

# PENNSYLVANIA BULLETIN

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See Part II page 6619  
for the Department of Education's  
Long-Range Plan for the Keystone  
Recreation, Park and Conservation Fund  
Grant Program for Public Library  
Facilities; 2009-2013

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Thaddeus Stevens College of Technology  
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to September 26, 2009**

**No. 420, November 2009**

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## *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.

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# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART II. GENERAL ADMINISTRATION

#### [ 204 PA. CODE CH. 29 ]

#### In Re: Promulgation of Financial Regulations Pursuant to Act 49 of 2009 (42 Pa.C.S. §§ 3733(a.1) and 3733.1); No. 335; Judicial Administration

#### Order

*Per Curiam:*

And now, this 29th day of October, 2009 it is *Ordered* pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S. § 3502(a), that the Court Administrator of Pennsylvania is authorized to promulgate the attached Financial Regulations.

To the extent that notice of proposed rulemaking may be required by Pa.R.J.A. No. 103, the immediate promulgation of the regulations is hereby found to be in the interests of efficient administration.

This Order is to be processed in accordance with Pa.R.J.A. No. 103(b) and is effective December 8, 2009.

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART II. GENERAL ADMINISTRATION

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#### 42 Pa.C.S. JUDICIARY AND JUDICIAL PROCEDURE

#### PART IV. FINANCIAL MATTERS

#### CHAPTER 37. FACILITIES AND SUPPLIES

#### SUBCHAPTER C. JUDICIAL COMPUTER SYSTEM

#### § 29.351. Definitions.

(a) *Pennsylvania Supreme, Superior and Commonwealth Courts. Initial Filing.*

1. Except for the provisions of subsection (g) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1, a statutory fee of twelve dollars and twenty-five cents (\$12.25) shall be imposed on all items enumerated in the fee schedules of the Appellate Courts for which a filing and service fee is collected, excluding the following:

- i. Second and Subsequent Filings for Extension of Time;
- ii. Reargument/Reconsideration;
- iii. Services in Connection with Appeals to or Writs of Certiorari from the United States Supreme Court;
- iv. Miscellaneous Fees; and
- v. Subpoenas

(b) *Court of Common Pleas. Prothonotary. Civil Actions and Legal Proceedings.*

1. Except for the provisions of subsection (g) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1, a statutory fee of twelve dollars and twenty-five cents (\$12.25) shall be imposed on a civil action or legal proceeding in a Court of Common Pleas whenever it is initiated upon the filing of the first legal paper therein of record with the prothonotary, which legal paper may be:

- i. Praecepte for a Writ of Summons;
- ii. Complaint;
- iii. Agreement for an Amicable Action;
- iv. Petition;
- v. Notice of Appeal from a court of limited jurisdiction; or,
- vi. Petition or grant of any other legal paper commencing an action or proceeding authorized by Act of Assembly or rule of court.

2. For purposes of these regulations, the initiation of a civil action or legal proceeding shall include, but is not limited to:

i. Actions governed by or authorized under the Pennsylvania Rules of Civil Procedure, such as Civil Action Ejectment, Equity, Ground Rent, Mandamus, Mortgage Foreclosure, Partition of Real Property, Quiet Title, Quo Warranto, Replevin, and the Prevention of Waste;

ii. Actions pertaining to Dependency, Annulments, Divorce, Custody, Partial Custody, Visitation of Minor Children, Support, and Paternity. With respect to Divorce actions, a separate statutory fee shall be imposed for each count in the complaint in addition to the count requesting divorce;

iii. Statutory actions such as Confirmation of Arbitration Awards, Conformation of Confessed Judgment, Declaratory Judgment, Opening or Striking Off a Judgment, Eminent Domain, Habeas Corpus, Proceedings on Liens (other than revival), Name Changes, Partition of Property Held by Husband and Wife as Tenants By the Entireties, Tax Sales of Real Property; or,

iv. Other actions not included in subsections (i), (ii) or (iii) such as: Appeals from Board of Elections, Appeals from Board of Viewers, Appeals from Zoning Boards, and Certiorari to Magisterial District Judges.

(c) *Court of Common Pleas. Orphans' Court Clerk, Register of Wills.*

1. Except for the provisions of subsection (g) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1, a statutory fee of twelve dollars and twenty-five cents (\$12.25) shall be imposed on all petitions for grant of letters, and first filings in petitions concerning adoptions, incompetents' estates, minors' estates, and inter vivos trusts.

(d) *Court of Common Pleas. Clerk of Court.*

1. Except for the provisions of subsection (g) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1, a statutory fee of twelve dollars and twenty-five cents (\$12.25) shall be imposed upon conviction, guilty plea, or when a defendant is granted entry into an Accelerated Rehabilitative Disposition (ARD) or other pretrial diversionary program based upon the initiation of any criminal proceeding. The initiation of a criminal proceeding shall include:

i. Cases commenced at the magisterial district judge level resulting in the issuance of a numbered docket transcript form (OTN), and subsequently waived or held to court;

ii. the appeal of a summary conviction to the Court of Common Pleas;

iii. cases involving juvenile defendants where a petition alleging delinquency has been filed in the Court of Common Pleas;

iv. cases involving juvenile defendants certified to the Court of Common Pleas, resulting in the issuance of a numbered docket transcript form (OTN); and

v. cases involving the severance of charges into separate cases resulting in the issuance of one or more additional numbered docket transcripts (OTNs).

2. Except for the provisions of subsection (g) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1, a statutory fee of twelve dollars and twenty-five cents (\$12.25) shall be imposed for each filing of a deed, mortgage or property transfer for which a fee, charge or cost is now authorized. The documents identified as meeting the above conditions are listed below. The list is not exclusive and any other filing for which a fee is imposed, which can be considered a property transfer, is included and should have the fee imposed. Subject to later amendment, the following documents have been identified as meeting the statutory provisions:

- i. Deeds in any form;
- ii. Mortgages;
- iii. Mortgage assignments;
- iv. Mortgage releases;
- v. Mortgage satisfaction pieces;
- vi. Installment sales agreements;
- vii. Leases for a term of thirty (30) years or longer;
- viii. Easements; and
- ix. Rights of Way

(e) *Minor Judiciary. Civil and Criminal Proceedings.*

1. For purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1 a statutory fee of twelve dollars and twenty-five cents (\$12.25) shall be imposed on the initiation of a legal proceeding. The initiation of a legal proceeding, in the following courts of the Minor Judiciary, shall include, but is not limited to, the following:

i. Magisterial District Judge. Civil Actions. Except for the provisions of subsection (g) below, a statutory fee of twelve dollars and twenty-five cents (\$12.25) shall be imposed in connection with the filing of a complaint in Trespass and Assumpsit or for the Recovery of Possession of Real Property (Landlord and Tenant Proceeding) or for any other Civil Action as provided in the Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges.

ii. Magisterial District Judge. Criminal Actions. Except for the provisions of subsection (g) below, a statutory fee of twelve dollars and twenty-five cents (\$12.25) shall be imposed upon a conviction, guilty plea or when a defendant is granted entry into an Accelerated Rehabilitative Disposition (ARD) or any other pretrial diversionary program based upon the filing of a criminal complaint or non-traffic citation charging an offense classified as mis-

demeanor or summary under a state statute or local ordinance as provided in the Pennsylvania Rules of Criminal Procedure.

iii. Magisterial District Judge, Pittsburgh Municipal Court, Philadelphia Municipal Court, and Philadelphia Traffic Court. Title 75 Summary Offenses Initiated by Traffic Citation. A statutory fee of ten dollars (\$10.00) shall be imposed upon a conviction or guilty plea based upon the filing of a traffic citation charging a violation of a Title 75 (relating to vehicles) offense classified as summary under a state statute or local ordinance as provided in the Pennsylvania Rules of Criminal Procedure.

iv. Pittsburgh Municipal Court. Civil Actions. Except for the provisions of subsection (g) below, a statutory fee of twelve dollars and twenty-five cents (\$12.25) shall be imposed in connection with the filing of a civil complaint seeking recovery of fines and penalties imposed by an ordinance of the City of Pittsburgh or by any ordinance or regulation relating to housing and health administered and enforced by the county health department where the violation occurs within the City of Pittsburgh.

v. Pittsburgh Municipal Court. Criminal Actions. Except for the provisions of subsection (g) below, a statutory fee of twelve dollars and twenty-five cents (\$12.25) shall be imposed upon a conviction, guilty plea or when a defendant is granted entry into an Accelerated Rehabilitative Disposition (ARD) or any other pretrial diversionary program based upon the filing of a criminal complaint or non-traffic citation charging an offense classified as misdemeanor or summary under a state statute or local ordinance as provided for in the Pennsylvania Rules of Criminal Procedure.

vi. Philadelphia Municipal Court. Civil Actions. Except for the provisions of subsection (g) below, a statutory fee of twelve dollars and twenty-five cents (\$12.25) shall be imposed in connection with the filing of a complaint for a Civil Action, as defined in the Philadelphia Municipal Court Rules of Civil Procedure.

vii. Philadelphia Municipal Court. Criminal Actions. Except for the provisions of subsection (g) below, a statutory fee of twelve dollars and twenty-five cents (\$12.25) shall be imposed upon conviction, guilty plea or when a defendant is granted entry into an Accelerated Rehabilitative Disposition (ARD) or any other pretrial diversionary program based upon the filing of a criminal complaint or non-traffic citation charging an offense classified as misdemeanor or summary under a state statute or local ordinance as provided for in the Pennsylvania Rules of Criminal Procedure.

(f) Recorders of Deeds. Except for the provisions of subsection (g) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1, a statutory fee of twelve dollars and twenty-five cents (\$12.25) shall be imposed for each filing of a deed, mortgage or property transfer for which a fee, charge or cost is now authorized. The documents identified as meeting the above conditions are listed below. The list is not exclusive and any other filing for which a fee is imposed, which can be considered a property transfer, is included. Subject to later amendment, the following documents have been identified as meeting the statutory provisions:

- i. Deeds in any form;
- ii. Mortgages;
- iii. Mortgage assignments;
- iv. Mortgage releases;

- v. Mortgage satisfaction pieces;
  - vi. Installment sales agreements;
  - vii. Leases for a term of thirty (30) years or longer;
  - viii. Easements; and
  - ix. Rights of Way
- (g) *Temporary Surcharge.*

i. For a period of twenty-five (25) months beginning on December 8, 2009 and ending on January 7, 2012 pursuant to Act 49 of 2009, a temporary surcharge of eleven dollars and twenty-five cents (\$11.25) shall be collected by all collectors of the JCS/ATJ fee to supplement the twelve dollars and twenty-five cents (\$12.25) statutory fee described above.

ii. The temporary surcharge may not be imposed upon a conviction or guilty plea based upon the filing of a traffic citation charging a Title 75 (relating to vehicles) offense classified as summary under a state statute or local ordinance as provided in the Pennsylvania Rules of Criminal Procedure.

