Filed for public inspection January 23, 2009, 9:00 a.m.]

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### Application of Southwest Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Southwest Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 107.32 (relating to meetings and attendance).

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, [paexcept@health.state.pa.us](mailto:paexcept@health.state.pa.us).

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

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

EVERETTE JAMES,  
*Acting Secretary*

[Pa.B. Doc. No. 09-126. Filed for public inspection January 23, 2009, 9:00 a.m.]



### Application of Surgery Center of Lancaster for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Surgery Center of Lancaster has requested an exception to the requirements of 28 Pa. Code § 569.35(7) (relating to general safety precautions).

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, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

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

EVERETTE JAMES,  
*Acting Secretary*

[Pa.B. Doc. No. 09-127. Filed for public inspection January 23, 2009, 9:00 a.m.]

### Health Policy Board Meeting

The Health Policy Board is scheduled to hold a meeting on Wednesday, March 11, 2009, at 10 a.m., in Room 812, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120.

For additional information, or if you are a person with a disability and wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Linda Pavlesich, Bureau of Health Planning at (717) 772-5298, lpavlesich@state.pa.us or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

EVERETTE JAMES,  
*Acting Secretary*

[Pa.B. Doc. No. 09-128. Filed for public inspection January 23, 2009, 9:00 a.m.]

### Infant Hearing Screening Advisory Committee Meeting

The Infant Hearing Screening Advisory Committee, established under the Infant Hearing Education Assessment, Reporting and Referral Act (11 P. S. §§ 876-1—876-90) will hold a public meeting on Thursday, March 19, 2009. The meeting will be held in the Commonwealth Keystone Building, Commonwealth Avenue and Forster Streets, Harrisburg, PA, 125N, Training Room A, Plaza Level. The meeting is scheduled for 10 a.m. to 3 p.m.

For additional information, or if you are a person with a disability and wish to attend the meeting and require

auxiliary aid, service or other accommodation to do so should contact Arthur A. Florio, Public Health Program Administrator, Newborn Hearing Screening Program, Division of Newborn Screening and Genetics at (717) 783-8143. Speech and/or hearing impaired persons should use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

EVERETTE JAMES,  
*Acting Secretary*

[Pa.B. Doc. No. 09-129. Filed for public inspection January 23, 2009, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Hot Hand Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Hot Hand.

2. *Price:* The price of a Pennsylvania Hot Hand instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Hot Hand instant lottery game ticket will contain a "DEALER'S HAND" area and a "YOUR HANDS" area. The "YOUR HANDS" area will feature 12 "HAND" areas. Each "HAND" is played separately. The play symbols and their captions located in the "DEALER'S HAND" area are: 6 (SIX), 7 (SVN), 8 (EGT), 9 (NIN), 10 (TEN), Jack (JCK), Queen (QUN), King (KNG) and Ace (ACE) card play symbols. The play symbols and their captions located in "HAND 1," "HAND 2," "HAND 3," "HAND 4," "HAND 5," "HAND 6," "HAND 7," "HAND 8," "HAND 9," "HAND 10," "HAND 11" and "HAND 12" in the "YOUR HANDS" area are: 4 (FOR), 5 (FIV), 6 (SIX), 7 (SVN), 8 (EGT), 9 (NIN), 10 (TEN), Jack (JCK), Queen (QUN), King (KNG) and Ace (ACE) playing card symbols. A = 11, J, Q and K = 10.

4. *Prize Symbols:* The prize symbols and their captions located in the 12 prize areas are: \$5.<sup>00</sup> (FIV DOL), \$7.<sup>00</sup> (SVN DOL), \$10.<sup>00</sup> (TEN DOL), \$14.<sup>00</sup> (FORTN), \$21.<sup>00</sup> (TWY ONE), \$100 (ONE HUN), \$210 (TWOHUNTEN), \$500 (FIV HUN), \$2,100 (TWYONEHUN), \$50,000 (FTY THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$7, \$10, \$14, \$21, \$100, \$210, \$500, \$2,100, \$50,000 and \$100,000. The player can win up to 10 times on a ticket.

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

7. *Determination of Prize Winners:*

(a) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the sum of the playing card symbols in the "DEALER'S HAND," and a prize symbol of \$100,000 (ONEHUNTHO) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the sum of the playing card symbols in the "DEALER'S HAND," and a prize symbol of \$50,000 (FTY THO) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$50,000.

(c) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the sum of the playing card symbols in the "DEALER'S HAND," and a prize symbol of \$2,100 (TWYONEHUN) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$2,100.

(d) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the sum of the playing card symbols in the "DEALER'S HAND," and a prize symbol of \$500 (FIV HUN) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the sum of the playing card symbols in the "DEALER'S HAND," and a prize symbol of \$210 (TWOHUNTEN) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$210.

(f) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the sum of the playing card symbols in the "DEALER'S HAND," and a prize symbol of \$100 (ONE HUN) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets where the sum of the playing card symbols in any "HAND" equals 21, and a prize symbol of \$21.<sup>00</sup> (TWY ONE) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$42.

(h) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the sum of the playing card symbols in the "DEALER'S HAND," and a prize symbol of \$21.<sup>00</sup> (TWY ONE) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$21.

(i) Holders of tickets where the sum of the playing card symbols in any "HAND" equals 21, and a prize symbol of

\$10.<sup>00</sup> (TEN DOL) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$20.

(j) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the sum of the playing card symbols in the "DEALER'S HAND," and a prize symbol of \$14.<sup>00</sup> (FORTN) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$14.

(k) Holders of tickets where the sum of the playing card symbols in any "HAND" equals 21, and a prize symbol of \$7.<sup>00</sup> (SVN DOL) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$14.

(l) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the sum of the playing card symbols in the "DEALER'S HAND," and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$10.

(m) Holders of tickets where the sum of the playing card symbols in any "HAND" equals 21, and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the sum of the playing card symbols in the "DEALER'S HAND," and a prize symbol of \$7.<sup>00</sup> (SVN DOL) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$7.

(o) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the sum of the playing card symbols in the "DEALER'S HAND," and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$5.

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

<i>When The Sum Of Any Of Your Hands Beats The Sum Of The Dealer's Hand, Win Prize Shown For That Hand. Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. of Winners Per 6,000,000 Tickets</i>
\$5	\$5	9.52	630,000
\$7	\$7	22.22	270,000
\$5 w/"21"	\$10	120	50,000
\$5 × 2	\$10	120	50,000
\$10	\$10	120	50,000
\$7 w/"21"	\$14	150	40,000
\$7 × 2	\$14	150	40,000
\$14	\$14	150	40,000
\$7 × 3	\$21	200	30,000
(\$7 w/"21") + \$7	\$21	200	30,000
\$21	\$21	150	40,000
(\$5 × 2) + (\$21 × 2)	\$52	120	50,000
(\$21 w/"21") + \$10	\$52	150	40,000
\$10 × 10	\$100	952.38	6,300
(\$10 w/"21") + (\$10 × 8)	\$100	944.88	6,350
(\$10 × 3) + (\$14 × 5)	\$100	952.38	6,300
\$100	\$100	944.88	6,350

*When The Sum Of Any Of Your Hands Beats The Sum Of The Dealer's Hand, Win Prize Shown For That Hand. Win With Prize(s) Of:*

	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. of Winners Per 6,000,000 Tickets</i>
\$100 × 5	\$500	6,000	1,000
\$500	\$500	6,000	1,000
\$210 × 10	\$2,100	17,143	350
\$2,100	\$2,100	17,143	350
\$50,000	\$50,000	600,000	10
\$100,000	\$100,000	1,200,000	5

21 = If the sum of any of YOUR HANDS totals 21, win double the prize shown for that HAND.

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

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Hot Hand instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Hot Hand, prize money from winning Pennsylvania Hot Hand instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Hot Hand instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Hot Hand or through normal communications methods.

STEPHEN H. STETLER,  
*Acting Secretary*

[Pa.B. Doc. No. 09-130. Filed for public inspection January 23, 2009, 9:00 a.m.]

**Pennsylvania Lemon Twist Instant Lottery Game**

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Lemon Twist.

2. *Price:* The price of a Pennsylvania Lemon Twist instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Lemon Twist instant lottery game ticket will contain one play area, one "PRIZE BOX" area and a "TWIST PRIZE" area. The play

symbols and their captions located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), Lemon symbol (LEMON) and a Twist symbol (TWIST).

4. *Prize Symbols:* The prize symbols and their captions located in the "PRIZE BOX" area are: FREE (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$100 (ONE HUN) and \$400 (FOR HUN). The prize symbols and their captions located in the "TWIST PRIZE" area are: FREE (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$100 (ONE HUN), \$400 (FOR HUN) and \$2,000 (TWO THO).

5. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$4, \$10, \$20, \$40, \$100, \$400 and \$2,000.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 12,000,000 tickets will be printed for the Pennsylvania Lemon Twist instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with three matching Twist (TWIST) play symbols in the same row, column or diagonal line and a prize symbol of \$2,000 (TWO THO) appears in the "TWIST PRIZE" area, on a single ticket, shall be entitled to a prize of \$2,000.

(b) Holders of tickets with three matching Twist (TWIST) play symbols in the same row, column or diagonal line and a prize symbol of \$400 (FOR HUN) appears in the "TWIST PRIZE" area, on a single ticket, shall be entitled to a prize of \$400.

(c) Holders of tickets with three matching Lemon (LEMON) play symbols in the same row, column or diagonal line and a prize symbol of \$400 (FOR HUN) appears in the "PRIZE BOX" area, on a single ticket, shall be entitled to a prize of \$400.

(d) Holders of tickets with three matching Twist (TWIST) play symbols in the same row, column or diagonal line and a prize symbol of \$100 (ONE HUN) appears in the "TWIST PRIZE" area, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets with three matching Lemon (LEMON) play symbols in the same row, column or diagonal line and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE BOX" area, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets with three matching Twist (TWIST) play symbols in the same row, column or diagonal line and a prize symbol of \$40<sup>00</sup> (FORTY)

appears in the "TWIST PRIZE" area, on a single ticket, shall be entitled to a prize of \$40.

(g) Holders of tickets with three matching Lemon (LEMON) play symbols in the same row, column or diagonal line and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "PRIZE BOX" area, on a single ticket, shall be entitled to a prize of \$40.

(h) Holders of tickets with three matching Twist (TWIST) play symbols in the same row, column or diagonal line and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "TWIST PRIZE" area, on a single ticket, shall be entitled to a prize of \$20.

(i) Holders of tickets with three matching Lemon (LEMON) play symbols in the same row, column or diagonal line and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "PRIZE BOX" area, on a single ticket, shall be entitled to a prize of \$20.

(j) Holders of tickets with three matching Twist (TWIST) play symbols in the same row, column or diagonal line and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "TWIST PRIZE" area, on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets with three matching Lemon (LEMON) play symbols in the same row, column or diagonal line and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "PRIZE BOX" area, on a single ticket, shall be entitled to a prize of \$10.

(l) Holders of tickets with three matching Twist (TWIST) play symbols in the same row, column or diagonal line and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the "TWIST PRIZE" area, on a single ticket, shall be entitled to a prize of \$4.

(m) Holders of tickets with three matching Lemon (LEMON) play symbols in the same row, column or diagonal line and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the "PRIZE BOX" area, on a single ticket, shall be entitled to a prize of \$4.

(n) Holders of tickets with three matching Twist (TWIST) play symbols in the same row, column or

diagonal line and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "TWIST PRIZE" area, on a single ticket, shall be entitled to a prize of \$2.

(o) Holders of tickets with three matching Lemon (LEMON) play symbols in the same row, column or diagonal line and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "PRIZE BOX" area, on a single ticket, shall be entitled to a prize of \$2.

(p) Holders of tickets with three matching Twist (TWIST) play symbols in the same row, column or diagonal line and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in the "TWIST PRIZE" area, on a single ticket, shall be entitled to a prize of \$1.

(q) Holders of tickets with three matching Lemon (LEMON) play symbols in the same row, column or diagonal line and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in the "PRIZE BOX" area, on a single ticket, shall be entitled to a prize of \$1.

(r) Holders of tickets with three matching Twist (TWIST) play symbols in the same row, column or diagonal line and a prize symbol of FREE (TICKET) appears in the "TWIST PRIZE" area, on a single ticket, shall be entitled to a prize of one Pennsylvania Lemon Twist instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

(s) Holders of tickets with three matching Lemon (LEMON) play symbols in the same row, column or diagonal line and a prize symbol of FREE (TICKET) appears in the "PRIZE BOX" area, on a single ticket, shall be entitled to a prize of one Pennsylvania Lemon Twist instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

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

Get Three "Lemon" Symbols  
In A Row, Column Or  
Diagonal Line, Win Prize In  
Prize Box. Win With Prize(s)  
Of:

	Win:	Approximate Odds Are 1 In:	Approximate No. of Winners Per 12,000,000 Tickets
FREE	FREE \$1 TICKET	21.43	560,000
FREE (Twist)	FREE \$1 TICKET	21.43	560,000
\$1	\$1	100	120,000
\$1 (Twist)	\$1	100	120,000
\$2	\$2	33.33	360,000
\$2 (Twist)	\$2	33.33	360,000
\$4	\$4	75	160,000
\$4 (Twist)	\$4	75	160,000
\$10	\$10	200	60,000
\$10 (Twist)	\$10	200	60,000
\$20	\$20	600	20,000
\$20 (Twist)	\$20	600	20,000
\$40	\$40	1,678	7,150
\$40 (Twist)	\$40	1,678	7,150
\$100	\$100	4,800	2,500
\$100 (Twist)	\$100	4,800	2,500
\$400	\$400	120,000	100
\$400 (Twist)	\$400	120,000	100
\$2,000 (Twist)	\$2,000	120,000	100

Get Three "Lemon" Symbols  
In A Row, Column Or  
Diagonal Line, Win Prize In  
Prize Box. Win With Prize(s)  
Of:

Win:

Approximate  
Odds Are 1 In:

Approximate No.  
of Winners Per  
12,000,000  
Tickets

Twist = Get three "Twist" symbols in a row, column or diagonal line, win Twist prize.

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

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Lemon Twist instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Lemon Twist, prize money from winning Pennsylvania Lemon Twist instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Lemon Twist instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Lemon Twist or through normal communications methods.

STEPHEN H. STETLER,  
*Acting Secretary*

[Pa.B. Doc. No. 09-131. Filed for public inspection January 23, 2009, 9:00 a.m.]

### Pennsylvania O' Lucky 7's Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania O' Lucky 7's.

2. *Price:* The price of a Pennsylvania O' Lucky 7's instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania O' Lucky 7's instant lottery game ticket will contain one "PLAY AREA" and a separate "Fast Cash Bonus" area containing one prize play symbol or play symbol. The play symbols and their captions located in the "PLAY AREA" are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The prize play and play symbols and their captions

located in the "Fast Cash Bonus" area are: \$2.<sup>00</sup> (TWO DOL), \$4.<sup>00</sup> (FOR DOL), \$5.<sup>00</sup> (FIV DOL), \$7.<sup>00</sup> (SVN DOL), \$10.<sup>00</sup> (TEN DOL), \$20.<sup>00</sup> (TWENTY), \$40.<sup>00</sup> (FORTY), \$50.<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), NO BONUS (TRY AGAIN) and TRY AGAIN (NO BONUS).

4. *Prize Symbols:* The prize symbols and their captions, located in the nine "prize" areas are: \$1.<sup>00</sup> (ONE DOL), \$2.<sup>00</sup> (TWO DOL), \$4.<sup>00</sup> (FOR DOL), \$5.<sup>00</sup> (FIV DOL), \$7.<sup>00</sup> (SVN DOL), \$10.<sup>00</sup> (TEN DOL), \$20.<sup>00</sup> (TWENTY), \$40.<sup>00</sup> (FORTY), \$50.<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$17,000 (SVNTNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$4, \$5, \$7, \$10, \$20, \$40, \$50, \$100, \$500, \$1,000 and \$17,000. The prizes that can be won in the "Fast Cash Bonus" are: \$2, \$4, \$5, \$7, \$10, \$20, \$40, \$50, \$100 and \$500. The player can win up to 10 times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 6,600,000 tickets will be printed for the Pennsylvania O' Lucky 7's instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with a 7 (SEVEN) play symbol, and a prize symbol of \$17,000 (SVNTNTHO) appears under that 7 (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$17,000.

(b) Holders of tickets with a 7 (SEVEN) play symbol, and a prize symbol of \$1,000 (ONE THO) appears under that 7 (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets with a 7 (SEVEN) play symbol, and a prize symbol of \$500 (FIV HUN) appears under that 7 (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets with a prize play symbol of \$500 (FIV HUN) appearing in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets with a 7 (SEVEN) play symbol, and a prize symbol of \$100 (ONE HUN) appears under that 7 (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets with a prize play symbol of \$100 (ONE HUN) appearing in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets with a 7 (SEVEN) play symbol, and a prize symbol of \$50.<sup>00</sup> (FIFTY) appears under that 7 (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets with a prize play symbol of \$50.<sup>00</sup> (FIFTY) appearing in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets with a 7 (SEVEN) play symbol, and a prize symbol of \$40.<sup>00</sup> (FORTY) appears under that 7 (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$40.

(j) Holders of tickets with a prize play symbol of \$40<sup>00</sup> (FORTY) appearing in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$40.

(k) Holders of tickets with a 7 (SEVEN) play symbol, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears under that 7 (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(l) Holders of tickets with a prize play symbol of \$20<sup>00</sup> (TWENTY) appearing in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets with a 7 (SEVEN) play symbol, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under that 7 (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets with a prize play symbol of \$10<sup>00</sup> (TEN DOL) appearing in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets with a 7 (SEVEN) play symbol, and a prize symbol of \$7<sup>00</sup> (SVN DOL) appears under that 7 (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$7.

(p) Holders of tickets with a prize play symbol of \$7<sup>00</sup> (SVN DOL) appearing in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$7.

(q) Holders of tickets with a 7 (SEVEN) play symbol, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under that 7 (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$5.

(r) Holders of tickets with a prize play symbol of \$5<sup>00</sup> (FIV DOL) appearing in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$5.

(s) Holders of tickets with a 7 (SEVEN) play symbol, and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears under that 7 (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$4.

(t) Holders of tickets with a prize play symbol of \$4<sup>00</sup> (FOR DOL) appearing in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$4.

(u) Holders of tickets with a 7 (SEVEN) play symbol, and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears under that 7 (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$2.

(v) Holders of tickets with a prize play symbol of \$2<sup>00</sup> (TWO DOL) appearing in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$2.

(w) Holders of tickets with a 7 (SEVEN) play symbol, and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears under that 7 (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$1.

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

<i>Find A "7" Symbol In The Play Area And Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,600,000 Tickets</i>
\$1 × 2	\$2	37.5	176,000
\$2 w/FAST CASH BONUS	\$2	37.5	176,000
\$2	\$2	33.33	198,000
\$1 × 5	\$5	50	132,000
\$5 w/FAST CASH BONUS	\$5	50	132,000
\$5	\$5	50	132,000
\$1 × 7	\$7	150	44,000
\$7 w/FAST CASH BONUS	\$7	75	88,000
\$7	\$7	50	132,000
\$2 × 5	\$10	375	17,600
(\$2 w/FAST CASH BONUS) + (\$2 × 4)	\$10	375	17,600
\$5 × 2	\$10	375	17,600
\$10 w/FAST CASH BONUS	\$10	375	17,600
\$10	\$10	375	17,600
\$4 × 5	\$20	1,500	4,400
\$5 × 4	\$20	1,500	4,400
\$10 × 2	\$20	1,500	4,400
(\$2 w/FAST CASH BONUS) + (\$2 × 9)	\$20	750	8,800
(\$4 w/FAST CASH BONUS) + (\$4 × 4)	\$20	1,500	4,400
(\$5 w/FAST CASH BONUS) + (\$5 × 3)	\$20	1,500	4,400
(\$10 w/FAST CASH BONUS) + \$10	\$20	1,500	4,400
\$20 w/FAST CASH BONUS	\$20	1,500	4,400
\$20	\$20	1,500	4,400
\$5 × 8	\$40	1,875	3,520
\$10 × 4	\$40	1,875	3,520
\$20 × 2	\$40	1,875	3,520
(\$5 w/FAST CASH BONUS) + (\$7 × 5)	\$40	1,875	3,520
(\$10 w/FAST CASH BONUS) + (\$10 × 3)	\$40	1,846	3,575
\$40 w/FAST CASH BONUS	\$40	1,846	3,575
\$40	\$40	1,846	3,575
\$10 × 5	\$50	8,000	825
(\$10 w/FAST CASH BONUS) + (\$10 × 4)	\$50	8,000	825
(\$20 w/FAST CASH BONUS) + (\$5 × 6)	\$50	8,000	825

<i>Find A "7" Symbol In The Play Area And Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,600,000 Tickets</i>
(\$40 w/FAST CASH BONUS) + \$10	\$50	8,000	825
\$50 w/FAST CASH BONUS	\$50	8,000	825
\$50	\$50	8,000	825
\$20 × 5	\$100	8,000	825
\$50 × 2	\$100	8,000	825
(\$20 w/FAST CASH BONUS) + (\$20 × 4)	\$100	8,000	825
\$100 w/FAST CASH BONUS	\$100	8,000	825
\$100	\$100	8,000	825
(\$50 w/FAST CASH BONUS) + (\$50 × 9)	\$500	330,000	20
\$100 × 5	\$500	330,000	20
\$500 w/FAST CASH BONUS	\$500	330,000	20
\$500	\$500	330,000	20
(\$100 w/ FAST CASH BONUS) + (\$100 × 9)	\$1,000	660,000	10
(\$500 w/ FAST CASH BONUS) + \$500	\$1,000	660,000	10
\$1,000	\$1,000	660,000	10
\$17,000	\$17,000	660,000	10

FAST CASH BONUS = Reveal prize amount from \$2 to \$500 and win that prize automatically.

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

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania O’Lucky 7’s instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania O’Lucky 7’s, prize money from winning Pennsylvania O’Lucky 7’s instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania O’Lucky 7’s instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania O’Lucky 7’s or through normal communications methods.

STEPHEN H. STETLER,  
*Acting Secretary*

[Pa.B. Doc. No. 09-132. Filed for public inspection January 23, 2009, 9:00 a.m.]

**Pennsylvania Shamrock Green Instant Lottery Game**

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Shamrock Green.

2. *Price:* The price of a Pennsylvania Shamrock Green instant lottery game ticket is \$10.

3. *Play Symbols:*

(a) Each Pennsylvania Shamrock Green instant lottery game ticket will contain three play areas known as “Game 1,” “Game 2” and “Game 3” respectively. Each game has a different game play method and is played separately. Each Pennsylvania Shamrock Green instant lottery game ticket will also contain a “Quick \$50” area.

(b) The play symbols and their captions located in the play area for “Game 1” are: X symbol (XXX) and a Shamrock symbol (SHROCK).

(c) The play area for “Game 2” will contain a “YOUR NUMBERS” area and a “THEIR NUMBER” area. The play symbols and their captions located in the “YOUR NUMBERS” areas are: 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 13 (THRTN), 14 (FORTN), 15 (FIFTN) and 2X symbol (2TIMES). The play symbols and their captions located in the “THEIR NUMBER” area are: 1 (ONE), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 13 (THRTN) and 14 (FORTN).

(d) The play area for “Game 3” will contain one “play area.” The play symbols and their captions located in the “play area” are: Chest symbol (CHEST), Coins symbol (COINS), Wallet symbol (WALLET), Money Bag symbol (MNYBAG), Money symbol (MONEY), Castle symbol (CASTLE), Diamond symbol (DMND), Gold symbol (GOLD), Pipe symbol (PIPE), Cabbage symbol (CABBAGE), Mushroom symbol (MSHROM), Piggy Bank symbol (PIGBNK), Pot Of Gold symbol (PTGOLD), Rainbow symbol (RNBOW) and a Leprechaun symbol (LEPCH).

(e) The prize play symbols and the play symbols and their captions located in the “Quick \$50” area are: \$50 (FIFTY), NO BONUS (TRY AGAIN) and TRY AGAIN (NO BONUS).

4. *Prize Symbols:*

(a) The play area for “Game 1” will contain a “PRIZE” area. The prize symbols and their captions located in the

"PRIZE" area for "Game 1" are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN) and \$1,000 (ONE THO).

(b) The prize symbols and their captions, located in the play area for "Game 2" and "Game 3" are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$250,000 (TWHNFYTH).

5. *Prizes:* The prizes that can be won in "Game 1" are: \$5, \$10, \$20, \$40, \$50, \$100, \$400, \$500 and \$1,000. The prizes that can be won in "Game 2" and "Game 3" are: \$5, \$10, \$20, \$40, \$50, \$100, \$400, \$500, \$1,000 and \$250,000. The prize that can be won in the "Quick \$50" area is \$50. The player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 3,600,000 tickets will be printed for the Pennsylvania Shamrock Green instant lottery game.