#### Source

The provisions of this § 29.351 adopted June 29, 1990, effective June 29, 1990, 20 Pa.B. 3969; amended October 24, 2002, effective immediately, 32 Pa.B. 5507. Immediately preceding text appears at serial pages (200604) and (286917).

#### § 29.352. Methods of Reporting.

All system and related personnel are to follow the procedures set forth by the Department of Revenue for the reporting of fees.

#### Source

The provisions of this § 29.352 adopted June 29, 1990, effective June 29, 1990, 20 Pa.B. 3969.

#### § 29.353. General Principles.

The Supreme Court of Pennsylvania, pursuant to general authority set forth by Art. V, § 10 of the Pennsylvania Constitution, and 42 Pa.C.S. § 1721, has authorized the Court Administrator of Pennsylvania to promulgate regulations in accordance with all applicable statutory provisions pertaining to the distribution and disbursement of all fines, fees, costs, reparations, restitution, penalties and other remittances imposed and collected by the Criminal Division of the Courts of Common Pleas, Philadelphia Municipal Court, any other entity on behalf of the Court using the Common Pleas Criminal Court Case Management System (CPCMS), and those Magisterial District Courts which are using the "redesigned" Magisterial District Judge System (MDJS).

These regulations are effective December 8, 2009.

I. Schedule for standard distribution of funds collected by the Criminal Division of the Courts of Common Pleas, Philadelphia Municipal Court, any other entity on behalf of the Court using the CPCMS and those Magisterial District Courts using the "redesigned" MDJS.

A. All fines, fees, costs, reparations, restitution, penalties and other remittances imposed and collected by the Criminal Division of the Courts of Common Pleas, Philadelphia Municipal Court, any other entity on behalf of the Court using the CPCMS and those Magisterial District Courts using the "redesigned" MDJS shall be distributed in the following prioritized order:

1. The collection agency fee provided for in 42 Pa.C.S. § 9730.1 shall be paid first, but only in cases wherein the

private collection agency has secured the funds from the defendant or a third party and the payment is made to the court. No more than 25% of each payment secured from the defendant by the private collection agency may be applied towards this fee.

2. The Crime Victim Compensation Fund and Victim Witness Services Fund shall be paid, but only in cases in which the defendant has been sentenced to incarceration, probation or is admitted into an accelerated rehabilitative disposition program (see 18 P.S. § 11.1101). Otherwise, these costs shall be distributed in accordance with subsection (A)(6) of these regulations.

3. At least 50% of any additional payment shall go to restitution until it is paid in full (see 42 Pa.C.S. § 9728(g.1)). When restitution is ordered to more than one recipient at the same time, the court shall set the priority of payment as follows, in accordance with 18 Pa.C.S. § 1106(c)(1)(ii)(A)—(D):

- i. the victim;
- ii. the Crime Victim's Compensation Board;
- iii. any other governmental agency which has provided reimbursement to the victim as a result of the defendant's criminal conduct;
- iv. any insurance company which has provided reimbursement to the victim as a result of the defendant's criminal conduct.

4. Judicial Computer Project/Access To Justice/Criminal Justice Enhancement Account (JCS/ATJ/CJEA) Fee (see 42 Pa.C.S. §§ 3733(a.1) and 3733.1).

5. Electronic monitoring fees, offender supervision fees (as set forth in 18 P.S. § 11.1102(c)), alcohol highway safety school fees, service fees (such as sheriff's fees set forth in 42 P.S. § 21101 et seq., and constable's fees set forth in 42 Pa.C.S. § 2950), transcript fees, witness fees (as provided for in 42 Pa.C.S. § 5903), and other similar fees shall be paid based upon a pro-rated formula, unless the fees are prioritized by court order or the judicial district. The Administrative Office of Pennsylvania Courts may preclude a fee from being classified as an "other similar fee." The amount of the payment allocated to each outstanding item shall be determined by dividing the outstanding balance for the individual item by the combined total of the outstanding balances for all items. The resulting number is then multiplied by the amount of the payment to determine how much of the payment shall be allocated to the outstanding balance of the individual item involved.

For example, a defendant owes \$80.00 in electronic monitoring fees, \$10.00 in offender supervision fees, and \$10.00 in service fees, for a total of \$100.00 in outstanding fees. Defendant makes a payment of \$10.00 in his/her case. To determine the amount to be allocated to electronic monitoring fees, divide the outstanding balance of the electronic monitoring fee (\$80.00) by the combined total outstanding balances of all items (\$80.00 + 10.00 + 10.00 = \$100.00). The result in this example is .8 (80/100). Multiply the resulting figure by the amount of the payment to determine the allocation to electronic monitoring fees, which in this example is \$8.00 (.8 × \$10.00 = \$8.00).

6. All other fines, fees, costs, reparations, penalties and other remittances except for judgment or satisfaction fees shall be distributed based upon a pro-rated formula. Specifically, the amount of the payment allocated to each outstanding item shall be determined by dividing the outstanding balance for the individual item by the com-

bined total of the outstanding balances for all items. The resulting number is then multiplied by the amount of the payment to determine how much of the payment shall be allocated to the outstanding balance of the individual item involved.

For example, a defendant owes \$80.00 in costs, \$10.00 in fines, and \$10.00 in fees, for a total of \$100.00 in outstanding costs, fines and fees. Defendant makes a payment of \$20.00 in his/her case. To determine the amount to be allocated to the fines, divide the outstanding balance of the fines (\$10.00) by the combined total outstanding balances of all items (\$80.00 + 10.00 + 10.00 = \$100.00). The result in this example is .1 (10/100). Multiply the resulting figure by the amount of the payment to determine the allocation to the fines, which in this example is \$2.00 (.1 × \$20.00 = \$2.00).

7. Fees charged by the clerk of courts, prothonotary, other entity in the county responsible for the distribution and disbursement of all fines, fees, costs, reparations, restitution, penalties, or other remittances, or the Clerk of Philadelphia Municipal Court for the entry or satisfaction of a civil judgment related to a criminal proceeding, as set forth in 42 Pa.C.S. § 1725, 42 P. S. §§ 21042 and 21071, shall be paid last. The amount of the payment allocated to each fee shall be determined by dividing the outstanding balance for the individual fee by the combined total of the outstanding balances for both fees. The resulting number is then multiplied by the amount of the payment to determine how much of the payment shall be allocated to the outstanding balance of the individual fee involved.

For example, a defendant owes \$60.00 in judgment fees and \$40.00 in satisfaction fees for a total of \$100.00 in outstanding fees. Defendant makes a payment of \$10.00 in his/her case. To determine the amount to be allocated to judgment fee, divide the outstanding balance of the judgment fee (\$60.00) by the combined total outstanding balances of all items (\$60.00 + 40.00 = \$100.00). The result in this example is .6 (60/100). Multiply the resulting figure by the amount of the payment to determine the allocation to judgment fee, which in this example is \$6.00 (.6 × \$10.00 = \$6.00).

B. Each payment shall be applied to a single case, unless otherwise ordered by the court.

II. The county probation department or other agent designated to collect all fines, fees, costs, reparations, restitution, penalties and other remittances pursuant to 42 Pa.C.S. § 9728 shall use the CPCMS when performing collection-related activities.

III. Nothing in these regulations shall be applicable to the collection and/or distribution of any filing fee which is authorized by law. Filing fees shall include but not be limited to the clerk of courts automation fee set forth in 42 Pa.C.S. § 1725.4(b).

#### Source

The provisions of this § 29.353 adopted September 30, 2003, effective immediately, 33 Pa.B. 5173; amended March 23, 2005, effective April 1, 2005, 35 Pa.B. 2095. Immediately preceding text appears at serial pages (299601) to (299602) and (307445).

[Pa.B. Doc. No. 09-2095. Filed for public inspection November 13, 2009, 9:00 a.m.]

# PROPOSED RULEMAKING

## ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CH. 95 ]  
Wastewater Treatment Requirements

[Correction]

A typographical error occurred in the preamble to the document which appeared at 39 Pa.B. 6467, 6470 (November 7, 2009). The email address in the *Electronic Comments* section was incorrect. The following represents the correct version of Subpart I of the preamble of that document. Additionally, the comment time period has been extended to February 12, 2010.

### I. *Public Comments*

The Department is particularly interested in comments regarding economic impacts and treatment technologies, including levels of treatment and associated costs, from industries covered by this regulatory change. Comments on this and other aspects of the draft regulation can be submitted in hard or electronic copy as explained as follows.

*Written Comments*—Interested persons are invited to submit comments, suggestions or objections regarding the

proposed regulation to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17105-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by February 12, 2010. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by the Board by February 12, 2010. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final-form regulation will be considered.

*Electronic Comments*—Comments may be submitted electronically to the Board at RegComments@state.pa.us and must also be received by the Board by February 12, 2010. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgement of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

[Pa.B. Doc. No. 09-2065. Filed for public inspection November 6, 2009, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [ 4 PA. CODE CH. 9 ]

#### Reorganization of the Board of Probation and Parole

The Executive Board approved a reorganization of the Board of Probation and Parole effective October 21, 2009.

The organization chart at 39 Pa.B. 6549 (November 14, 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. 09-2096. Filed for public inspection November 13, 2009, 9:00 a.m.]

### PART II. EXECUTIVE BOARD

#### [ 4 PA. CODE CH. 9 ]

#### Reorganization of the Office of Administration

The Executive Board approved a reorganization of the Office of Administration effective October 21, 2009.