7. *Determination of Prize Winners:*

(a) Determination of prize winners for "Game 1" are:

(1) Holders of tickets with three matching Shamrock (SHROCK) play symbols in the same row, column or diagonal, and a prize symbol of \$1,000 (ONE THO) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$1,000.

(2) Holders of tickets with three matching Shamrock (SHROCK) play symbols in the same row, column or diagonal, and a prize symbol of \$500 (FIV HUN) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$500.

(3) Holders of tickets with three matching Shamrock (SHROCK) play symbols in the same row, column or diagonal, and a prize symbol of \$400 (FOR HUN) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$400.

(4) Holders of tickets with three matching Shamrock (SHROCK) play symbols in the same row, column or diagonal, and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$100.

(5) Holders of tickets with three matching Shamrock (SHROCK) play symbols in the same row, column or diagonal, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$50.

(6) Holders of tickets with three matching Shamrock (SHROCK) play symbols in the same row, column or diagonal, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$40.

(7) Holders of tickets with three matching Shamrock (SHROCK) play symbols in the same row, column or diagonal, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$20.

(8) Holders of tickets with three matching Shamrock (SHROCK) play symbols in the same row, column or diagonal, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$10.

(9) Holders of tickets with three matching Shamrock (SHROCK) play symbols in the same row, column or diagonal, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$5.

(b) Determination of prize winners for "Game 2" are:

(1) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is greater than the "THEIR NUMBER" play symbol and a prize symbol of \$250,000 (TWHNFYTH) appears under that "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$250,000.

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

(3) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 2X symbol (2TIMES), and a prize symbol of \$500 (FIV HUN) appears under the 2X symbol (2TIMES), on a single ticket, shall be entitled to a prize of \$1,000.

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

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

(6) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 2X symbol (2TIMES), and a prize symbol of \$100 (ONE HUN) appears under the 2X symbol (2TIMES), on a single ticket, shall be entitled to a prize of \$200.

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

(8) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 2X symbol (2TIMES), and a prize symbol of \$50<sup>00</sup> (FIFTY) appears under the 2X symbol (2TIMES), on a single ticket, shall be entitled to a prize of \$100.

(9) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 2X symbol (2TIMES), and a prize symbol of \$40<sup>00</sup> (FORTY) appears under the 2X symbol (2TIMES), on a single ticket, shall be entitled to a prize of \$80.

(10) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is greater than the "THEIR NUMBER" play symbol and a prize symbol of \$50<sup>00</sup> (FIFTY) appears under that "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(11) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is greater than the "THEIR NUMBER" play symbol and a prize symbol of



\$40.<sup>00</sup> (FORTY) appears under that "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(12) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 2X symbol (2TIMES), and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears under the 2X symbol (2TIMES), on a single ticket, shall be entitled to a prize of \$40.

(13) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is greater than the "THEIR NUMBER" play symbol and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears under that "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(14) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 2X symbol (2TIMES), and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears under the 2X symbol (2TIMES), on a single ticket, shall be entitled to a prize of \$20.

(15) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is greater than the "THEIR NUMBER" play symbol and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears under that "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(16) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 2X symbol (2TIMES), and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears under the 2X symbol (2TIMES), on a single ticket, shall be entitled to a prize of \$10.

(17) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is greater than the "THEIR NUMBER" play symbol and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears under that "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(c) Determination of prize winners for "Game 3" are:

(1) Holders of tickets where any one of the play symbols is a Leprechaun symbol (LEPCH) and a prize symbol of \$250,000 (TWHNFYTH) appears in the "Prize" area under the Leprechaun (LEPCH) symbol, on a single ticket, shall be entitled to a prize of \$250,000.

(2) Holders of tickets where any one of the play symbols is a Leprechaun symbol (LEPCH) and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under the Leprechaun (LEPCH) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(3) Holders of tickets where any one of the play symbols is a Leprechaun symbol (LEPCH) and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the Leprechaun (LEPCH) symbol, on a single ticket, shall be entitled to a prize of \$500.

(4) Holders of tickets where any one of the play symbols is a Leprechaun symbol (LEPCH) and a prize symbol of \$400 (FOR HUN) appears in the "Prize" area under the Leprechaun (LEPCH) symbol, on a single ticket, shall be entitled to a prize of \$400.

(5) Holders of tickets where any one of the play symbols is a Leprechaun symbol (LEPCH) and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the Leprechaun (LEPCH) symbol, on a single ticket, shall be entitled to a prize of \$100.

(6) Holders of tickets where any one of the play symbols is a Leprechaun symbol (LEPCH) and a prize symbol of \$50.<sup>00</sup> (FIFTY) appears in the "Prize" area under the Leprechaun (LEPCH) symbol, on a single ticket, shall be entitled to a prize of \$50.

(7) Holders of tickets where any one of the play symbols is a Leprechaun symbol (LEPCH) and a prize symbol of \$40.<sup>00</sup> (FORTY) appears in the "Prize" area under the Leprechaun (LEPCH) symbol, on a single ticket, shall be entitled to a prize of \$40.

(8) Holders of tickets where any one of the play symbols is a Leprechaun symbol (LEPCH) and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in the "Prize" area under the Leprechaun (LEPCH) symbol, on a single ticket, shall be entitled to a prize of \$20.

(9) Holders of tickets where any one of the play symbols is a Leprechaun symbol (LEPCH) and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in the "Prize" area under the Leprechaun (LEPCH) symbol, on a single ticket, shall be entitled to a prize of \$10.

(10) Holders of tickets where any one of the play symbols is a Leprechaun symbol (LEPCH) and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the "Prize" area under the Leprechaun (LEPCH) symbol, on a single ticket, shall be entitled to a prize of \$5.

(d) Determination of prize winners for "Quick \$50" area. Holders of tickets with a \$50 (FIFTY) prize play symbol appearing in the "Quick \$50" area, on a single ticket, shall be entitled to a prize of \$50.

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

<i>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>	<i>Quick \$50</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 3,600,000 Tickets</i>
\$10				\$10	40	90,000
	\$5 w/2X			\$10	24	150,000
	\$10			\$10	40	90,000
		\$5 x 2		\$10	40	90,000
		\$10		\$10	40	90,000
\$5		\$5		\$10	40	90,000
\$20				\$20	120	30,000
	\$5 x 4			\$20	120	30,000
	\$10 w/2X			\$20	120	30,000
	\$20			\$20	120	30,000
		\$5 x 4		\$20	120	30,000

<i>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>	<i>Quick \$50</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 3,600,000 Tickets</i>
		\$10 × 2		\$20	120	30,000
		\$20		\$20	120	30,000
\$5	\$5	\$5 × 2		\$20	120	30,000
\$10	\$10			\$20	120	30,000
	\$10	\$10		\$20	120	30,000
\$40				\$40	600	6,000
	\$10 × 4			\$40	600	6,000
	\$20 w/2X			\$40	600	6,000
	\$40			\$40	1,200	3,000
		\$5 × 8		\$40	600	6,000
		\$10 × 4		\$40	1,200	3,000
		\$20 × 2		\$40	1,200	3,000
		\$40		\$40	1,200	3,000
\$10	\$10	\$10 × 2		\$40	600	6,000
	\$20	\$20		\$40	1,200	3,000
\$50				\$50	1,200	3,000
	\$50			\$50	1,200	3,000
		\$10 × 5		\$50	1,200	3,000
		\$50		\$50	1,200	3,000
\$10	\$10	\$10 × 3		\$50	1,200	3,000
\$10	\$10 × 4			\$50	1,200	3,000
\$5	\$20 w/2X	\$5		\$50	1,200	3,000
\$40	\$10			\$50	1,200	3,000
	\$40	\$10		\$50	1,200	3,000
			\$50	\$50	1,200	3,000
\$100				\$100	600	6,000
	\$50 w/2X			\$100	600	6,000
	\$100			\$100	600	6,000
		\$20 × 5		\$100	600	6,000
		\$100		\$100	600	6,000
\$10	\$10	\$10 × 8		\$100	600	6,000
\$20	\$20 w/2X	\$20 × 2		\$100	600	6,000
	\$40 w/2X	\$20		\$100	600	6,000
\$50			\$50	\$100	600	6,000
		\$50	\$50	\$100	600	6,000
\$400				\$400	15,000	240
	\$100 × 4			\$400	15,000	240
	\$400			\$400	15,000	240
		\$50 × 8		\$400	15,000	240
		\$400		\$400	15,000	240
\$50	\$50 w/2X	\$50 × 4	\$50	\$400	13,333	270
\$100	\$100 w/2X	\$100		\$400	13,333	270
\$500				\$500	24,000	150
\$100	\$100 × 2	\$100 × 2		\$500	24,000	150
	\$500			\$500	24,000	150
		\$100 × 5		\$500	24,000	150
		\$500		\$500	24,000	150
\$50		\$50 × 8	\$50	\$500	24,000	150
\$50	\$100 w/2X	\$100 × 2	\$50	\$500	24,000	150
\$1,000				\$1,000	40,000	90
	\$500 w/2X			\$1,000	40,000	90
	\$1,000			\$1,000	30,000	120
		\$1,000		\$1,000	30,000	120
	\$100 w/2X	\$100 × 8		\$1,000	30,000	120
	\$250,000			\$250,000	720,000	5
		\$250,000		\$250,000	720,000	5

Game 1—Get 3 “Shamrock” (SHROCK) symbols in a row, column or diagonal, win prize shown.  
 Game 2—When any of Your Numbers is greater than Their Number, win prize shown under that number. Uncover a “2X” (2TIMES) symbol to win double that prize.  
 Game 3—Find a “Leprechaun” (LEPCH) symbol in the play area and win prize shown below that symbol.  
 Quick \$50—Reveal a “\$50” under the “Quick \$50” area, win \$50 instantly.

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

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Shamrock Green instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Shamrock Green, prize money from winning Pennsylvania Shamrock Green instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Shamrock Green instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Shamrock Green or through normal communications methods.

STEPHEN H. STETLER,  
*Acting Secretary*

[Pa.B. Doc. No. 09-133. Filed for public inspection January 23, 2009, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### State Transportation Commission; Rail Freight Advisory Committee Meeting

The Rail Freight Advisory Committee (RFAC) will hold a meeting on Wednesday, January 28, 2009, from 1 p.m. to 3 p.m. in Conference Room 8N1 on the 8th Floor, Commonwealth Keystone Building, Harrisburg, PA. For more information, contact the Executive Secretary of RFAC, Anna Cromleigh, at (717) 783-8567, [acromleigh@state.pa.us](mailto:acromleigh@state.pa.us).

ALLEN D. BIEHLER, P.E.,  
*Secretary*

[Pa.B. Doc. No. 09-134. Filed for public inspection January 23, 2009, 9:00 a.m.]

## INSURANCE DEPARTMENT

### AIPSO; Private Passenger Automobile; Rate Revisions; Rate Filing

On January 9, 2009, the Insurance Department (Department) received from AIPSO proposed revisions to

rates pertaining to the Pennsylvania Assigned Risk Plan to be effective May 1, 2009, for new business and June 1, 2009, for renewal business. The previous rate change for the Pennsylvania Assigned Risk Plan became effective June 15, 1992.

The pending filing proposes an overall revenue-neutral change which includes the following:

- An overall increase to liability rates of 1%.
- An overall decrease to physical damage rates of 15%.
- A decrease in the expense constant from \$4 to \$2.
- Rate changes that vary by individual coverage and territory.

Unless formal administrative action is taken prior to March 10, 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](http://www.ins.state.pa.us). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

Interested parties are invited to submit written comments, suggestions or objections to Michael McKenney, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [mmckenney@state.pa.us](mailto:mmckenney@state.pa.us), within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-135. Filed for public inspection January 23, 2009, 9:00 a.m.]

### Conseco Senior Health Insurance Company; 40% Rate Increase Filing for ATL-LTC-3 and ATL-LTC-MN; Rate Filing

Conseco Senior Health Insurance Company is requesting a 40% increase on the following forms which were originally issued by American Travelers Life Insurance Company: ATL-LTC-3 and ATL-LTC-MN. A total of 1,119 Pennsylvania policyholders will be affected by this rate adjustment.

Unless formal administrative action is taken prior to April 9, 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](http://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 Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@state.pa.us](mailto:jlaverty@state.pa.us), within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-136. Filed for public inspection January 23, 2009, 9:00 a.m.]