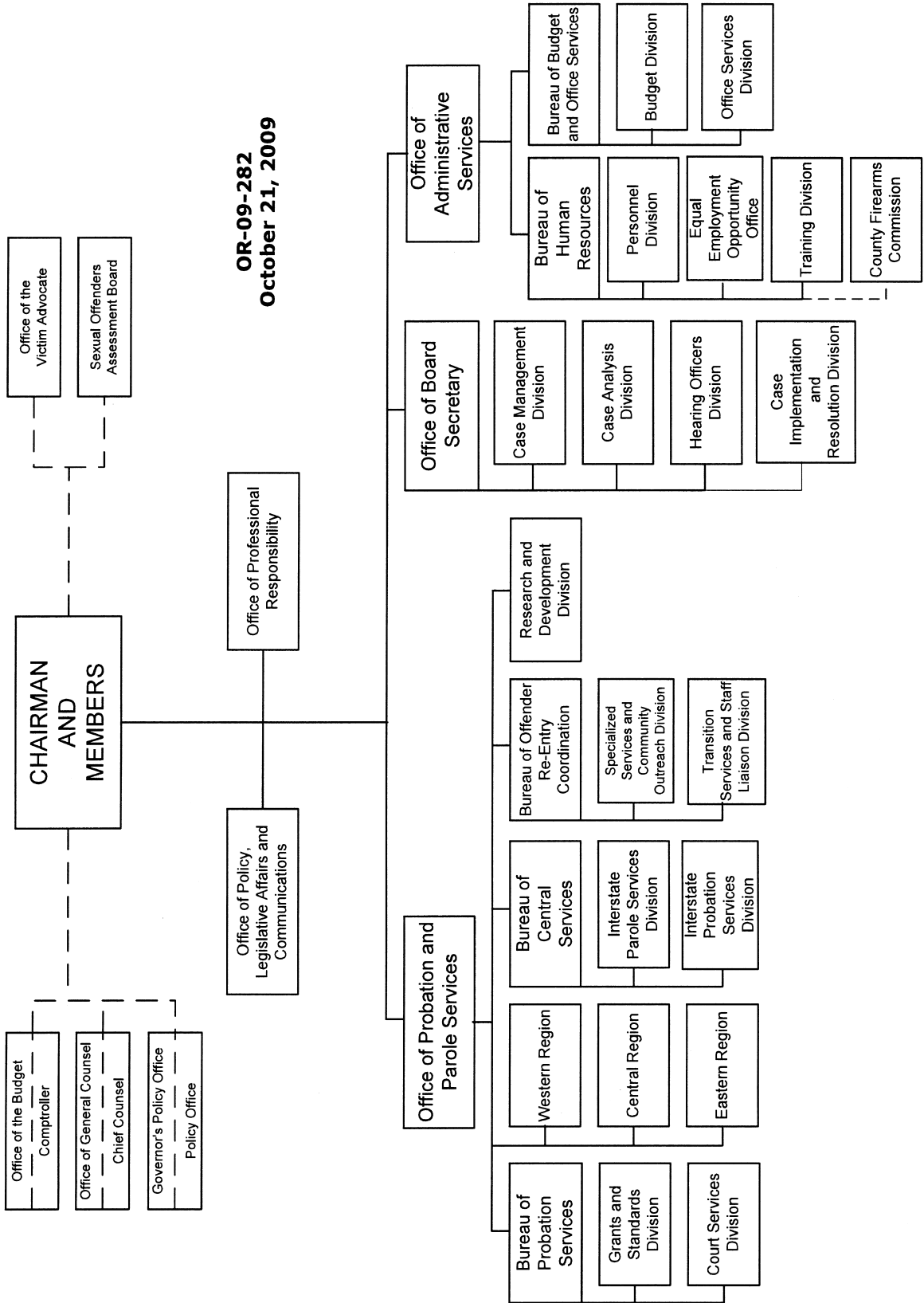
The organization chart at 39 Pa.B. 6550 (November 14, 2009) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of code).

*(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.)*

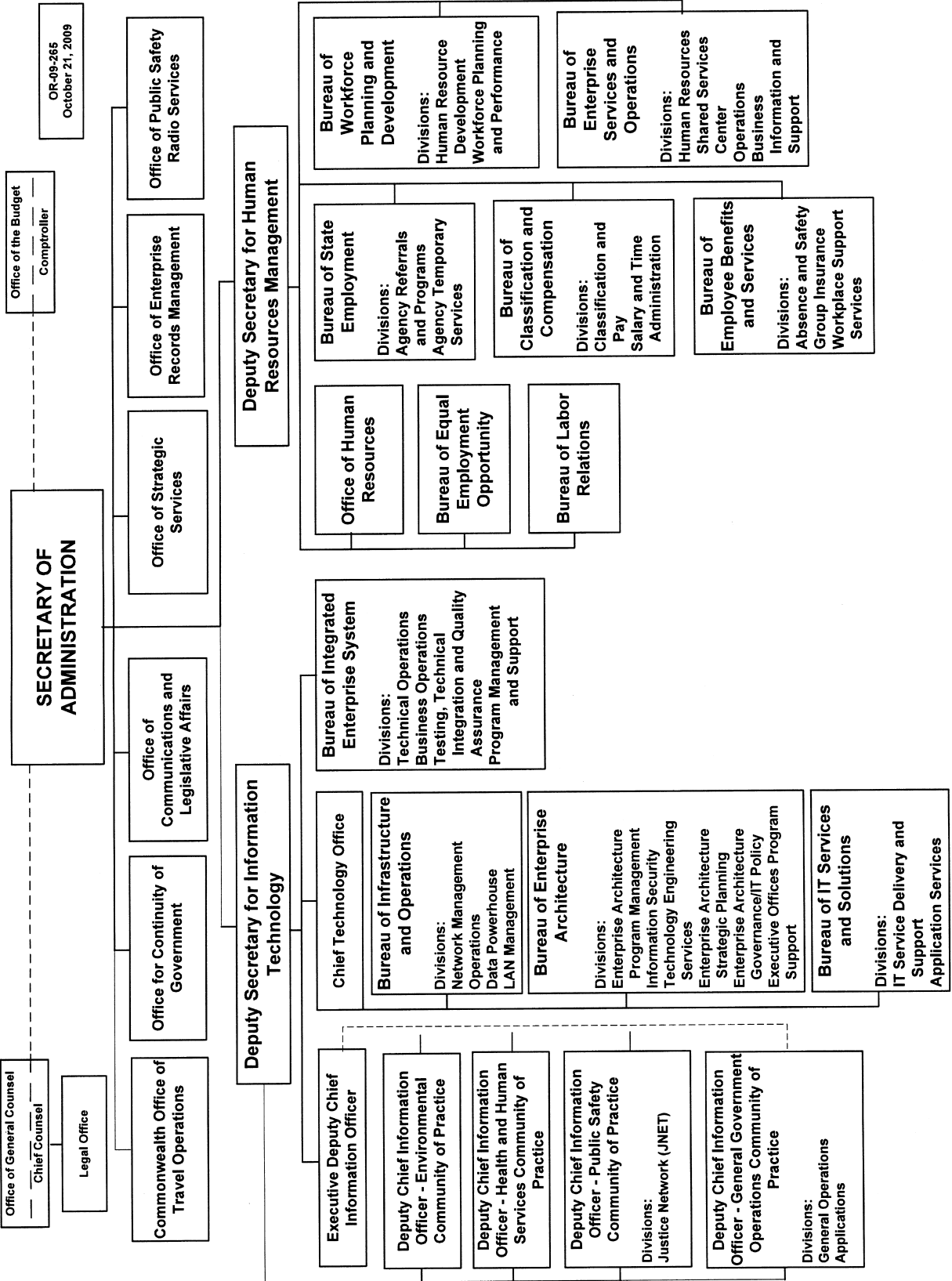
[Pa.B. Doc. No. 09-2097. Filed for public inspection November 13, 2009, 9:00 a.m.]



BOARD OF PROBATION AND PAROLE



**GOVERNOR'S OFFICE OF ADMINISTRATION**



# NOTICES

## DEPARTMENT OF AGRICULTURE

### Order of Quarantine; Emerald Ash Borer

#### Recitals

A. Emerald Ash Borer (EAB), *Agrilus planipennis* (*Fairemaire*)—a beetle indigenous to Asia—is a serious plant pest that attacks and kills ash trees belonging to the genus *Fraxinus*. EAB has worked its way east from Michigan, where it was first detected in 2002.

B. EAB has killed 40 million ash trees during the short time it has been present in North America. Typically, trees are killed within 3 years of the initial attack by this beetle. EAB presents a clear threat to the Commonwealth's forest and horticultural resources.

C. The Plant Pest Act (act) (3 P. S. §§ 258.1—258.27) empowers the Department of Agriculture (Department) to take various measures to detect, contain and eradicate plant pests. These powers include the authority to establish quarantines to prevent the spread of plant pests within this Commonwealth.

D. The Department has issued previous EAB-related Orders of Quarantine, establishing a quarantined area that includes all of Allegheny, Armstrong, Beaver, Butler, Indiana, Lawrence, Mercer, Mifflin, Washington and Westmoreland Counties, and restricting the movement of designated articles and materials from this quarantined area.

E. EAB has recently been detected in Juniata County—a county outside of the current quarantined area—making it necessary to expand the quarantined area to include that county.

#### Order

Under authority of section 21 of the act (3 P. S. § 258.21), and with the Recitals previously incorporated into this Order by reference, the Department hereby orders the following:

#### 1. Confirmation of Quarantine; Addition of Juniata County to the Quarantined Area.

a. The quarantine established by previous Orders with respect to Allegheny, Armstrong, Beaver, Butler, Indiana, Lawrence, Mercer, Mifflin, Washington and Westmoreland Counties (collectively, the “quarantined area”) remains in effect, subject to the conditions set forth in this Order.

b. A quarantine is hereby established with respect to Juniata County, effective immediately. Juniata County is part of the quarantined area, and is subject to the conditions set forth in this Order.

2. *Limitations Imposed.* The following objects or materials may not be moved out of the quarantined area, unless done in accordance with Paragraph No. 3 of this Order:

- a. The Emerald Ash Borer in any living stage of development;
- b. Ash trees of any size;
- c. Ash limbs, branches, stumps, and roots;
- d. Any cut, nonconiferous (hardwood) firewood;

e. Nonconiferous (hardwood) bark and nonconiferous (hardwood) wood chips larger than 1 inch in two dimensions;

f. Ash logs and lumber with either the bark or the outer 1 inch of sapwood, or both, attached;

g. Any item made from or containing the wood of the ash tree that is capable of spreading emerald ash borer; and

h. Any other article, product or means of conveyance determined by the Department to present a risk of spreading the EAB infestation.