**Conseco Senior Health Insurance Company; 40% Rate Increase Filing for Several LTC Forms; Rate Filing**

Conseco Senior Health Insurance Company is requesting approval to increase the premium 40% on several Long-Term Care policy forms. The company is requesting a 40% increase on the following forms which were originally issued by American Travelers Life: ATL-NCP-88, ATL-NHP-1, ATL-CIS-85, ATL-CSN-78, SNH and GMA. The company is requesting a 40% increase on the following forms which were originally issued by Great Republic: UW-LTC-100-89, UW-SNC and UW-LTC-100-88. The company is requesting a 40% increase on the following forms which were originally issued by American Independent Group: AI-NH and AIG-NH. Finally, the company is requesting a 40% increase on the following form which was originally issued by World Life: WORLD-NH. A total of 1,652 Pennsylvania policyholders will be affected by this rate adjustment.

Unless formal administrative action is taken prior to April 9, 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](http://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 Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@state.pa.us](mailto:jlaverty@state.pa.us), within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-137. Filed for public inspection January 23, 2009, 9:00 a.m.]

**Eligible Surplus Lines Insurer List**

Under section 1605(b) of The Insurance Company Law of 1921 (40 P. S. § 991.1605(b)), the Insurance Department publishes the most recent Eligible Surplus Lines Insurer List. This list replaces in its entirety the Eligible Surplus Lines Insurer List as of July 23, 2008, published at 38 Pa. B. 4333 (August 2, 2008).

Persons who have any questions concerning this notice, should contact Robert Brackbill, Chief, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735.

**As of Monday, January 12, 2009**

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
48123	ACE EUROPEAN GROUP LIMITED	100 LEADENHALL STREET LONDON, GREAT BRITAIN EC3A 3BP
10512	ADMIRAL INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10513	ADRIATIC INSURANCE COMPANY	314 EAST THAYER AVENUE BISMARCK, ND 58501
38980	AIG EXCESS LIABILITY INSURANCE COMPANY, LTD.	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
67489	AIX SPECIALTY INSURANCE COMPANY	103 FOULK ROAD SUITE 202 WILMINGTON, DE 19803
48099	ALLIANZ GLOBAL CORPORATE & SPECIALTY AG	GROBER BURSTAH 3 HAMBURG, GERMANY D-20457
10516	ALLIANZ UNDERWRITERS INSURANCE COMPANY	2350 EMPIRE AVENUE BURBANK, CA 915043350
10535	ALLIED WORLD ASSURANCE COMPANY (U.S.) INC.	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
10519	AMERICAN EMPIRE SURPLUS LINES INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10520	AMERICAN EQUITY INSURANCE COMPANY	2401 WEST PEORIA AVENUE PHOENIX, AZ 85029
36855	AMERICAN HEALTHCARE SPECIALTY INSURANCE COMPANY	425 W. CAPITOL AVENUE SUITE 1800 LITTLE ROCK, AR 72201
10521	AMERICAN INTERNATIONAL SPECIALTY LINES INSURANCE COMPANY	300 SOUTH RIVERSIDE PLAZA SUITE 2100 CHICAGO, IL 60606-6613
63828	AMERICAN MODERN SURPLUS LINES INSURANCE COMPANY	7000 MIDLAND BLVD AMELIA, OH 45102-2607

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
18146	AMERICAN SAFETY INDEMNITY COMPANY	201 ROBERT S. KERR AVENUE OKLAHOMA CITY, OK 73102-4267
10522	AMERICAN WESTERN HOME INSURANCE COMPANY	600 BANK OF OKLAHOMA PLAZA OKLAHOMA CITY, OK 73102
10524	APPALACHIAN INSURANCE COMPANY	1301 ATWOOD AVENUE JOHNSTON, RI 02919-0500
33748	ARCH EXCESS & SURPLUS INSURANCE COMPANY	10306 REGENCY PARKWAY DRIVE OMAHA, NE 68113
10587	ARCH SPECIALTY INSURANCE COMPANY	10306 REGENCY PARKWAY DRIVE C/O LAWRENCE HARR OMAHA, NE 68113
10588	ARROWOOD SURPLUS LINES INSURANCE COMPANY	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
51442	ASPEN INSURANCE UK LIMITED	30 FENCHURCH STREET LONDON, ENGLAND, UNITED KINGDOM
35611	ASPEN SPECIALTY INSURANCE COMPANY	316 NORTH FIFTH STREET BISMARCK, ND 58502
22348	ASSICURAZIONI GENERALI S.p.A.	PIAZZA DUCA DEGLI ABRUZZI, 2 TRIESTE, ITALY 34132
22349	ASSOCIATED ELECTRIC & GAS INSURANCE SERVICES LIMITED	THE MAXWELL ROBERTS BUILDING 4TH FLOOR HAMILTON, BERMUDA HM11
10525	ASSOCIATED INTERNATIONAL INSURANCE COMPANY	TEN PARKWAY NORTH DEERFIELD, IL 60015
41586	ATLANTIC CASUALTY INSURANCE COMPANY	400 COMMERCE COURT GOLDSBORO, NC 27534
10526	AUDUBON INDEMNITY COMPANY	C/O CORPORATION SERVICE COMPANY 506 SOUTH PRESIDENT STREET JACKSON, MS 39201
22371	AVIVA INTERNATIONAL INSURANCE LIMITED	ST. HELEN'S 1 UNDERSHAFT LONDON, GREAT BRITAIN EC3P3DQ
41562	AXA CORPORATE SOLUTIONS ASSURANCE	4 RUE JULES LEFEBVRE PARIS, FRANCE 75009
59554	AXIS SPECIALTY EUROPE LIMITED	MOUNT HERBERT COURT 34 UPPER MOUNT STREET DUBLIN, IRELAND
10536	AXIS SPECIALTY INSURANCE COMPANY	ONE STATE STREET SUITE 1700 HARTFORD, CT 06103
10592	AXIS SURPLUS INSURANCE COMPANY	303 WEST MADISON SUITE 500 CHICAGO, IL 60606
75458	BERKLEY REGIONAL SPECIALITY INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801-1120
63055	BERKSHIRE HATHAWAY INTERNATIONAL INSURANCE LIMITED	BIRCHIN COURT FOURTH FLOOR LONDON, GREAT BRITAIN EC3V 9DU
22369	BRITISH AVIATION INSURANCE COMPANY LIMITED	FITZWILLIAM HOUSE 10 ST. MARY'S AXE LONDON, GREAT BRITAIN EC3ABEQ
10528	CANAL INDEMNITY COMPANY	400 EAST STONE AVENUE GREENVILLE, SC 29601
48319	CAPITOL SPECIALTY INSURANCE CORPORATION	1600 ASPEN COMMONS MIDDLETON, WI 53562

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
64641	CATLIN INSURANCE COMPANY (UK) LIMITED	3 MINSTER COURT MINCING LANE LONDON, UNITED KINGDOM EC3R 7DD
63239	CATLIN SPECIALTY INSURANCE COMPANY	160 GREENTREE DRIVE SUITE 101 DOVER, DE 19904
10529	CENTENNIAL CASUALTY COMPANY	2200 WOODCREST PLACE SUITE 200 BIRMINGHAM, AL 35209
10531	CENTURY SURETY COMPANY	465 N CLEVELAND AVENUE WESTERVILLE, OH 43082
10532	CHUBB CUSTOM INSURANCE COMPANY	C/O CORPORATE SERVICE COMPANY 1209 ORANGE STREET WILMINGTON, DE 19801-1120
72782	CINCINNATI SPECIALTY UNDERWRITERS INSURANCE COMPANY (THE)	BRANDYWINE VILLAGE 1807 NORTH MARKET STREET WILMINGTON, DE 19802-4810
18617	CLARENDON AMERICA INSURANCE COMPANY	601 EWING STREET SUITE C-8 PRINCETON, NJ 09650
10533	COLONY INSURANCE COMPANY	8720 STONEY POINT PARKWAY SUITE 300 RICHMOND, VA 23235
10582	COLONY NATIONAL INSURANCE COMPANY	8720 STONEY POINT PARKWAY SUITE 300 RICHMOND, VA 23235
10534	COLUMBIA CASUALTY COMPANY	CNA PLAZA CHICAGO, IL 60685
22388	COMMONWEALTH INSURANCE COMPANY	595 BURRARD STREET, SUITE 1500 BOX 49115 BENTALL TOWER THREE VANCOUVER, V7X 1G4
74670	COMPANION SPECIALTY INSURANCE COMPANY	51 CLEMSON ROAD COLUMBIA, SC 29229
37372	CRUM & FORSTER SPECIALTY INSURANCE COMPANY	2999 NORTH 44TH STREET SHITE 250 PHOENIX, AZ 85018
66658	CUMIS SPECIALTY INSURANCE COMPANY, INC.	2000 HERITAGE WAY WAVERLY, IA 50677
10600	DARWIN SELECT INSURANCE COMPANY	320 WEST CAPITAL STREET SUITE 1000 LITTLE ROCK, AR 72201-3525
37001	DISCOVER SPECIALTY INSURANCE COMPANY	200 NORTH LASALLE STREET CHICAGO, IL 60661
10541	EMPIRE INDEMNITY INSURANCE COMPANY	630 NE 63RD STREET OKLAHOMA CITY, OK 73105
63338	ENDURANCE AMERICAN SPECIALTY INSURANCE COMPANY	767 THIRD AVENUE FIFTH FLOOR NEW YORK, NY 10017
10542	ESSEX INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10543	EVANSTON INSURANCE COMPANY	TEN PARKWAY NORTH DEERFIELD, IL 60015
10544	EVEREST INDEMNITY INSURANCE COMPANY	CORPORATION TRUST CENTER 1209 ORANGE STREET WILMINGTON, DE 19801
10545	EXECUTIVE RISK SPECIALTY INSURANCE COMPANY	82 HOPMEADOW STREET SIMSBURY, CT 06070-7683

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
10547	FIREMAN'S FUND INSURANCE COMPANY OF OHIO	312 WALNUT STREET SUITE 1100 CINCINNATI, OH 45202
10548	FIRST FINANCIAL INSURANCE COMPANY	528 SOUTH FIFTH STREET SUITE 210 SPRINGFIELD, IL 62701-1822
10549	FIRST MERCURY INSURANCE COMPANY	ONE SOUTH WACKER DRIVE SUITE 2740 CHICAGO, IL 60606
10550	FIRST SPECIALTY INSURANCE CORPORATION	237 EAST HIGH STREET JEFFERSON CITY, MO 65102
18477	GEMINI INSURANCE COMPANY	CORPORATION TRUST CENTER 1209 ORANGE STREET WILMINGTON, DE 19801
10552	GENERAL SECURITY INDEMNITY COMPANY OF ARIZONA	2338 W. ROYAL PALM ROAD SUITE J PHOENIX, AZ 85021
10554	GENERAL STAR INDEMNITY COMPANY	695 EAST MAIN STREET P. O. BOX 10354 STAMFORD, CT 06904-2354
22411	GENERALI ASSURANCES IARD	7 BOULEVARD HAUSSMAN PARIS, FRANCE 75009
10555	GENESIS INDEMNITY INSURANCE COMPANY	316 NORTH FIFTH STREET BISMARCK, ND 58501
58119	GEOVERA SPECIALTY INSURANCE COMPANY	4820 BUSINESS CENTER DRIVE SUITE 200 FAIRFIELD, CA 94534
44715	GLENCOE INSURANCE LIMITED	RENAISSANCE HOUSE, 8 EAST P. O. BOX HM 2527 HAMILTON, BERMUDA HM GX
73754	GNV CUSTOM INSURANCE COMPANY	200 MADISON AVENUE NEW YORK, NY 10016-3904
10556	GOETHAM INSURANCE COMPANY	919 THIRD AVENUE 10TH FLOOR NEW YORK, NY 10022
10514	GREAT AMERICAN E & S INSURANCE COMPANY	THE CORPORATION TRUST COMPANY 1209 ORANGE STREET WILMINGTON, DE 19801
10518	GREAT AMERICAN FIDELITY INSURANCE COMPANY	THE CORPORATION TRUST COMPANY 1209 ORANGE STREET WILMINGTON, DE 19801
10540	GREAT AMERICAN PROTECTION INSURANCE COMPANY	580 WALNUT STREET CINCINNATI, OH 45204
22412	GREAT LAKES REINSURANCE (UK) PLC	PLANTATION PLAN 30 FENCHURCH STREET LONDON, UNITED KINGDOM EC3M 3AJ
36489	GUILFORD INSURANCE COMPANY	528 SOUTH FIFTH STREET SUITE 210 SPRINGFIELD, IL 62701-1822
10557	GULF UNDERWRITERS INSURANCE COMPANY	ONE TOWER SQUARE HARTFORD, CT 06183
66133	HCC SPECIALTY INSURANCE COMPANY	201 ROBERT S. HERR AVENUE OKLAHOMA, OK 73102
44169	HOMELAND INSURANCE COMPANY OF NEW YORK	1000 WOODBURY ROAD SUITE 403 WOODBURY, NY 11797
10559	HOUSTON CASUALTY COMPANY	13403 NORTHWEST FREEWAY HOUSTON, TX 77040

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
37373	HUDSON SPECIALTY INSURANCE COMPANY	17 STATE STREET 29TH FLOOR NEW YORK, NY 10004
10560	ILLINOIS EMCASCO INSURANCE COMPANY	717 MULBERRY STREET DES MOINES, IA 50309-3872
10561	ILLINOIS UNION INSURANCE COMPANY	525 WEST MONROE STREET CHICAGO, IL 60631
10562	INDIAN HARBOR INSURANCE COMPANY	CT CORPORATION SYSTEM 314 EAST THAYER AVENUE BISMARCK, ND 58501
10563	INEX INSURANCE EXCHANGE	216 WEST JACKSON BOULEVARD SUITE 975 CHICAGO, IL 60606
75461	INFRASSURE, LTD	UETLIBERGSTRASSE 134A P. O. BOX 5089 ZURICH, SWITZERLAND
45736	INTEGON SPECIALTY INSURANCE COMPANY	500 WEST FIFTH STREET WINSTON-SALEM, NC 27152
28076	INTERNATIONAL INSURANCE CO OF HANNOVER, LTD	L'AVENIR OPLADEN WAY, BRACKNELL BERKSHIRE, GREAT BRITAIN UK RG12 OPH
10564	INTERSTATE FIRE & CASUALTY COMPANY	33 WEST MONROE CHICAGO, IL 60603
70118	IRONSHORE INSURANCE LTD.	SWAN BUILDING 26 VICTORIA STREET HAMILTON, BERMUDA HM12
10596	IRONSHORE SPECIALTY INSURANCE COMPANY	C/O LOW & CHILDERS P.C. SUITE 250 PHOENIX, AZ 85018
10566	ITT PACIFIC INSURANCE COMPANY	ONE HARTFORD PLAZA HARTFORD, CT 06155
10546	JAMES RIVER INSURANCE COMPANY	52 EAST GAY STREET COLUMBUS, OH 43215
75297	LANCASHIRE INSURANCE COMPANY	MINTFLOWER PLACE 8 PAR-LA-VILLE ROAD HAMILTON, BERMUDA HM 08
8967	LANDMARK AMERICAN INSURANCE COMPANY	115 S.W. 89TH STREET OKLAHOMA CITY, OK 73139-8501
10567	LANDMARK INSURANCE COMPANY	2730 GATEWAY OAKS DRIVE SUITE 100 SACRAMENTO, CA 95833
45576	LANTANA INSURANCE LTD.	RENAISSANCE HOUSE 8-12 EAST BROADWAY HAMILTON, BERMUDA HM 19
10569	LEXINGTON INSURANCE COMPANY	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
22415	LIBERTY MUTUAL INSURANCE EUROPE LIMITED	3TH FLOOR, TWO MINSTER COURT MINCING LANE LONDON, GREAT BRITAIN EC3R 7YE
18457	LIBERTY SURPLUS INSURANCE CORPORATION	175 BERKELEY STREET BOSTON, MA 02117
22416	LLOYD'S (UNDERWRITERS AT)	ONE LIME STREET LONDON, GREAT BRITAIN EC3M7HA
22417	LONDON AND EDINBURGH INSURANCE COMPANY LIMITED	8 SURREY STREET NORWICH NR1 3NG ENGLAND, GREAT BRITAIN EC3M5BT



<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
22418	MARINE INSURANCE COMPANY LIMITED	ST MARKS COURT. CHART WAY HORSHAM, WEST SUSSEX ENGLAND, GREAT BRITAIN RH 12 1XL
22455	MARKEL INTERNATIONAL INSURANCE COMPANY LIMITED	THE MARKEL BUILDING 49 LEADENHALL STREET LONDON, GREAT BRITAIN EC3A2EA
10570	MAX SPECIALTY INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10527	MAXUM INDEMNITY COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
69016	MEDICAL MUTUAL LIABILITY INSURANCE SOCIETY OF MARYLAND	225 INTERNATIONAL CIRCLE HUNT VALLEY, MD 21030
75542	MERCHANTS NATIONAL INSURANCE COMPANY	250 MAIN STREET BUFFALO, NY 14202-4188
75518	mitsui SUMITOMO INSURANCE COMPANY (EUROPE) LIMITED	6TH FLOOR-NEW LONDON HOUSE 6 LONDON STREET LONDON, UNITED KINGDOM EC3R 7LP
10553	MONTPELIER U.S. INSURANCE COMPANY	115 SOUTHWEST 89TH STREET OKLAHOMA CITY, OK 73139
10571	MT. HAWLEY INSURANCE COMPANY	9025 N. LINDBERGH DRIVE PEORIA, IL 61615
10572	NAMIC INSURANCE COMPANY, INC.	3601 VINCENNES ROAD INDIANAPOLIS, IN 46268
10573	NATIONAL FIRE & MARINE INSURANCE COMPANY	3024 HARNEY STREET OMAHA, NE 68131-3580
10574	NAUTILUS INSURANCE COMPANY	7233 E. BUTHERUS DRIVE SCOTTSDALE, AZ 85260
10575	NAVIGATORS SPECIALTY INSURANCE COMPANY	ONE PENN PLAZA 55TH FLOOR NEW YORK, NY 10119-0002
75182	NAXOS INSURANCE COMPANY	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
10537	NOETIC SPECIALTY INSURANCE COMPANY	111 S. WACKER DRIVE CHICAGO, IL 60606-4410
10576	NORTH AMERICAN CAPACITY INSURANCE COMPANY	650 ELM STREET MANCHESTER, NH 03101-2524
10584	NORTH POINTE CASUALTY INSURANCE COMPANY	10199 SOUTHSIDE BLVD BUILDING 1 JACKSONVILLE, FL 32256
10577	NORTHFIELD INSURANCE COMPANY	1270 OFFICE PLAZA DRIVE WEST DES MOINES, IA 50266
10578	NUTMEG INSURANCE COMPANY	ONE HARTFORD PLAZA HARTFORD, CT 06155
22421	OCEAN MARINE INSURANCE COMPANY LIMITED	ST. HELEN'S 1 UNDERSHAFT LONDON, GREAT BRITAIN EC3P3DQ
10579	OLD REPUBLIC UNION INSURANCE COMPANY	307 NORTH MICHIGAN AVENUE CHICAGO, IL 60601
75544	OMEGA US INSURANCE, INC	1450 EAST AMERICAN LANE SUITE 1775 SCHAUMBURG, IL 60173
58179	PENN-PATRIOT INSURANCE COMPANY	526 KING STREET ALEXANDRIA, VA 22314
40659	PRAETORIAN SPECIALTY INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801-1120

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
74667	PRIME INSURANCE COMPANY	303 WEST MADISON #2075 CHICAGO, IL 60606
23150	PRINCETON EXCESS AND SURPLUS LINES INSURANCE COMPANY	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
10583	PROFESSIONAL UNDERWRITERS LIABILITY INSURANCE COMPANY	2180 SOUTH 1300 EAST SUITE 650 SALT LAKE CITY, UT 84106
75543	PROTECTIVE SPECIALITY INSURANCE COMPANY	1099 NORTH MERIDIAN STREET INDIANAPOLIS, IN 46204
22449	QBE INSURANCE (EUROPE) LIMITED	PLANTATION PLACE 30 FENCHURCH STREET LONDON, GREAT BRITAIN EC3M 3BD
47448	QBE SPECIALTY INSURANCE COMPANY	314 EAST THAYER AVENUE BISMARCK, ND 58501
53074	QUANTA SPECIALTY LINES INSURANCE COMPANY	10 WEST MARKET STREET SUITE 450 INDIANAPOLIS, IN 46204
44436	RED MOUNTAIN CASUALTY INSURANCE COMPANY, INC.	100 BROOKWOOD PLACE SUITE 500 BIRMINGHAM, AL 35209
70898	REPUBLIC-VANGUARD INSURANCE COMPANY	2394 E. CAMELBACK ROAD PHOENIX, AZ 85016
10603	ROCKHILL INSURANCE COMPANY	2999 NORTH 44TH STREET, SUITE 250 PHOENIX, AZ 85018
10589	SAFECO SURPLUS LINES INSURANCE COMPANY	SAFECO PLAZA SEATTLE, WA 98185
10590	SAVERS PROPERTY AND CASUALTY INSURANCE COMPANY	700 WEST 47TH STREET KANSAS CITY, MO 64112-1802
10591	SCOTTSDALE INSURANCE COMPANY	ONE NATIONWIDE PLAZA COLUMBUS, OH 43215
44276	SENECA SPECIALTY INSURANCE COMPANY	2999 NORTH 44TH STREET SUITE 250 PHOENIX, AZ 85018-7256
33514	SIRIUS INTERNATIONAL INSURANCE CORPORATION	BIRGER JARISGATAN 57B STOCKHOLM, SWEDEN SE 113 96
10565	SPECIALTY SURPLUS INSURANCE COMPANY	1 KEMPER DRIVE LONG GROVE, IL 60049-0001
10593	ST. PAUL SURPLUS LINES INSURANCE COMPANY	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
10594	STEADFAST INSURANCE COMPANY	SUITE 202 32 LOOCKERMAN SQUARE DOVER, DE 19904
22453	SWISS RE INTERNATIONAL SE	2A, RUE ALBERT BORSCHETTE L-1246 LUXEMBOURG LUXEMBOURG, LUXEMBOURG
73071	TOKIO MARINE EUROPE INSURANCE LIMITED	150 LEADENHALL STREET LONDON, UNITED KINGDOM EC3V 4TE
10597	TRAVELERS EXCESS AND SURPLUS LINES COMPANY	ONE TOWER SQUARE HARTFORD, CT 06183
54486	TT CLUB MUTUAL INSURANCE LIMITED	90 FENCHURCH STREET LONDON, UNITED KINGDOM ECM 4ST
10598	TUDOR INSURANCE COMPANY	50 WASHINGTON STREET KEENE, NH 03431
10599	U. S. UNDERWRITERS INSURANCE COMPANY	316 NORTH FIFTH STREET SIXTH FLOOR BISMARCK, ND 58501

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
44120	UNITED NATIONAL CASUALTY INSURANCE COMPANY	5253 HOHMAN AVENUE P. O. BOX 1150 HAMMOND, IN 46320
10558	UNITED NATIONAL SPECIALTY INSURANCE COMPANY	411 EAST WISCONSIN AVENUE SUITE 700 MILWAUKEE, WI 53202
64798	UNITED SPECIALTY INSURANCE COMPANY	160 GREENTREE DRIVE SUITE 101 DOVER, DE 19904
52712	VICTORIA INSURANCE COMPANY	2301 E. LAMAR BOULEVARD 5TH FLOOR ARLINGTON, TX 76006
10605	VOYAGER INDEMNITY INSURANCE COMPANY	260 INTERSTATE NORTH CIRCLE NW ATLANTA, GA 30339
10607	WESTCHESTER SURPLUS LINES INSURANCE COMPANY	500 COLONIAL CENTER PARKWAY SUITE 200 ROSWELL, GA 30076
10608	WESTERN HERITAGE INSURANCE COMPANY	9200 E. PIMA CENTER PKWY SUITE 350 SCOTTSDALE, AZ 85258
10610	WESTERN WORLD INSURANCE COMPANY	50 WASHINGTON STREET KEENE, NH 03431
49219	WILSHIRE INSURANCE COMPANY	702 OBERLIN ROAD RALEIGH, NC 27605-0800
70201	WIND RIVER REINSURANCE COMPANY, LTD	BURNABY BUILDING 16 BURNABY STREET HAMILTON, BERMUDA HM 11
10604	XL SELECT INSURANCE COMPANY	735 FIRST NATIONAL BUILDING OKLAHOMA CITY, OK 73102
10611	ZC SPECIALTY INSURANCE COMPANY	400 WEST 15TH STREET SUITE 710 AUSTIN, TX 78701

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-138. Filed for public inspection January 23, 2009, 9:00 a.m.]