3. *Movement of regulated articles from quarantined areas.* An article described in Paragraph No. 2 of this Order may be moved from a quarantined area only under the following circumstances:

a. With a valid certificate or limited permit (as described in Paragraph No. 4) attached;

b. Without a certificate or limited permit (as described in Paragraph No. 4) attached if:

i. The regulated article is moved by the United States Department of Agriculture or the Department for experimental or scientific purposes; or

ii. The regulated article originates outside the quarantined area and is moved intrastate through the quarantined area under the following conditions:

A. The points of origin and destination are indicated on a waybill accompanying the regulated article; and

B. The regulated article, if moved through the quarantined area during the period of May 1 through August 31 or when the ambient air temperature is 40° F or higher, is moved in an enclosed vehicle or is completely covered to prevent access by the EAB; and

C. The regulated article is moved directly through the quarantined area without stopping (except for refueling or for traffic conditions, such as traffic lights or stop signs), or has been stored, packed, or handled at locations approved by an inspector as not posing a risk of infestation by emerald ash borer; and

D. The article has not been combined or commingled with other articles so as to lose its individual identity.

c. Without a certificate or limited permit (as described in Paragraph No. 4) attached if a USDA-issued or USDA-authorized (by USDA compliance agreement) certificate or permit is attached.

4. *Obtaining a Certificate or Limited Permit from the Department for Intrastate Movement of Articles.* The Department or a person operating under a compliance agreement will issue a certificate or limited permit authorizing the intrastate movement of articles described in Paragraph No. 2 of this Order if it is satisfied that all of the following are accurate:

a. The article is either of the following:

i. The article is apparently free of EAB, based on inspection; or the article has been grown, produced, manufactured, stored or handled in a manner that, in the judgment of the Department, prevents the article from presenting a risk of spreading EAB; or

ii. The article is to be moved to a specified destination for specific processing, handling, or utilization (the destination and other conditions to be listed on the advance

written permission), and this movement will not result in the spread of EAB because EAB will be destroyed by the specific processing, handling, or utilization; and

b. The article is to be moved in compliance with this Order and any additional emergency conditions that the Department may impose under the act to prevent the artificial spread of EAB; and

c. The article is eligible for intrastate movement under all other Federal domestic plant quarantines and regulations applicable to the regulated articles.

5. *Cancellation of a Certificate or Limited Permit.* Any certificate or limited permit may be canceled orally or in writing by the Department whenever the Department determines that the holder of the certificate or limited permit has not complied with the act or this Order. If the cancellation is oral, the cancellation will become effective immediately, and the cancellation and the reasons for the cancellation will be confirmed in writing as soon as circumstances permit.

6. *Compliance Agreements.* The Department will consider entering into a compliance agreement with any person that demonstrates an understanding of the requirements of this Order and otherwise satisfies the Department it is capable of issuing certificates or limited permits in accordance with the requirements of this Order. The Department shall either provide blank certificates and limited permits to a person operating under a compliance agreement or authorize reproduction of the certificates or limited permits on shipping containers, or both, as requested by the person operating under the compliance agreement. These certificates and limited permits may then be completed and used, as needed, for the intrastate movement of regulated articles that have met all of the requirements of Paragraph No. 4.

7. *Documentation to Accompany Articles in Intrastate Movement from the Quarantined Area.* If an article described in Paragraph No. 2 of this Order is to be moved intrastate from the quarantined area, the article must be plainly marked with the name and address of the consignor and the name and address of the consignee and must have a copy of the applicable Department-issued or Department-authorized (by compliance agreement as described in Paragraph No. 6) certificate or limited permit securely attached at all times during intrastate movement attached to the article itself, or to the container carrying the article, or to the consignee's copy of the accompanying waybill: Provided, that the description of the article on the certificate or limited permit, and on the waybill, are sufficient to identify the regulated article. The carrier must furnish the certificate or limited permit authorizing the intrastate movement of the article to the consignee at the destination of the shipment.

8. *Federal Requirements for Interstate Movement of Articles.* This Order is distinct from, and in addition to, any Federal statute, regulation or quarantine order addressing the interstate movement of articles from the quarantined area or this Commonwealth.

9. *Contacting the Department.* A person seeking information about the requirements of this Order, or a limited permit for intrastate movement of quarantined articles, or a compliance agreement for intrastate movement of quarantined articles, shall contact the Department of Agriculture, Attention: Walt Blosser, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-5205, wblosser@state.pa.us.

10. *Criminal and Civil Penalties.* A person who violates this Order will face summary criminal prosecution carry-

ing up to 90 days imprisonment and a fine of up to \$300 with respect to each violation. In addition, a person who violates this Order may be assessed a civil penalty of up to \$20,000 with respect to each violation.

11. *Cooperation with other agencies.* The Department will consult with USDA, other state agencies and the Pennsylvania State University Cooperative Extension with respect to the most efficacious measures to survey for and detect EAB to slow the spread or eradicate this pest.

12. *Effective Date.* This quarantine is effective as of October 27, 2009, and shall remain in effect until rescinded by subsequent order.

RUSSELL C. REDDING,  
*Acting Secretary*

[Pa.B. Doc. No. 09-2098. Filed for public inspection November 13, 2009, 9:00 a.m.]

## Revision of Quarantine and Program Orders; Relating to Plum Pox Virus

### *Recitals*

A. The Plant Pest Act (act) (3 P. S. §§ 258.1—258.27) empowers the Department of Agriculture (Department) to take various measures to detect, contain and eradicate plant pests in this Commonwealth.

B. The powers granted to the Department under section 21 of the act (3 P. S. § 258.21) include the power to establish quarantines to prevent the dissemination of plant pests within this Commonwealth.

C. Plum Pox Virus (PPV) is a serious plant pest, indigenous to Europe. It injures and damages stone fruits such as peaches, nectarines, plums and apricots by drastically reducing the fruit yields from these stone fruit trees and by disfiguring the fruit to the point that it is unmarketable.

D. PPV has the potential to cause serious damage to the stone fruit production industry within this Commonwealth. It is transmitted from infected trees by aphids and by budding or grafting and can be spread into new areas by movement of infected nursery stock. The movement of PPV-infected fruit trees poses a danger to stone fruit trees in noninfected areas. There is no known control for PPV other than destruction of infected trees.

E. As a result of the presence of PPV in several townships and boroughs, the Department has—since 1999—issued a series of orders establishing quarantines and programs relating to the detection, containment and eradication of PPV.

F. The Department believes progress has been made in the screening, detection, isolation and elimination of PPV. The Department's extensive surveillance and testing efforts have not confirmed the continued presence of PPV among stone fruit trees in and around the areas that are currently subject to the various quarantine orders and program orders issued by the Department to address PPV.

G. The Department believes it is reasonable to: (1) rescind the current quarantines affecting portions of several townships in Adams County and portions of a single township in Cumberland County; (2) revise the PPV Nursery Quarantine restrictions established in previous orders; (3) rescind the Orders relating to the Plum

Pox Virus Voluntary Commercial Fruit Tree Indemnity Program; and (4) provide a single reference to the various programs that remain in effect to help address PPV.

#### *Order*

Under authority of section 21 of the act, and with the foregoing recitals incorporated herein, the Department hereby orders the following:

#### *Rescinding Current PPV Area Quarantines.*

1. The Department hereby rescinds the PPV Quarantine Orders establishing quarantine areas in portions of Menallen Township (Adams County), Franklin Township (Adams County), Butler Township (Adams County) and South Middleton Township (Cumberland County). The specific quarantine orders that are rescinded in their entirety are as follows:

The Order of November 9, 2005, published at 35 Pa.B. 6543 (December 3, 2005), establishing a PPV Quarantine with respect to a portion of Menallen Township, Adams County;

The Order of September 21, 2006, published at 36 Pa.B. 6108 (October 7, 2006), establishing a PPV Quarantine with respect to a portion of Franklin Township, Adams County;

The Order of September 26, 2003, published at 33 Pa.B. 5087 (October 11, 2003), establishing a PPV Quarantine with respect to a portion of Butler Township, Adams County; and

The Order of October 22, 2007, published at 37 Pa.B. 5902 (November 3, 2007), establishing a PPV Quarantine with respect to a portion of South Middleton Township, Cumberland County.

#### *Revising the PPV Nursery Area Quarantines.*

2. The following areas are hereby released from the PPV Nursery Quarantine Area established by Order of January 5, 2005, published at 35 Pa.B. 552 (January 22, 2005):

#### *In Adams County*

- Huntington Township.
- Latimore Township.
- That portion of Butler Township that had previously been included in the PPV nursery Quarantine Area.
- That portion of Tyrone Township that had previously been included in the PPV Nursery Quarantine Area.

- The Borough of York Springs.

#### *In Cumberland County*

- Dickinson Township.
- The Borough of Mt. Holly Springs.

#### *In York County*

- Franklin Township

3. The following areas remain within the PPV Nursery Quarantine Area:

#### *In Adams County*

- That portion of Menallen Township described in the Order of November 9, 2005, published at 35 Pa.B. 6543 (December 3, 2005), establishing the PPV Nursery Quarantine Area.

- That portion of Franklin Township described in the Order of September 21, 2006, published at 36 Pa.B. 6108 (October 7, 2006), adding that land to the PPV Nursery Quarantine Area.

#### *In Cumberland County*

- That portion of South Middleton Township, located to the north of State Highway 174, as described in the Order of October 22, 2007, published at 37 Pa.B. 5902 (November 3, 2007), adding that land to the PPV Nursery Quarantine Area.

#### *In York County*

- Monaghan Township

#### *Rescinding the Plum Pox Virus Voluntary Commercial Orchard Fruit Tree Indemnity Program.*

4. The Department hereby terminates the Plum Pox Virus Voluntary Commercial Orchard Fruit Tree Indemnity Program. The specific quarantine orders that are rescinded in their entirety are as follows:

The Order of April 16, 2004, published at 34 Pa.B. 2470 (May 8, 2004), establishing the Plum Pox Virus Voluntary Commercial Orchard Fruit Tree Indemnity Program; and

The Order of February 20, 2007, published at 37 Pa.B. 1049 (March 3, 2007), revising the Plum Pox Virus Voluntary Commercial Orchard Fruit Tree Indemnity Program.

#### *Summary of other Current PPV-Related Quarantine Orders and Programs.*

5. The Department provides notice that the following PPV-related programs remain in effect:

The Commercial Orchard and Fruit Tree Nursery Indemnity Program, as established by Order of January 1, 2000, published at 30 Pa.B. 48 (January 1, 2000);

The Plum Pox Virus Commercial Orchard Fruit Tree Indemnity Program, as established by Order of August 5, 2000, published at 30 Pa.B. 4014 (August 5, 2000), as amended by subsequent Orders;

The Plum Pox Virus Commercial Nursery Fruit Tree Indemnity Program, as established by Order of September 9, 2000, published at 30 Pa.B. 4737 (September 9, 2000), as amended by subsequent Orders;

The Plum Pox Virus Noncommercial Prunus Tree and Landscape Nursery Prunus Tree Indemnity Program, as established by Order of June 9, 2001, published at 31 Pa.B. 2936 (June 9, 2001); and

The Plum Pox Virus Untended Stone Fruit Orchard Indemnity Program, as established by Order of January 4, 2003, published at 33 Pa.B. 41 (January 4, 2003), as amended by subsequent orders.

6. This quarantine is effective as of October 29, 2009, and shall remain in effect until terminated by subsequent order.

RUSSELL C. REDDING,  
*Acting Secretary*

[Pa.B. Doc. No. 09-2099. Filed for public inspection November 13, 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 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending November 3, 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

#### Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
10-28-2009	Macquarie Bank Limited Sydney, Australia	Filed

Application for approval to indirectly acquire Delaware Management Trust Company, Philadelphia.

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-26-2009	Somerset Trust Company Somerset Somerset County	1448 County Line Road Champion Westmoreland County	Opened
10-28-2009	First Columbia Bank & Trust Co. Bloomsburg Columbia County	300 Market Street Berwick Columbia County	Approved

#### Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-28-2009	Mifflinburg Bank and Trust Company Mifflinburg Union County	<i>To:</i> 2894 North Susquehanna Trail Shamokin Dam Snyder County  <i>From:</i> 8 North Routes 11 and 15 Selinsgrove Snyder County	Approved

#### Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
10-28-2009	First CornerStone Bank King of Prussia Montgomery County	Filed

Amendment to the Fifth Article of the institution's Articles of Incorporation increases the number of authorized shares of Common Stock and authorizes the issuance of debt instruments, including, but not limited to, subordinated notes.

### SAVINGS INSTITUTIONS

#### Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
10-29-2009	Fidelity Savings and Loan Association of Bucks County Bristol Bucks County	Approved

Application for approval to merge Croydon Savings Bank, Croydon, with and into Fidelity Savings and Loan Association of Bucks County, Bristol.

## CREDIT UNIONS

## Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
10-28-2009	Freedom Credit Union Warminster Bucks County	Approved
	Application for approval to merge University House Federal Credit Union, Philadelphia, with and into Freedom Credit Union, Warminster.	
10-31-2009	White Rose Credit Union York York County	Effective
	Merger of YORKCO School Employees Credit Union, York, with and into White Rose Credit Union, York.	

## Branch Applications

## De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-3-2009	Freedom Credit Union Warminster Bucks County	1440 Old York Road Abington Montgomery 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. 09-2100. Filed for public inspection November 13, 2009, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### Fiscal Year 2009-2010 Grant Programs for Destination Marketing Organizations

The Department of Community and Economic Development announces the availability of guidelines for the Fiscal Year (FY) 2009-2010 Grant Programs for Destination Marketing Organizations. This program administered by the Pennsylvania Tourism Office provides grants to support tourism promotion and marketing for eligible Tourism Promotion Agencies and other Tourism Destination Marketing Organizations. These supported activities will encourage the prosperous development of Pennsylvania business, industry and commerce, to expand markets and promote and develop new markets for Pennsylvania tourism, encouraging the location and development of new business, industry and commerce within the Commonwealth, to aid in restoring employment in communities affected by unemployment, and to assist persons, firms, associations, political subdivisions, corporations, cooperative associations and other organizations to assist various public safety, recreation, senior citizens or other community service organizations.

Assistance from the Pennsylvania Tourism Office is in the form of grants from the Commonwealth to eligible applicants for projects which conform to the eligibility criteria detailed in the program guidelines.

Applications and requests for guidelines should be directed to the Department of Community and Economic Development, Tourism Office, Commonwealth Keystone

Building, 400 North Street, Fourth Floor, Harrisburg, PA  
17120-0225, (800) 237-4363, [jacollier@state.pa.us](mailto:jacollier@state.pa.us).

GEORGE CORNELIUS,  
*Secretary*

[Pa.B. Doc. No. 09-2101. Filed for public inspection November 13, 2009, 9:00 a.m.]

### Manufactured Housing Improvement Program; Approved Training Curriculum for Construction Code Officials

Under 12 Pa. Code § 149.5(d) (relating to code official training), the Department of Community and Economic Development (Department) publishes the list of approved training curriculum for those code officials who inspect the installation of manufactured homes. Persons that have successfully completed the training curriculum listed will have satisfied the requirement set forth at Section 149.5(e). See 36 Pa.B. 3087 (June 24, 2006) for the adopted text of 12 Pa. Code Chapter 149 (related to manufactured housing improvement program).

*IRC 101-International Residential Code Building Essentials*, administered by the Pennsylvania Construction Codes Academy.

*IRC 103-How to Inspect Manufactured and Modular Housing*, administered by the Pennsylvania Construction Codes Academy.

*BCO 101-Building Code Official Course and Exam*, administered by the Pennsylvania Construction Codes Academy.

*Manufactured Housing Program and Basic Installer Training*, administered by Department of Community and Economic Development, Housing Standards Division.

*Manufactured Housing Installer Update Training*, administered by Department of Community and Economic Development, Housing Standards Division.

*Modular Construction-Successful Transition from Factory to Occupancy*, administered by the Pennsylvania Housing Research/Resource Center

In addition, to the approved training programs listed, the Department may provide a workshop for code officials who request training. Code Officials may contact the Department to request more information on scheduling a workshop.

Manufactured Housing Improvement Program inquiries should be directed to Mark A. Conte, Chief, Housing Standards Division, Department of Community and Economic Development, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0225, (717) 720-7416, mconte@state.pa.us.

GEORGE CORNELIUS,  
Secretary

[Pa.B. Doc. No. 09-2102. Filed for public inspection November 13, 2009, 9:00 a.m.]

### Manufactured Housing Improvement Program; Approved Training Curriculum for Installers

Under 12 Pa. Code § 149.4(a)(4) (relating to installer training and certification), the Department of Community and Economic Development (Department) publishes the list of approved training curriculum for those persons seeking certification as installers of manufactured homes.

Persons that have successfully completed the training curriculum listed will be eligible to apply for certification as an installer as defined in section 3 of the Manufacturing Housing Improvement Act (35 P. S. § 1658.3).

- *Manufactured Housing Program and Basic Installer Training*, administered by the Department, Housing Standards Division.

Persons already certified as installers are required to complete a specified training curriculum every 3 years as provided for in 12 Pa. Code § 149.4(b)(iii). The following training curriculum is approved for those installers:

- *Manufactured Housing Installer Update Training*, administered by Department, Housing Standards Division.

- *Manufactured Housing Program and Basic Installer Training*, administered by Department, Housing Standards Division.

- *Modular Construction-Successful Transition from Factory to Occupancy*, administered by the Pennsylvania Housing Research/Resource Center.

Manufactured Housing Improvement Program inquiries should be directed to Mark A. Conte, Chief, Housing Standards Division, Department of Community and Economic Development, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0225, (717) 720-7416, mconte@state.pa.us.

GEORGE CORNELIUS,  
Secretary

[Pa.B. Doc. No. 09-2103. Filed for public inspection November 13, 2009, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

#### APPLICATIONS

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

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

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

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



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

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

Persons wishing to comment on a 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>
PA0060411 (Sewage)	Little Washington Wastewater Company (Thornhurst Wastewater Treatment Facility) 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489	Thornhurst Township Lackawanna County	Pond Creek (02-A)	Y

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 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>
PA0033774 (Sew)	Regent Acres Mobile Home Park—Craig Dallmeyer 4775 North Sherman Street Mt. Wolf, PA 17347	York County Newberry Township	UNT Fishing Creek 7E	Y
PA0086690 (IW)	Kalas Manufacturing, Inc. 25 Main Street Denver, PA 17517	Lancaster County East Cocalico Township	Stony Run 7J	Y
PA0008150 (IW) - Transfer	Mount Holly Springs Speciality Paper, Inc. One Mountain Street Mount Holly Springs, PA 17065-1406	Cumberland County Mount Holly Springs Borough	UNT Mountain Creek 7E	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>
PA0222798	Westline Inn, Inc. P. O. Box 7156 Mount Jewett, PA 16740-7156	Lafayette Township McKean County	Unnamed tributary to Kinza Creek 16-B	Y
PA0024741	Sheffield Township Municipal Authority 20 Leather Street Sheffield, PA 16347	Sheffield Township Warren County	Little Toby Creek 17-A	Y

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

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

**PAS602206**, Industrial Stormwater, **Sibum's Auto Parts, Inc.**, 932 Analomink Road, East Stroudsburg, PA 18301. This proposed facility is located in Stroud Township, **Monroe County**.

Description of Proposed Activity: Issuance of Industrial Stormwater Permit for an existing auto parts facility.

The receiving stream, UNT to Brodhead Creek, is in the State Water Plan watershed #01E and is classified for: High Quality, Cold Water Fishes (HQ-CWF). The nearest downstream public water supply intake for Stroudsburg Municipal Authority is located on Brodhead Creek and is approximately 1.5 miles below the point of discharge.

The proposed effluent limits for Outfalls 001, 002 and 003 are as follows:

Parameter	Mass (lb/day)		Concentration (mg/l)	
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily
CBOD <sub>5</sub>				Report
Chemical Oxygen Demand				Report
Oil and Grease				Report
pH				Report
Total Suspended Solids (TSS)				Report
Total Kjeldahl Nitrogen (TKN)				Report
Total Phosphorus				Report
Iron (dissolved)				Report

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

Requirements applicable to stormwater outfalls along with identified best management practices.

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

**Application No. PA 0026646**, Sewage, **Antietam Valley Municipal Authority**, 502 Butter Lane, Reading, Pennsylvania 19606. This facility is located in Saint Lawrence Borough, **Berks County**.

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

The receiving stream, Antietam Creek, is in Watershed 3-C, and classified for cold water fishery, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Pottstown Borough Water and Sewer Authority is located on the Schuylkill River, approximately 13 miles downstream. The discharge is not expected to affect the water supply.