**Qualified Annuity Contractors for Awarded Periodic Medical Professional Liability Payments**

Under section 509(b)(6) of Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.509(b)(6)), the Insurance Commissioner hereby lists insurers designated by the Insurance Department as qualified to participate in the funding of periodic payment judgments:

<i>NAIC #</i>	<i>Insurer Qualified to Issue Annuity Contracts Under MCARE Act</i>
60607	American International Life Assurance Company of New York
93432	C.M. Life Insurance Company
70025	Genworth Life Insurance Company
88072	Hartford Life Insurance Company
65935	Massachusetts Mutual Life Insurance Company
87726	Metlife Insurance Company of Connecticut
65978	Metropolitan Life Insurance Company
70416	MML Bay State Life Insurance Company

*Insurer Qualified to Issue Annuity Contracts Under MCARE Act*

66281	Monumental Life Insurance Company
66915	New York Life Insurance Company
61271	Principal Life Insurance Company
68241	The Prudential Insurance Company of America

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-139. Filed for public inspection January 23, 2009, 9:00 a.m.]

**Review Procedure Hearings; Cancellation or Refusal of Insurance**

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile policies. The hearing will be held in accordance with the requirements of Act 68; 1 Pa. Code

Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Deron E. Shank; file no. 08-169-62041; The Travelers Home and Marine Insurance Company; doc no. P08-12-026; February 24, 2009, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-3873.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-140. Filed for public inspection January 23, 2009, 9:00 a.m.]

A copy of the filing is available on the Department's web site at [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

Interested parties are invited to submit written comments, suggestions or objections to Michael McKenney, Insurance Department, Office of Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, [mmckenney@state.pa.us](mailto:mmckenney@state.pa.us), within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-141. Filed for public inspection January 23, 2009, 9:00 a.m.]

### **State Farm Mutual Automobile Insurance Company; Private Passenger Automobile; Rate and Rule Revisions; Rate Filing**

On December 29, 2008, the Insurance Department (Department) received from State Farm Mutual Automobile Insurance Company a filing for rate level changes for private passenger automobile insurance.

The company requests an overall 3.2% increase amounting to \$41.387 million annually, to be effective May 25, 2009.

Unless formal administrative action is taken prior to February 27, 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](http://www.ins.state.pa.us). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

Interested parties are invited to submit written comments, suggestions or objections to Michael McKenney, Insurance Department, Office of Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, [mmckenney@state.pa.us](mailto:mmckenney@state.pa.us), within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-142. Filed for public inspection January 23, 2009, 9:00 a.m.]

### **State Farm Fire and Casualty Company; Private Passenger Automobile; Rate and Rule Revisions; Rate Filing**

On December 29, 2008, the Insurance Department (Department) received from State Farm Fire and Casualty Company a filing for rate level changes for private passenger automobile insurance.

The company requests an overall 2.4% increase amounting to \$2.554 million annually, to be effective May 25, 2009.

Unless formal administrative action is taken prior to February 27, 2009, the subject filing may be deemed approved by operation of law.

## **PENNSYLVANIA COUNCIL ON AGING**

### **2009 Meeting Dates**

Under 65 Pa.C.S. §§ 701—716 (relating to Sunshine Act), the Pennsylvania Council on Aging (Council) has established the following meeting dates for the calendar year 2009:

Tuesday, February 24, 2009	2 p.m.—5 p.m.
Wednesday, February 25, 2009	9 a.m.—2 p.m.
Wednesday, April 29, 2009	9 a.m.—1 p.m.

Wednesday, June 10, 2009 9 a.m.—1 p.m.  
 Wednesday, August 12, 2009 9 a.m.—1 p.m.  
 Wednesday, December 9, 2009 9 a.m.—1 p.m.

Meetings of the Council will be held in the Fifth Floor Conference Room, 555 Walnut Street, Harrisburg, PA.

Persons with a disability who wish to attend the previously-listed meetings and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact William White, Acting Executive Director at (717) 783-1550 to discuss how the Council may best accommodate their needs.

WILLIAM WHITE,  
*Acting Executive Director*

[Pa.B. Doc. No. 09-143. Filed for public inspection January 23, 2009, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Investigation Order

Public Meeting held  
 October 9, 2008

*Commissioners Present:* James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson; Robert F. Powelson; Kim Pizzingrilli (Statement Attached); Wayne E. Gardner

*UGI Utilities, Inc. and UGI Penn Natural Gas, Inc.;*  
*Management Efficiency Investigation;*  
*Doc. No. D-2008-2063177*

*Gas Beyond the Mains Investigation;*  
*Doc. No. M-2008-2072850*

### Investigation Order

Before the Commission for consideration is the Management Efficiency Investigation ("MEI") of UGI Utilities, Inc. ("UGI") and UGI Penn Natural Gas, Inc. ("UGI-Penn") (hereinafter referred to jointly as "the Companies") conducted by the Bureau of Audits ("Audits"). One area of concern that Audits extensively investigated as part of the MEI was UGI's Gas Beyond the Mains ("GBM") program, which provides propane service to customers located away from existing gas mains at regulated natural gas rates, and not the unregulated market price of propane. The Commission believes that there are many unanswered questions related to propane service in general and tariffed GBM programs in particular that we should review.

#### Background

As stated above, Audits conducted a MEI on the Companies. The MEI examined UGI's progress in implementing 20 of the 23 original recommendations from a February 2005 Focused Management and Operations Audit of UGI, the Companies' compliance with the Order approving the acquisition of PG Energy (now UGI-Penn) and their emergency preparedness.

As stated, one issue that Audits has extensively investigated in the context of these audits has been UGI's GBM program. In the 2005 Focused Management Audit, Audits made the following recommendations:

- Develop a policy to procure periodically competitive bids for the propane used for the GBM Program.
- Develop a policy and procedure governing GBM market analysis, retain the documents for future regulatory review and implement appropriate program changes.
- Provide justification to the Commission for GBM systems served with propane for longer than five years and absent sufficient justification absorb the incremental cost differential between propane and natural gas for these long-term GBM customers.
- Establish procedures to consistently maintain O&M records in accordance with 49 CFR Part 192 for all existing and future GBM systems.

In the context of this MEI, Audits reviewed and evaluated the effectiveness of UGI's efforts to implement the above GBM recommendations and noted the following improvements achieved by UGI:

- Documented and retained market analyses for each new GBM system.
- Modified its tariff to provide justification to the Commission for any GBM systems that have been served with propane for more than 5 years.
- Began to maintain Operations and Maintenance records in accordance with 49 CFR Part 192 for all GBM systems.

However, Audits had several concerns related to UGI's GBM program and identified these further improvement opportunities:

- Initiate steps to remove long-term individual (stand-alone) customers from the GBM program.
- Provide detailed support as part of the annual PGC filing in order for the Commission to assess the prudence of the propane purchases for the GBM program as it relates to UGI's least cost fuel procurement policy.

#### Discussion

According to Audits, the GBM program was primarily designed to use propane to extend service to new developments in areas not presently served by natural gas only until natural gas distribution lines could be extended to serve these customers. Audits found that UGI's GBM program includes 24 individual residential customers and 42 individual commercial customers served via individual propane tanks on the customers' premises. Audits states that some of these residential customers have been on the GBM program since the 1960's whereas most of the commercial customers were added in the 1980's and 1990's. On the other hand, Audits also found that some customers who received propane gas service under the GBM program were served via distribution systems fed by centrally located propane tanks. The jurisdictional status of such systems is unclear.

Audits is also concerned that through its GBM program, UGI is serving individual (stand-alone) customers with propane gas at natural gas rates, thereby normally increasing natural gas costs to customers. We are aware that such issues are not limited to UGI. Our review of current natural gas tariffs shows that UGI Penn and Columbia Gas of Pennsylvania also include propane service rate schedules in their tariffs. See also *Application of PPL Gas Utilities Corporation*, Docket No. A-122050F2003, Public Meeting of January 26, 2006 (approving abandonment of gas beyond the main service to 13 commercial customers). Accordingly, the Commission

believes that there are many unanswered questions, which should be reviewed concerning propane service in general and tariffed GBM programs in particular.

The Commission desires to review its jurisdiction over propane distribution systems and whether we are appropriately regulating GBM programs of our jurisdictional utilities. Therefore, we are instituting, at a separate docket, a nonprosecutory staff investigation of all the issues related to our jurisdiction over GBM programs and other propane distribution systems. The issues to be investigated include, but are not limited to, the following:

1. Whether GBM programs are in the public interest?
2. Whether the Commission's oversight of GBM programs through individual utility rate proceedings is sufficient?
3. If GBM programs are not in the public interest, what alternatives should the Commission consider to encourage the expansion of natural gas distribution infrastructure?
4. Whether the Commission possesses legal authority to regulate propane distribution systems? And, if yes, how should the Commission exercise such authority over existing systems?

#### **Conclusion**

The Commission is concerned about the GBM programs of our jurisdictional gas utilities and our jurisdiction over other propane distribution systems. The investigation directed by this order should review the jurisdictional status of such systems and any other relevant issues. Accordingly, we shall institute a nonprosecutory staff investigation at a separate docket to address these issues; *Therefore,*

#### *Statement of Commissioner Kim Pizzigrilli*

Emergency preparedness and the protection of underground service lines are central to the provision of safe and reliable utility service. This management efficiency investigation examined both issues and included recommendations which UGI has agreed to adopt. These findings and recommendations should serve as a reminder to all utilities of the importance of emergency preparedness and damage prevention programs.

Specifically, UGI was evaluated for its compliance with the Commission's Public Utility Security, Planning and Readiness regulations, which were adopted in 2005. (52 Pa. Code § 101.1, et. seq.) The Commission requires that utilities develop and maintain physical security, cyber security, emergency response and business continuity plans to protect the Commonwealth's infrastructure and to ensure safe and reliable utility service. A utility is required to file a self-certification form indicating that it has reviewed and tested its plans on an annual basis.

As found with the recent power outages in Western Pennsylvania, it is critically important that all utilities continually review and update its plans to ensure that they are prepared to respond in the event of an emergency in an efficient and effective manner. Staff recommended that UGI update the plans for both companies. I would encourage all utilities to review their existing emergency preparedness and security plans to ensure that they are current and consistent with the Commission's regulations.

The audit also evaluated UGI's efforts to prevent damage to their underground facilities by contractors and others. Damaged facilities, including line hits, are the number one safety issue for Pennsylvania's gas industry.

Pennsylvania averages three reportable incidents a year related to gas explosions caused by facility damages. In 2007, 27% of all natural gas facility damages were caused by excavation performed by other utilities. Additionally, according to the Common Ground Alliance, 38% of all damages to underground facilities are, in part, a result of the One Call Center not being contacted. Damaged facilities are a reliability issue for all regulated utilities. Repair and restoration costs not recovered from the responsible parties are ultimately paid for by utility customers.

A comprehensive damage prevention program includes tracking of third party damages to utility owned facilities as well as tracking of damages caused by the utility and their contractors. The damage prevention program also includes tracking and collection of costs and recovered dollars related to facility damages.

This audit shows that a damage prevention program implemented by UGI in 2005 has contributed to a significant reduction in line hits and a higher recovery of costs from the responsible parties. I would encourage all other utilities to review this aspect of the audit report, evaluate their own operations, and ensure that they have comprehensive damage prevention and cost recovery programs.

Recently, Pennsylvania One Call (PA One Call) and the Damage Prevention Industry implemented the "8-1-1" "Call before You Dig" number to assist in the reduction of facility damages. PA One Call has sponsored Safety Days across the Commonwealth to educate the public and contractors regarding safe excavation practices and damage prevention programs. PA Safety Days have become some of the largest one day safety expositions in the nation, emphasizing best practices in all phases of underground excavation safety and hands-on demonstrations. As part of these events, an emphasis is also placed on educating participants on the importance of calling 8-1-1 three days before beginning any excavation project to ensure that utility lines are marked.

PA One Call, of which this Commission is a board member, is dedicated to minimizing utility service interruptions, reducing on the job injuries and deaths, promoting a higher level of public safety and protecting the environment. PA One Call handles all calls made to 8-1-1 by anyone requesting location of underground lines. The service is available 24 hours per day, every day of the year.

The Commission will continue to partner with PA One Call to educate the public on the importance of calling 8-1-1 to ensure that utility lines are marked prior to digging. All public utilities must do their part by educating contractors on the importance of contacting 8-1-1 and by implementing comprehensive damage prevention programs.

The Commission's Bureau of Transportation and Safety, Gas Safety Division, continues to work closely with PA One Call to determine what changes in filing requirements may be necessary to ensure that preventative measures are being taken to avoid damages; that all damages are reported, and One Call is able to sufficiently track information and take appropriate action.

KIM PIZZINGRILLI,  
*Commissioner*

*It Is Ordered That:*

1. That a nonprosecutory staff investigation is hereby instituted at Docket No. M-2008-2072850 to investigate gas beyond the mains programs and propane distribution systems.

2. That the investigation is assigned to the Law Bureau which, in conjunction with the Bureaus of Fixed Utility Services, Audits and Transportation and Safety, shall initiate and conduct the investigation and submit a report to the Commission on or before March 31, 2009.

3. That this Order be served upon all jurisdictional natural gas distribution companies, the Energy Association of Pennsylvania and the Pennsylvania Propane Association.

4. That this Order shall be published in the *Pennsylvania Bulletin*.

5. That the proceeding at Docket No. D-2008-2063177 (Audits Report at D-07MEI005) be marked closed.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-144. Filed for public inspection January 23, 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 February 9, 2009. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

#### **Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.***

**A-2009-2082999. Access Airport Cab Co.** (60 North 2nd Street, Hamburg, Berks County, PA 19526)—a corporation of the Commonwealth—in call or demand, in the Borough of Hamburg, Berks County.

**A-2009-2083271. Advanced Medical Express Ambulance, LLC, t/a Amex Ambulance, LLC** (831 Nina Way, Warminster, Bucks County, PA 18974)—persons, in paratransit service, between points in the Counties of Philadelphia, Montgomery, Bucks, Delaware and Chester.

#### **Application of the following for approval to *begin operating as contract carriers for transportation of persons as described under the application.***

**A-2009-2083012. Faithful Resources, Inc.** (909 West Somerset Street, Philadelphia, Philadelphia County, PA 19133), a corporation of the Commonwealth—contract carrier—persons, for LogistiCare Solutions, LLC, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

#### **Application of the following for the approval of the right and privilege to *discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.***

**A-2009-2082641. Hermes Transportation Co., Inc.** (704 Haywood Drive, Exton, Chester County, PA 19341)—discontinuance of service and cancellation of its certificate—persons in group and party service between points in the Counties of Philadelphia, Bucks, Montgomery, Delaware and Chester, and from points in said counties, to points in Pennsylvania and return. *Attorney:* Roger Huggins, 17 East Gay Street, West Chester, PA 19381.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. P & C Trucking, LLC;*  
*Doc. No. C-2008-2035567*

### 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 MSS Enterprises, Inc. (respondent) is under suspension effective November 14, 2007, for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 122 West Yates Street, Mt. Holly Springs, PA 17065.

3. That respondent was issued a Certificate of Public Convenience by this Commission on October 3, 2004, at A-00120381.

4. That respondent has failed to maintain evidence of Liability insurance and Cargo 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-00120381 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

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. O'Toole and Napier  
Couriers, Inc. t/a Oncour; Doc. No. C-2008-2064669*

#### 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 O'Toole and Napier Couriers, Inc., t/a Oncour (respondent) is under suspension effective October 20, 2008, for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at P. O. Box 566, South Park, PA 15129.
3. That respondent was issued a Certificate of Public Convenience by this Commission on September 21, 1999, at Application Docket No. A-00116141.
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

#### 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:



of Public Convenience held by respondent at Docket No. A-00116141 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:

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Harrisburg, PA 17105-3265

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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.

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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. 09-145. Filed for public inspection January 23, 2009, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Public Hearing and Meeting

The Susquehanna River Basin Commission (Commission) held a public meeting as part of its regular business meeting on December 4, 2008, in Bel Air, MD. At the public hearing, the Commission: 1) approved and tabled certain water resources projects; 2) denied a request for extension of an emergency certificate issued on October 30, 2008; and 3) adopted a revised fee schedule to take effect on January 1, 2009. Details concerning these and other matters addressed at the public hearing and business meeting are contained in the Supplementary Information section of this notice.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, rcairo@srbc.net or Stephanie L. Richardson, Secretary to the Commission, (717) 238-0423, Ext. 304, fax (717) 238-2436, srichardson@srbc.net. Regular mail in-

quiries may be sent to the Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391.

*Supplementary Information*

In addition to the public hearing and its related action items identified, the following items were also presented or acted on at the business meeting: 1) a special presentation titled "Water for Maryland's Future: What We Must Do Today" by Maryland Member Dr. Robert Summers; 2) a report on the present hydrologic conditions of the basin indicating below normal levels of precipitation and stream flow across the basin; 3) adoption of a revised Comprehensive Plan for management of the Susquehanna Basin's water resources; 4) adoption of a final rulemaking action regarding gas well development in the Marcellus and Utica shale formations; 5) adoption of a resolution emphasizing the importance of the basin's stream gaging network and urging Federal funding for the Susquehanna Flood Forecast and Warning System in the amount of \$2.4 million; 6) approval/ratification of several grants and contracts related to water resources management; 7) acceptance of the Fiscal Year 2008 Annual Independent Audit Report; 8) approval of an expenditure of \$500,000 from the Commission's Water Management Fund for the completion of the Whitney Point Lake Section 1135 Project Modification; and 9) approval of an expenditure of \$65,000 for the replacement of the Commission's three main computer servers. The Commission also heard counsel's report on legal matters affecting the Commission.

The Commission also convened a public hearing and took the following actions:

*Public Hearing—Projects Approved:*

1. Project Sponsor and Facility: Chesapeake Appalachia, LLC (for operations in Chemung and Tioga Counties, NY, and Bradford, Sullivan, Susquehanna, Tioga, Wayne and Wyoming Counties, PA). Consumptive water use of up to 7.500 mgd from various surface water sources and the following previously approved public water suppliers: Towanda Municipal Authority, Aqua Pennsylvania, Inc.—Susquehanna Division, Canton Borough Authority, and Borough of Troy.

2. Project Sponsor and Facility: Chief Oil & Gas, LLC (for operations in Clearfield County, PA). Consumptive water use of up to 5.000 mgd from various surface water sources and the following public water suppliers: BCI Municipal Authority and Jersey Shore Joint Water Authority.

3. Project Sponsor and Facility: Chief Oil & Gas, LLC (Clearfield Creek), Boggs Township, Clearfield County, PA. Surface water withdrawal of up to 2.000 mgd.

4. Project Sponsor and Facility: Chief Oil & Gas, LLC (Pine Creek), Cummings Township, Lycoming County, PA. Surface water withdrawal of up to 0.099 mgd.

5. Project Sponsor and Facility: Citrus Energy (for operations in Wyoming County, PA). Consumptive water use of up to 5.000 mgd from various surface water sources.

6. Project Sponsor and Facility: Citrus Energy (North Branch Susquehanna River), Washington Township, Wyoming County, PA. Surface water withdrawal of up to 0.499 mgd.

7. Project Sponsor and Facility: Dillsburg Area Authority, Franklin Township, York County, PA. Groundwater withdrawal of 0.022 mgd from Well 1.

8. Project Sponsor and Facility: Dillsburg Area Authority, Franklin Township, York County, PA. Groundwater withdrawal of 0.101 mgd from Well 3.

9. Project Sponsor and Facility: EXCO-North Coast Energy, Inc. (unnamed tributary to Sandy Run), Burnside Township, Centre County, PA. Surface water withdrawal of up to 0.300 mgd.

10. Project Sponsor and Facility: Fortuna Energy Inc. (Towanda Creek), Franklin Township, Bradford County, PA. Surface water withdrawal of up to 0.250 mgd.

11. Project Sponsor and Facility: J-W Operating Company (for operations in Cameron, Clearfield and Elk Counties, PA). Consumptive water use of up to 4.500 mgd from various surface water sources and the following public water supplier: Emporium Water Company.

12. Project Sponsor: J-W Operating Company (Driftwood Branch—Sinnemahoning Creek), Lumber Township, Cameron County, PA. Surface water withdrawal of up to 0.245 mgd.

13. Project Sponsor: KBK-HR Associates, LLC. Project Facility: Honey Run Golf Club, Dover Township, York County, PA. Consumptive water use of up to 0.382 mgd.

14. Project Sponsor: KBK-HR Associates LLC. Project Facility: Honey Run Golf Club, Dover Township, York County, PA. Surface water withdrawal of up to 0.382 mgd from Honey Run.

15. Project Sponsor: KBK-HR Associates LLC. Project Facility: Honey Run Golf Club, Dover Township, York County, PA. Surface water withdrawal of up to 1.440 mgd from Little Conewago Creek.

16. Project Sponsor and Facility: New Oxford Foods, LLC, New Oxford Borough, Adams County, PA. Consumptive water use of up to 0.380 mgd and groundwater withdrawal of 0.035 mgd from Well 1.

17. Project Sponsor and Facility: Rex Energy Corporation (Upper Little Surveyor Run), Girard Township, Clearfield County, PA. Surface water withdrawal of up to 0.400 mgd.

18. Project Sponsor and Facility: Rex Energy Corporation (Lower Little Surveyor Run), Girard Township, Clearfield County, PA. Surface water withdrawal of up to 0.400 mgd.

19. Project Sponsor: Sunbury Generation LP. Project Facility: Sunbury Generation Facility, Monroe Township and Shamokin Dam Borough, Snyder County, PA. Consumptive water use of up to 8.000 mgd and surface water withdrawal of up to 354.000 mgd.

20. Project Sponsor and Facility: Turm Oil, Inc. (for operations in Susquehanna County, PA). Consumptive water use of up to 5.000 mgd from various surface water sources and the following public water suppliers: Dushore Water Authority and Towanda Municipal Authority.

21. Project Sponsor and Facility: Turm Oil, Inc. (Deer Lick Creek), Rush Township, Susquehanna County, PA. Surface water withdrawal of up to 0.216 mgd.

22. Project Sponsor and Facility: Turm Oil, Inc. (East Branch Wyalusing Creek), Rush Township, Susquehanna County, PA. Surface water withdrawal of up to 0.216 mgd.

23. Project Sponsor and Facility: Turm Oil, Inc. (Elk Lake Stream), Rush Township, Susquehanna County, PA. Surface water withdrawal of up to 0.216 mgd.

24. Project Sponsor and Facility: Turm Oil, Inc. (Main Branch Wyalusing Creek), Rush Township, Susquehanna County, PA. Surface water withdrawal of up to 0.216 mgd.

25. Project Sponsor and Facility: Ultra Resources (for operations in Tioga and Potter Counties, PA). Consumptive water use of up to 4.990 mgd from a various surface water source.

26. Project Sponsor and Facility: Ultra Resources (Cowanesque River), Deerfield Township, Tioga County, PA. Surface water withdrawal of up to 0.217 mgd.

*Public Hearing—Projects Tabled:*

1. Project Sponsor and Facility: J-W Operating Company (Abandoned Mine Pool), Shippen Township, Cameron County, PA. Application for surface water withdrawal of up to 0.090 mgd.

2. Project Sponsor and Facility: J-W Operating Company (Sterling Run), Lumber Township, Cameron County, PA. Application for surface water withdrawal of up to 0.026 mgd.

3. Project Sponsor: PPL Holtwood, LLC. Project Facility: Holtwood Hydroelectric Station, Martic and Conestoga Townships, Lancaster County, and Chanceford and Lower Chanceford Townships, York County, PA. Applications for amendment to existing FERC license (FERC Project No. 1881) and for redevelopment of the project with modification of its operations on the lower Susquehanna River, including the addition of a second power station and associated infrastructure.

4. Project Sponsor and Facility: Ultra Resources (Elk Run), Gaines Township, Tioga County, PA. Application for surface water withdrawal of up to 0.020 mgd.

5. Project Sponsor and Facility: Ultra Resources (Pine Creek), Pike Township, Potter County, PA. Application for surface water withdrawal of up to 0.430 mgd.

*Public Hearing—Project Withdrawn:*

1. Project Sponsor and Facility: EXCO-North Coast Energy, Inc. (for operations in Centre County, PA). Application for consumptive water use of up to 5.000 mgd from various water sources.

*Public Hearing—Extension of Emergency Certificate:*

The Commission denied a request for an extension of an Emergency Certificate previously issued to the following project:

CAN DO, Inc., Hazle Township, Luzerne County, PA—Use of Site 14 Test Well to serve Humbolt Industrial Park.

*Public Hearing—Project Fee Schedule:*

The Commission adopted a revised fee schedule to take effect on January 1, 2009. As mandated by the Commission in 2005, the revised schedule incorporates 10% categorical fee increases and a Consumer Price Index Adjustment. It also contains new provisions for project fees applying to large scale hydroelectric facilities, "Approvals by Rule" issued to gas well development projects, and aquatic surveys performed by SRBC staff in connection with project approvals.