The proposed interim effluent limits for Outfall 001 for a design flow of 1.225 MGD are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	2.5		5.0
(11-1 to 4-30)	7.5		15
Total Residual Chlorine	0.36		1.19
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

The proposed final effluent limits for Outfall 001 for a design flow of 1.225 MGD are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	2.5		5.0
(11-1 to 4-30)	7.5		15
Total Residual Chlorine	0.21		0.68
Dissolved Oxygen		Minimum of 5.0 at all times	

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
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	

You may make an appointment to review the Department of Environmental Protection files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA waiver is not in effect.

**Application No. PA 0084964**, Sewage, **Bethel Township Sewer Authority**, 283 Pigeon Cove Road, Warfordsburg, Pennsylvania 17267. This facility is located in Bethel Township, **Fulton County**.

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

The receiving stream, Little Tonoloway Creek, is in Watershed 13-B, and classified for trout stocking fishery, water supply, recreation and fish consumption. The nearest downstream public water supply intake for R. C. Wilson Water Treatment Plant is located on the Potomac River, approximately 18 miles downstream. The discharge is not expected to affect the water supply.

The proposed final effluent limits for Outfall 001 for a design flow of 0.848 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N	14.5		29
Total Residual Chlorine	0.5		1.6
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

You may make an appointment to review the Department of Environmental Protection files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA waiver is not in effect.

**Application No. PA 0261262**, Sewage, **North Londonderry Township Authority**, 655 East Ridge Road, Palmyra, Pennsylvania 17078. This facility is located in South Annville Township, **Lebanon County**.

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

The receiving stream, Killinger Creek, is in Watershed 7-D, and classified for trout stocking fishery, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Pennsylvania American Water Company is located on the Swatara Creek, approximately 13 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 1.5 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31)	10	15	20
(11-1 to 4-30)	20	30	40
Total Suspended Solids	10	15	30
NH <sub>3</sub> -N (5-1 to 10-31)	2.5		15
(11-1 to 4-30)	7.5		30
Total Phosphorus	0.5		1.0
Total Copper	Report		Report
Total Zinc	Report		Report
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

NOTICES

*Chesapeake Bay Requirements*

	<i>Concentration (mg/L)</i>		<i>Mass (lbs)</i>	
	<i>Monthly Average</i>	<i>Monthly</i>	<i>Monthly</i>	<i>Annual</i>
Ammonia—N	Report	Report	Report	Report
Kjeldahl—N	Report	Report	Report	XXX
Nitrate-Nitrite as N	Report	Report	Report	XXX
Total Nitrogen	Report	Report	Report	Report
Total Phosphorus	Report	Report	Report	Report
Net Total Nitrogen	XXX	Report	Report	25,936*
Net Total Phosphorus	XXX	Report	Report	3,458*

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

You may make an appointment to review the Department files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA waiver is not in effect.

*Northwest Regional Office: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, Telephone: (814) 332-6942.*

**PA0263621**, Sewage, **Jay Thrower, d/b/a Field House Restaurant and Banquet Room**, 911 North Pike Road, Cabot, PA 16023-2029. This proposed facility is located in Jefferson Township, **Butler County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated sewage.

The receiving stream, an unnamed tributary to Thorn Creek, is located in State Water Plan watershed 20-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0013 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	Monitor & Report					
BOD <sub>5</sub>				10		20
Total Suspended Solids				10		20
Fecal Coliform				200		
				Geometric Mean		
Total Residual Chlorine				0.5		1.2
pH (SU)			6.0			9.0

You may make an appointment to review the Department of Environmental Protection files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is in effect.

**PA0038156**, Sewage, **Rimersburg Borough Municipal Authority**, 104 Acme Street, Rimersburg, PA 16248-0413. This existing facility is located in Rimersburg Borough, **Clarion County**.

Description of Existing Activity: The application is for a new NPDES permit for an existing discharge of treated sewage effluent.

The receiving stream, Wildcat Run, is located in State Water Plan watershed 17-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.2 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	Monitor & Report					
CBOD <sub>5</sub>	42	67		25	40	50
Total Suspended Solids	50	75		30	45	60
Fecal Coliform (May 1 - Sep 30)				200 Geometric Mean		

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instantaneous Maximum
	Monthly Average	Weekly Average		Monthly Average	Weekly Average	
Fecal Coliform (Oct 1 - Apr 30)				2000 Geometric Mean		
Total Residual Chlorine (TRC)				0.5		1.6
pH (SU)			6.0			9.0

You may make an appointment to review the Department of Environmental Protection files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is in effect.

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

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

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

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

*Northcentral Region: Watershed 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.*

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI041409012	Mr. & Mrs. Gregory Butts Gregory & Shawnie Butts Subdivision 718 Nittany Valley Drive Bellefonte, PA 16823	Centre	Marion and Walker Townships	UNT to Little Fishing Creek HQ-CWF

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI061009002	Sewerage system, Flo E. Allison, Winfield Township, 194 Brose Road, Cabot, PA 16023	Butler	Winfield and Buffalo Townships	Little Buffalo Creek, HQ-TSF

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

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

**STATE CONSERVATION COMMISSION**

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

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

Based upon preliminary reviews, the State Conservation Commission (SCC), or County Conservation Districts (CCD) working under a delegation agreement with the SCC, have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at

the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at [www.pacd.org/districts/directory.htm](http://www.pacd.org/districts/directory.htm) or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

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

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

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

#### NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET—APPLICATIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Shenk's Hen House 4640 Lighthouse Road Chambersburg, PA 17202	Franklin	3	851.4	Layers	NA	Renewal

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific Standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation

to a Site-Specific Standard or as a special industrial area, the municipality within which the site is located may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

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

**Reginald Mangram Property**, Bensalem Township, **Bucks County**. Michael Raffoni, Reliance Environmental, Inc, 130 East Chestnut Street, Lancaster, PA 17602, Mark E. Zurich, Reliance Environmental Inc., 130 East Chestnut Street, Lancaster, PA 17602 on behalf of Reginald Mangram, 4900 Julie Court, Bensalem, PA 19020 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with release of no. 2 fuel oil. The future use of the site will remain commercial.

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

**Teel Property-Well No. 5**, Herb Button Road, Springville Township, **Susquehanna County**. James Pinta, Jr., PhD., PG, URS Corporation, 501 Holiday Drive, Foster Plaza 4, Suite 300, Pittsburgh, PA 15220 has submitted a Notice of Intent to Remediate on behalf of his clients, Cleo R. and Gloria D. Teel, R. R. 6, Box 6184, Montrose, PA 18801, concerning the remediation of soil and surface water found to have been impacted by diesel fuel as a result of a release during well drilling

operations. The applicants propose to remediate the site to meet the Residential Statewide Health Standard. The expected future use of the site will be for the production of natural gas. 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.

**Cricket Hill Golf Course**, RR 2, Cricket Hill Road, Berlin Township, **Wayne County**. Martin Gilgallon, P.G., Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, PA 18452 has submitted a Notice of Intent to Remediate on behalf of his client FNB Holding Corp., 4866 State Route 52, Jeffersonville, NY 12748, concerning the remediation of soil found to have been impacted by VOCs due to the disposal of the contaminants into an on-lot septic system. The applicant proposes to remediate the site to meet the Statewide Health Standard. The future use of the site will remain a golf course. 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.

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

**Yourway Transportation** PA Route 147 Accident Point Township, **Northumberland County**. Northridge Group Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Yourway Transportation, 3929 Lake Ave., Rochester, NY 14162 has submitted a Notice of Intent to Remediate soil contaminated with diesel fuel within 90 days of the release. The applicant proposes to remediate the site to meet the Statewide Health Standard. The site will remain a residential property on the east side of the roadway and a commercial property on the west side of the roadway.

**GFI Transport**, Union Township, **Union County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of GFI Transport, 860 Milton Grove Road, Mt. Joy, PA 17552 has submitted a Notice of Intent to Remediate to remediate soil contaminated with diesel fuel. The applicant proposes to remediate the site to meet the Statewide Health Standard. The site will remain a Penn DOT right-of-way along US Route 11S.

#### RESIDUAL WASTE GENERAL PERMITS

**Application(s) Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

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

**General Permit Application No. WMGR119. Eureka Resources, LLC.**, 301 Charles Street, S. Williamsport, PA 17702.

General Permit Numbered WMGR119 is for the processing of wastewater (i.e., flow back gas well water - frac water) from various Marcellus Shale gas drilling operations at the Eureka Resources, LLC. wastewater treatment facility, located in the City of Williamsport, **Lycoming County**. The processed wastewater will be

beneficially used in the extraction of natural gas from various Marcellus Shale gas drilling operations. On an emergency basis only, the processed wastewater will be discharged, to the Williamsport Sewer Authority (WSA), in accordance its existing National Pollutant Discharge Elimination System (NPDES) permit. Central Office received the application on October 19, 2009 and determined it administratively complete on October 28, 2009.

Comments concerning the application should be directed to Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in obtaining more information about the general permit application may contact the Division at (717) 787-7381. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (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.

#### REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

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

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

**Registration Under General Permit No. WMGR097R012. EME Homer City Generation, L.P.**, 1750 Power Plant Rd, Homer City, PA 15748-9558.

The Department of Environmental Protection (Department), Bureau of Waste Management has received an application for a registration, under the general permit WMGR097, for research and development (R&D) activities, performed at the EME Homer City Generation L.P. facility, located in Center Township, **Indiana County**. This registration is to collect data and information in R&D activities to demonstrate the blending of synthetic gypsum with coal ash refuse will (i) add structural strength to the fine coal refuse, and (ii) improve the quality of the leachate generated at the coal refuse disposal site. The Department determined the application to be administratively complete on October 27, 2009.

Comments concerning the application should be directed to Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in obtaining more information about the general permit application may contact the Division at (717) 787-7381. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 30 days of this notice and may recommend revisions to, and approval or denial of the application.

**OPERATE WASTE PROCESSING OR DISPOSAL  
AREA OR SITE**

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

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

**Permit Application No. 101243. Northern Tier Solids Waste Authority**, P. O. Box 10, Burlington, PA 18814. The application for the proposed increase in average daily volume and construction of a leachate storage impoundment, located in West Burlington Township, **Bradford County**, was submitted to the Williamsport regional office on October 13, 2009. A Local Municipal Involvement Process meeting will be scheduled.

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

**Permit Application No. 301626. White Pines Landfill**, 515 SR 442, Millville, PA 17846. The application for the proposed expansion of the existing facility to construct a leachate storage impoundment, located in Pine Township, **Columbia County**, was accepted by the Williamsport regional office. A Local Municipal Involvement Process meeting was held on October 22, 2009.