*Authority:* Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808. Dated: January 9, 2009.

PAUL O. SWARTZ,  
*Executive Director*

[Pa.B. Doc. No. 09-146. Filed for public inspection January 23, 2009, 9:00 a.m.]

**Public Hearing and Meeting; Correction**

The Susquehanna River Basin Commission (Commission) published a document in the *Federal Register* of October 1, 2008, concerning notice of project review actions taken at its September 11, 2008, meeting. The document contained certain discrepancies in the originally published list.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, rcairo@srbc.net, or Stephanie L. Richardson, Secretary to the Commission, (717) 238-0423, Ext. 304, fax (717) 238-2436, srichardson@srbc.net. Regular mail inquiries may be sent to Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391.

*Correction*

In the *Federal Register* of October 1, 2008, in FR Doc. 73-191, on page 57191, in the first column, under "Supplementary Information," correct the "Public Hearing—Projects Approved" caption, and on page 57192, in the third column, correct the "Public Hearing—Projects Tabled" caption to read:

*Public Hearing—Projects Approved:*

1. Project Sponsor and Facility: East Resources, Inc. (Seeley Creek), Town of Southport, Chemung County, NY. Surface water withdrawal of up to 0.036 mgd.

2. Project Sponsor and Facility: Chesapeake Appalachia, LLC (for operations in Chemung and Tioga Counties, NY, and Bradford, Susquehanna and Wyoming Counties, PA). Consumptive water use of up to 2.075 mgd from various surface water sources and the following public water suppliers: Towanda Municipal Authority, Aqua Pennsylvania, Inc.—Susquehanna Division, Canton Borough Authority, Borough of Troy, and Village of Horseheads, NY.

3. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River), Town of Tioga, Tioga County, NY. Surface water withdrawal of up to 0.999 mgd.

4. Project Sponsor and Facility: Cabot Oil & Gas Corporation (for operations in Susquehanna and Wyoming Counties, PA). Consumptive water use of up to 3.575 mgd from various surface water sources and the following public water suppliers: Tunkhannock Borough Municipal Authority, Pennsylvania American Water Company—Montrose System, and Meshoppen Borough Council.

5. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Susquehanna River), Great Bend Borough, Susquehanna County, PA. Surface water withdrawal of up to 0.720 mgd.

6. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River), Athens Township, Bradford County, PA. Surface water withdrawal of up to 0.999 mgd.

7. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River), Oakland Township, Susquehanna County, PA. Surface water withdrawal of up to 0.999 mgd.

8. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Susquehanna River), Susquehanna Depot Borough, Susquehanna County, PA. Surface water withdrawal of up to 0.720 mgd.

9. Project Sponsor and Facility: Fortuna Energy, Inc. (Susquehanna River), Sheshequin Township, Bradford County, PA. Surface water withdrawal of up to 0.250 mgd.

10. Project Sponsor and Facility: East Resources, Inc. (Crooked Creek), Middlebury Township, Tioga County, PA. Surface water withdrawal of up to 0.036 mgd.

11. Project Sponsor and Facility: Chief Oil & Gas, LLC (for operations in Bradford County, PA). Consumptive use of water of up to 5.000 mgd.

12. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River), Wysox Township, Bradford County, PA. Surface water withdrawal of up to 0.999 mgd.

13. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Martins Creek), Lathrop Township, Susquehanna County, PA. Surface water withdrawal of up to 0.074 mgd.

14. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Tunkhannock Creek), Lenox Township, Susquehanna County, PA. Surface water withdrawal of up to 0.250 mgd.

15. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Meshoppen Creek-2), Lemon Township, Wyoming County, PA. Surface water withdrawal of up to 0.054 mgd.

16. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Meshoppen Creek-1), Lemon Township, Wyoming County, PA. Surface water withdrawal of up to 0.054 mgd.

17. Project Sponsor and Facility: Pennsylvania General Energy Company, LLC (operations in Potter and McKean Counties, PA). Consumptive water use of up to 4.900 mgd from various surface water sources and the following public water suppliers: Galeton Borough Authority and Austin Borough Water.

18. Project Sponsor and Facility: Pennsylvania General Energy Company, LLC (East Fork of Sinnemahoning Creek—Horton), East Fork Township, Potter County, PA. Surface water withdrawal of up to 0.008 mgd.

19. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River), Mehoopany Township, Wyoming County, PA. Surface water withdrawal of up to 0.999 mgd.

20. Project Sponsor and Facility: Pennsylvania General Energy Company, LLC (First Fork of Sinnemahoning Creek—Costello), Sylvania Township, Potter County, PA. Surface water withdrawal of up to 0.107 mgd.

21. Project Sponsor and Facility: Pennsylvania General Energy Company, LLC (East Fork of Sinnemahoning Creek—East Fork), East Fork Township, Potter County, PA. Surface water withdrawal of up to 0.025 mgd.

22. Project Sponsor and Facility: Pennsylvania General Energy Company, LLC (East Fork of Sinnemahoning Creek—Purdy), Wharton Township, Potter County, PA. Surface water withdrawal of up to 0.027 mgd.

23. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Susquehanna River), Tunkhannock Township, Wyoming County, PA. Surface water withdrawal of up to 0.720 mgd.

24. Project Sponsor and Facility: Pennsylvania General Energy Company, LLC (First Fork of Sinnemahoning Creek—Mahon), Wharton Township, Potter County, PA. Surface water withdrawal of up to 0.231 mgd.

25. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Bowmans Creek), Eaton Township, Wyoming County, PA. Surface water withdrawal of up to 0.290 mgd.

26. Project Sponsor and Facility: PEI Power Corporation, Borough of Archbald, Lackawanna County, PA. Consumptive water use and surface water withdrawal approval (Docket No. 20010406) for addition of up to 0.530 mgd from a public water supplier as a secondary supply source, and settlement of an outstanding compliance matter.

27. Project Sponsor and Facility: Neptune Industries, Inc. (Lackawanna River), Borough of Archbald, Lackawanna County, PA. Surface water withdrawal of up to 0.499 mgd.

28. Project Sponsor and Facility: Range Resources—Appalachia, LLC (for operations in Bradford, Centre, Clinton, Lycoming, Sullivan and Tioga Counties, PA). Consumptive water use of up to 5.000 mgd from various surface water sources and the following public water suppliers: Jersey Shore Joint Water Authority, Williamsport Municipal Water Authority, City of Lock Haven Water Department, Borough of Bellefonte, Borough of Montoursville, Milesburg Water System, and Towanda Municipal Authority.

29. Project Sponsor and Facility: Range Resources—Appalachia, LLC (Lycoming Creek-2), Lewis Township, Lycoming County, PA. Surface water withdrawal of up to 0.200 mgd.

30. Project Sponsor and Facility: Range Resources—Appalachia, LLC (Lycoming Creek-1), Hepburn Township, Lycoming County, PA. Surface water withdrawal of up to 0.200 mgd.

31. Project Sponsor and Facility: Chief Oil & Gas, LLC (for operations in Lycoming County, PA). Consumptive water use of up to 5.000 mgd from various surface water sources and the following public water suppliers: Jersey Shore Joint Water Authority, Williamsport Municipal Water Authority, Borough of Montoursville, and Towanda Municipal Authority.

32. Project Sponsor and Facility: Chief Oil & Gas, LLC (Muncy Creek-2), Penn Township, Lycoming County, PA. Surface water withdrawal of up to 0.099 mgd.

33. Project Sponsor and Facility: Chief Oil & Gas, LLC (Larrys Creek), Mifflin Township, Lycoming County, PA. Surface water withdrawal of up to 0.086 mgd.

34. Project Sponsor and Facility: Chief Oil & Gas, LLC (Muncy Creek-1), Picture Rocks Borough, Lycoming County, PA. Surface water withdrawal of up to 0.099 mgd.

35. Project Sponsor and Facility: Chief Oil & Gas, LLC (Loyalsock Creek), Montoursville Borough, Lycoming County, PA. Surface water withdrawal of up to 0.099 mgd.

36. Project Sponsor and Facility: Range Resources—Appalachia, LLC (West Branch Susquehanna River), Colebrook Township, Lycoming County, PA. Surface water withdrawal of up to 0.200 mgd.

37. Project Sponsor and Facility: Rex Energy Corporation (for operations in Centre and Clearfield Counties, PA). Consumptive water use of up to 5.000 mgd from various surface water sources and the following public water supplier: Clearfield Municipal Authority.

38. Project Sponsor and Facility: Rex Energy Corporation (West Branch Susquehanna River), Goshen Township, Clearfield County, PA. Surface water withdrawal of up to 2.160 mgd.

39. Project Sponsor and Facility: Range Resources—Appalachia, LLC (Beech Creek), Snow Shoe Township, Centre County, PA. Surface water withdrawal of up to 0.200 mgd.

40. Project Sponsor and Facility: Rex Energy Corporation (Moshannon Creek), Snow Shoe Township, Centre County, PA. Surface water withdrawal of up to 2.000 mgd.

41. Project Sponsor and Facility: Rex Energy Corporation (Moshannon Creek Outfall), Rush Township, Centre County, PA. Surface water withdrawal of up to 1.584 mgd.

42. Project Sponsor and Facility: Rex Energy Corporation (Moshannon Creek—Peale), Rush Township, Centre County, PA. Surface water withdrawal of up to 1.440 mgd.

43. Project Sponsor: Suez Energy North America, Inc. Project Facility: Viking Energy of Northumberland, Point Township, Northumberland County, PA. Groundwater withdrawal of 0.391 mgd and consumptive water use of up to 0.387 mgd.

44. Project Sponsor: New Enterprise Stone & Lime Co., Inc. Project Facility: Tyrone Quarry, Warriors Mark Township, Huntingdon County, and Snyder Township, Blair County, PA. Consumptive water use of up to 0.294 mgd; groundwater withdrawals of 0.095 mgd from Well 1, 0.006 mgd from Well 2, 0.050 mgd from Well 3, 0.010 mgd from Well 4, and 0.0003 mgd from Well 5; and surface water withdrawals of up to 0.200 mgd from Logan Spring Run and up to 0.216 mgd from the Little Juanita River.

45. Project Sponsor and Facility: Papetti's Hygrade Egg Products, Inc., d.b.a. Michael Foods Egg Products Co., Upper Mahantango Township, Schuylkill County, PA. Consumptive water use of up to 0.225 mgd; groundwater withdrawals of 0.266 mgd from Well 1, 0.079 mgd from Well 2, and 0.350 mgd from Well 3; and a total system withdrawal limit of 0.350 mgd.

46. Project Sponsor: Old Castle Materials, Inc. Project Facility: Pennsy Supply, Inc.—Hummelstown Quarry,

South Hanover Township, Dauphin County, PA. Surface water withdrawal of up to 29.000 mgd.

47. Project Sponsor and Facility: Dart Container Corporation of Pennsylvania, Upper Leacock Township, Lancaster County, PA. Groundwater withdrawals of 0.144 mgd from Well 4 and 0.058 mgd from Well 12; and a total system withdrawal limit of 0.367 mgd.

48. Project Sponsor: East Berlin Area Joint Authority. Project Facility: Buttercup Farms, Hamilton Township, Adams County, PA. Groundwater withdrawals (30-day averages) of 0.130 mgd from Well TW-1 and 0.029 mgd from Well TW-2.

*Public Hearing—Projects Tabled*

1. Project Sponsor and Facility: Chief Oil & Gas, LLC (Sugar Creek), West Burlington Township, Bradford County, PA. Application for surface water withdrawal of up to 0.053 mgd.

2. Project Sponsor and Facility: Fortuna Energy, Inc. (Sugar Creek), West Burlington Township, Bradford County, PA. Application for surface water withdrawal of up to 0.033 mgd.

3. Project Sponsor and Facility: Fortuna Energy, Inc. (Towanda Creek), Franklin Township, Bradford County, PA. Application for surface water withdrawal of up to 0.093 mgd.

4. Project Sponsor and Facility: Chief Oil & Gas, LLC (Pine Creek), Cummings Township, Lycoming County, Pa. Application for surface water withdrawal of up to 0.099 mgd.

5. Project Sponsor and Facility: Rex Energy Corporation (Upper Little Surveyor Run), Girard Township, Clearfield County, PA. Application for surface water withdrawal of up to 0.400 mgd.

6. Project Sponsor and Facility: Rex Energy Corporation (Lower Little Surveyor Run), Girard Township, Clearfield County, PA. Application for surface water withdrawal of up to 0.400 mgd.

*Authority:* Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808. Dated: January 9, 2009.

PAUL O. SWARTZ,  
*Executive Director*

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