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

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Telephone 412-442-4000.*

**Permit ID #101532. Weavertown Transport Leasing, Inc.**, 2 Dorrington Road, Carnegie, PA 15106. Weavertown Transport Leasing, Inc., 206 Weavertown Road, Canonsburg, PA 15317. Application for the permit renewal of a infectious, chemotherapeutic and residual waste transfer and processing facility, and a modification for the approval of additional site equipment and related operating provisions, in Cecil Township, **Washington County**, was received in the Regional Office on October 29, 2009.

**AIR QUALITY**

**PLAN APPROVAL AND OPERATING PERMIT  
APPLICATIONS**

**NEW SOURCES AND MODIFICATIONS**

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permit-

ting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

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

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

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

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

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

**PLAN APPROVALS**

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

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

**41-00079A: Eureka Resources, LLC** (419 Second Street, Williamsport, PA 17701) to construct a gas well water treatment operation in Williamsport, **Lycoming County**.

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



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

**40-399-064: Schott Glass Technologies, Inc.** (400 York Avenue, Duryea, PA 18642) for installation of a shot blast booth with baghouse to control particulate emissions in Duryea Borough, **Luzerne County**. The particulate emissions will be limited to 0.02 grains/dscf. Schott Glass is a major facility subject to Title V permitting requirements. The company currently has a Title V Permit 40-00034. The plan approval will include all appropriate monitoring, recordkeeping, and reporting requirements designed to keep the booth operating within all applicable air quality requirements. The Plan Approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date. For further details, contact Ray Kempa at (570) 826-2511 within 30 days after publication date.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Contact: B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226.*

**PA 26-00500A: Alpha PA Coal Terminal, LLC** (106 East Fredericktown Rd, Luzerne Township, PA 15906) for construction of a coal transfer terminal consisting of Stock Piles, Coal Conveyors, Barge Loading/Unloading Equipment, and Roadways at their facility in Luzerne Township, **Fayette County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.45, the Department of Environmental Protection (Department) intends to issue a Plan Approval to allow the construction of a coal transfer terminal consisting of Stock Piles, Coal Conveyors, Barge Loading/Unloading Equipment, and Roadways at their facility located in Luzerne Township, Fayette County.

Emissions from the source are estimated to be 13.2 tons of PM10 per year. The proposed facility is subject to the applicable requirements of 25 Pa. Code Chapter 127, related to construction, modification, reactivation and operation of sources. The Department believes that the facility will meet these requirements by complying with the following Plan Approval conditions relating to restrictions, monitoring, recordkeeping, reporting and work practice standards:

1) This Plan Approval is for stockpiling and barge loading/unloading operations at the Alpha PA Coal Terminal, located in Luzerne Township, Fayette County. (25 Pa. Code § 127.12b)

2) Air contaminant sources included in this plan approval are: (25 Pa. Code § 127.12b)

- Stock Piles
- Coal Conveyors
- Barge Loading/Unloading Equipment
- Roadways

3) Air pollution control devices and limitations included in this plan approval are: (25 Pa. Code § 127.12b)

- Water sprays at conveyor transfer points
- Partial conveyor enclosures
- Limited throughput
- Truck tarping

- Reduced truck speeds
- Pressurized water truck equipped with water canon and roadway spray nozzles

4) There shall be no fugitive emissions from the facility contrary to 25 Pa. Code § 123.2.

5) Open burning is restricted in accordance with 25 Pa. Code § 129.14.

6) Coal will neither be delivered to nor shipped from the facility by truck or rail. (25 Pa. Code § 127.12b)

7) The Owner/Operator shall maintain a record of all malodor and fugitive emission surveys performed. The records shall include the date, time, name and title of the observer, whether fugitive emissions or malodors were observed, and any corrective action taken. (25 Pa. Code § 127.12b)

8) The owner/operator shall keep monthly records of coal throughput for this facility. (25 Pa. Code § 127.12b)

9) The facility shall not be operated in the event that the dust suppression systems are incapable of operation. (25 Pa. Code § 127.12b)

10) Coal shall be stockpiled in such a manner that it may be adequately wetted by the on-site pressurized water truck as necessary to control fugitive emissions. All coal shall be adequately wetted prior to, during, and after transfer, as necessary, to control fugitive emissions (25 Pa. Code § 127.12b).

11) In-plant roads and areas of vehicle traffic shall be watered and swept, as needed on a preventative basis, such that visible fugitive emissions do not cross the property line in accordance with 25 Pa. Code §§ 123.1 and 123.2. Other methods of dust control shall be used when weather conditions make in-plant road watering hazardous, as necessary, to prevent visible fugitive emissions from crossing the property line in accordance with 25 Pa. Code §§ 123.1 and 123.2.

12) Earth or other material transported from the site shall be removed promptly, as needed, on the paved public road (SR 4002) to prevent visible fugitive emissions in accordance with 25 Pa. Code § 123.1(c).

13) All conveying equipment, clamshells, front-end loaders, or any other equipment used to stockpile, transfer, or load coal shall maintain a minimal amount of drop height at all times so as to prevent fugitive emissions (25 Pa. Code § 127.12b).

14) The Owner/Operator shall post the following (25 Pa. Code § 127.12b):

a. A requirement stating, "All loaded trucks shall be properly tarpaulin covered."

b. A requirement stating, "Speed Limit 15."

15) The Owner/Operator shall conduct a daily inspection of the facility during daylight hours while the facility is operating for the presence of fugitive emissions and malodors (25 Pa. Code § 127.12b).

16) The throughput of the coal unloading/loading operation shall be limited to 500,000 tons in any 12 month consecutive period. The owner/operator shall maintain a monthly log of coal shipped to and from the facility (25 Pa. Code § 127.12b).

17) All conveyors at this facility shall be partially covered and have water spray at each transfer point (25 Pa. Code § 127.12b).

18) All records shall be kept on site for a minimum of 5 years and be made available to the Department upon request (25 Pa. Code § 127.12b).

19) The permittee shall report each malfunction that may result in an emissions increase to the Department. For purposes of this condition a malfunction is defined as any sudden, infrequent, and not reasonably preventable failure of air pollution control or process equipment; or, operating in a non-permitted manner.

(b) When the malfunction poses an imminent and substantial danger to the public's health and safety or potential harm to the environment, the permittee shall report the incident to the Department within 1 hour.

(1) The report shall describe the:

- (i) name and location of the facility;
- (ii) nature and cause of the malfunction;
- (iii) time when the malfunction or breakdown was first observed;
- (iv) expected duration of excess emissions; and
- (v) estimated rate of emissions.

(2) The owner or operator shall notify the Department immediately when corrective measures have been accomplished.

Unless otherwise required by specific reporting requirements, any malfunction that is not subject to the notice requirements of paragraph (b) of this permit condition, shall be reported to the Department within 24 hours (or the next business day) by telephone, and within 5 days by mail of discovery. The report shall contain the same information required by subsection (b)(1).

Malfunctions shall be reported to the Department at the following address:

Department of Environmental Protection  
Office of Air Quality  
Air Quality Program Manager  
400 Waterfront Drive  
Pittsburgh, PA 15222-4745  
(412) 442-4000  
(25 Pa. Code § 127.12b)

20) Plan Approval authorizes the temporary operation of the source(s) covered by this Plan Approval provided the following conditions are met (25 Pa. Code § 127.12b):

a. The Owner/Operator shall submit written Notice of the Completion of Construction and the Operator's intent to commence operation at least 5 days prior to the completion of construction. The Notice shall state the date when construction will be completed and the date when the Operator expects to commence operation.

b. Operation of the source(s) covered by this Plan Approval is authorized only to facilitate the start-up and shakedown of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit, or to permit the evaluation of the source for compliance with all applicable regulations and requirements.

c. Upon receipt of the Notice of the Completion of Construction from the Owner/Operator the Department shall authorize a 180-day Period of Temporary Operation of the source(s) starting on the date of commencement of operation. This Notice submitted by the Owner/Operator, prior to the expiration of this Plan Approval, shall modify the Plan Approval expiration date. The new Plan Approval expiration date shall be 180 days from the date of commencement of operation.

d. Upon determination by the Owner/Operator that the source(s) covered by this Plan Approval are in compliance with all conditions of the Plan Approval the Owner/Operator shall contact the Department's reviewing engineer and schedule the Initial Operating Permit Inspection.

e. Upon completion of Initial Operating Permit Inspection and determination by the Department that the source(s) covered by this Plan Approval are in compliance with all conditions of the Plan Approval the Owner/Operator shall submit a State Only Operating Permit (SOOP) application, at least 60 days prior to the expiration date of the Plan Approval.

f. The Owner/Operator may request an extension of the 180-day Period of Temporary Operation if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of the Period of Temporary Operation and shall provide a description of the compliance status of the source. The extension request shall include a detailed schedule for establishing compliance and the reasons compliance has not been established. This Period of Temporary Operation may be extended for additional limited periods, each not to exceed 180-days, by submitting an extension request as described above.

g. If, at any time, the Department has cause to believe that air contaminant emissions from the sources listed in this plan approval may be in excess of the limitations specified in, or established pursuant to this plan approval or the permittee's operating permit, the permittee may be required to conduct test methods and procedures deemed necessary by the Department to determine the actual emissions rate. Such testing shall be conducted in accordance with 25 Pa. Code Chapter 139, where applicable, and in accordance with any restrictions or limitations established by the Department at such time as it notifies the company that testing is required.

1. This approval to construct shall become invalid if: (1) the construction, modification or installation is not commenced (as defined in 40 CFR 52.21(b)(8)) within 18 months of the issuance of the plan approval or if there is more than an 18-month lapse in construction, modification, or installation. The Department may extend the 18-month period upon a satisfactory showing that an extension is justified. (25 Pa. Code § 127.13(c))

2. Notify the Department when the installation is completed so that the facility can be inspected for issuance of an operating permit. Submit an Operating Permit application within 180 days of commencement of construction.

3. Words and terms that are not otherwise defined in this plan approval shall have the meanings set forth in section 3 of the Air Pollution Control Act (35 P. S. § 4003) and 25 Pa. Code § 121.1. (25 Pa. Code § 121.1)

4. The issuance of this plan approval does not prevent the future adoption by the Department of any rules, regulations or standards, or the issuance of orders necessary to comply with the requirements of the Federal Clean Air Act (CAA) or the Air Pollution Control Act, or to achieve or maintain ambient air quality standards. The issuance of this plan approval shall not be construed to limit the Department's enforcement authority. (25 Pa. Code § 127.12b(a)(b))

5. This plan approval authorizes temporary operation of the sources covered by this plan approval provided the following conditions are met.

(a) When construction, installation, modification or reactivation is being conducted, the permittee should provide written notice to the Department of the completion of the activity approved by this plan approval and the permittee's intent to commence operation at least 5 working days prior to the completion of said activity. The notice shall state when the activity will be completed and when the permittee expects to commence operation. When the activity involves multiple sources on different time schedules, notice is required for the commencement of operation of each source.

(b) Under 25 Pa. Code § 127.12b(d), temporary operation of the sources to facilitate the shakedown of sources and air cleaning devices, to permit operations pending the issuance of a permit under 25 Pa. Code Chapter 127, Subchapter F (relating to operating permits) or Subchapter G (relating to Title V operating permits) or to permit the evaluation of the air contaminant aspects of the source.

(c) This plan approval authorizes a temporary operation period not to exceed 180 days from the date of commencement of operation, provided the Department receives notice from the permittee under paragraph (a), previously.

(d) The permittee may request an extension of the 180-day shakedown period if further evaluation of the air contamination aspects of the sources is necessary. The request for an extension should be submitted, in writing, to the Department at least 15 days prior to the end of the initial 180-day shakedown period and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance, and the reasons compliance has not been established. This temporary operation period will be valid for a limited time and may be extended for additional limited periods, each not to exceed 180 days.

(e) The notice submitted by the permittee pursuant to subpart (a) above, prior to the expiration of the plan approval, shall modify the plan approval expiration date on Page 1 of this plan approval. The new plan approval expiration date shall be 180 days from the date of commencement of operation.

6. If, at any time, the Department has cause to believe that air contaminant emissions from the sources listed in this plan approval may be in excess of the limitations specified in, or established under this plan approval or the permittee's operating permit, the permittee may be required to conduct test methods and procedures deemed necessary by the Department to determine the actual emissions rate. The testing shall be conducted in accordance with 25 Pa. Code Chapter 139, where applicable, and in accordance with any restrictions or limitations established by the Department at the time as it notifies the company that testing is required. (25 Pa. Code § 127.12b)

7. The permittee shall maintain and operate the sources and associated air cleaning devices in accordance with good engineering practice as described in the plan approval application submitted to the Department. (25 Pa. Code § 127.12(a)(10))

8. The records, reports or information obtained by the Department or referred to at public hearings shall be available to the public, except as provided in paragraph (a) of this condition.

(a) Upon cause shown by the permittee that the records, reports or information or a particular portion thereof, but not emission data, to which the Department

has access under the act, if made public, would divulge production or sales figures or methods, processes or production unique to that person or would otherwise tend to affect adversely the competitive position of that person by revealing trade secrets, including intellectual property rights, the Department will consider the record, report or information, or particular portion thereof confidential in the administration of the act. The Department will implement this section consistent with sections 112(d) and 114(c) of the Clean Air Act (42 U.S.C.A. §§ 7412(d) and 7414(c)). Nothing in this section prevents disclosure of the report, record or information to Federal, State or local representatives as necessary for purposes of administration of Federal, State or local air pollution control laws, or when relevant in a proceeding under the act. (25 Pa. Code §§ 127.12(c) and (d) and 35 P. S. § 4013.2)

9. This plan approval will be valid for a limited time, as specified by the expiration date contained on page 1 of this plan approval.

(a) Except as provided in §§ 127.11a and 127.215 (relating to reactivation of sources; and reactivation), at the end of the time, if the construction, modification, reactivation or installation has not been completed, a new plan approval application or an extension of the previous approval will be required.

(b) If construction has commenced, but cannot be completed before the expiration of this plan approval, an extension of the plan approval must be obtained to continue construction. To allow adequate time for departmental action, a request for the extension should be postmarked at least 30 days prior to the expiration date. The Department will not issue an extension after the plan approval expires. The request for an extension should include the following:

(i) A justification for the extension,

(ii) A schedule for the completion of the construction.

(c) If construction has not commenced before the expiration of this plan approval, then a new plan approval application must be submitted and approval obtained before construction can commence.

(d) If the construction, modification or installation is not commenced within 18-months of the issuance of this plan approval or if there is more than an 18-month lapse in construction, modification or installation, a new plan approval application that meets the requirements of 25 Pa. Code Chapter 127, Subchapter B (related to plan approval requirements), Subchapter D (related to prevention of significant deterioration of air quality) and Subchapter E (related to new source review) shall be submitted. (25 Pa. Code § 127.13)

10. This plan approval may not be transferred from one person to another except when a change of ownership is demonstrated to the satisfaction of the Department and the Department approves the transfer of the plan approval in writing.

11. Section 127.12a (relating to compliance review) applies to a request for transfer of a plan approval. A compliance review form shall accompany the request.

12. This plan approval is valid only for the specific source and the specific location of the source as described in the application. (25 Pa. Code § 127.32)

13. Under 35 P. S. § 4008, no person shall hinder, obstruct, prevent or interfere with the Department or its personnel in the performance of any duty authorized under the Air Pollution Control Act.

14. The permittee shall also allow the Department to have access at reasonable times to said sources and associated air cleaning devices with such measuring and recording equipment, including equipment recording visual observations, as the Department deems necessary and proper for performing its duties and for the effective enforcement of the Air Pollution Control Act and regulations adopted under the act.

15. Nothing in this plan approval condition shall limit the ability of the EPA to inspect or enter the premises of the permittee in accordance with section 114 or other applicable provisions of the CAA. (25 Pa. Code § 127.12(4) and 35 P.S. § 4008 and § 114 of the CAA)

16. This plan approval may be terminated, modified, suspended or revoked and reissued if one or more of the following applies:

(a) The permittee constructs or operates the source subject to the plan approval in violation of the act, the CAA, the regulations promulgated under the act or the CAA, a plan approval or permit or in a manner that causes air pollution.

(b) The permittee fails to properly or adequately maintain or repair an air pollution control device or equipment attached to or otherwise made a part of the source.

(c) The permittee fails to submit a report required by this plan approval.

(d) The EPA determines that this plan approval is not in compliance with the CAA or the regulations thereunder. (25 Pa. Code § 127.13a)

17. The permittee, or any other person, may not circumvent the new source review requirements of 25 Pa. Code Chapter 127, Subchapter E by causing or allowing a pattern of ownership or development, including the phasing, staging, delaying or engaging in incremental construction, over a geographic area of a facility which, except for the pattern of ownership or development, would otherwise require a permit or submission of a plan approval application.

18. Reports, test data, monitoring data, notifications shall be submitted to the following:

Regional Air Program Manager  
Department of Environmental Protection  
400 Waterfront Drive  
Pittsburgh, PA 153222

19. If required by section 112(r) of the CAA, the permittee shall develop and implement an accidental release program consistent with requirements of the CAA, 40 CFR Part 68 (relating to chemical accident prevention provisions) and the Federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (P.L. 106-40).

(a) The permittee shall prepare and implement a Risk Management Plan (RMP) which meets the requirements of section 112(r) of the CAA, 40 CFR Part 68 and the Federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act when a regulated substance listed in 40 CFR 68.130 is present in a process in more than the listed threshold quantity at the facility. The permittee shall submit the RMP to the EPA according to the following schedule and requirements:

(b) The permittee shall submit the first RMP to a central point specified by the EPA no later than the latest of the following:

(c) Three years after the date on which a regulated substance is first listed under 40 CFR 68.130; or,

(i) The date on which a regulated substance is first present above a threshold quantity in a process.

(ii) The permittee shall submit any additional relevant information requested by the Department or the EPA concerning the RMP and shall make subsequent submissions of RMPs in accordance with 40 CFR 68.190.

(iii) The permittee shall certify that the RMP is accurate and complete in accordance with the requirements of 40 CFR Part 68, including a checklist addressing the required elements of a complete RMP.

(iv) As used in this plan approval condition, the term "process" shall be as defined in 40 CFR 68.3. The term "process" means any activity involving a regulated substance including any use, storage, manufacturing, handling or onsite movement of the substances or any combination of these activities. For purposes of this definition, any group of vessels that are interconnected or separate vessels that are located such that a regulated substance could be involved in a potential release, shall be considered a single process. (25 Pa. Code § 127.12(9) and 40 CFR Part 68)

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Jacob Chemsak, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the following:

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

Identification of the proposed Plan Approval (specify the Plan Approval number).

Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

All comments must be received prior to the close of business 30 days after the date of this publication.

#### OPERATING PERMITS

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

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

**23-00034: Villanova University** (800 East Lancaster Avenue, Villanova, PA 19085) for operation of four (4) boilers, 39 miscellaneous heaters, and 42 emergency generators at their facility in Radnor Township, **Delaware County**. The permit is for a Title V facility, and Villanova University is a major facility for nitrogen oxide emissions. The operation of the Boiler No. 3 and Boiler No. 4 is subjected to 40 CFR Part 60 Subpart Dc. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

##### **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. Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.*

**46-00140: Amatex Corp.** (1032 Stanbridge Street, Norristown, PA 19404) for renewal of a Non-Title V Facility, State-Only, Natural Minor Permit in Norristown Borough, **Montgomery County**. Amatex Corporation manufactures heat resistant fiberglass yarn and textiles. Sources of these particulate emissions include heat-treating units, drying ovens, and a texturizer. Amatex Corporation also operates an 8.5 MMBTU/hr boiler. The potential to emit particulate matter for this facility is 2.43 tons per year. There is also a potential to emit 5.51 tons of nitrogen oxides per year, 7.71 tons of sulfur oxides per year, and 2.11 tons of volatile organic compounds per year. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

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

**64-00016: E.R. Linde Construction Corp.** (9 Collan Park, Honesdale, PA 18431) for operation of a mineral processing plant to incorporate general permits for their facility in Palmyra Township, **Wayne County**. This is an initial State-Only Operating Permit.

**40-00071: American Asphalt Paving Co.** (500 Chase Road, Shavertown, PA 18708-9689) a renewal operating permit for the Chase Quarry and Asphalt Plant in Jackson Township, **Luzerne County**. The facility has the potential to emit Sulfur Oxides (SO<sub>x</sub>), Nitrogen Oxides (NO<sub>x</sub>), and Volatile Organic Compounds (VOCs) above Title V emission thresholds. The permittee is taking elective restrictions on operating hours, fuel content and usage to escape Title V requirements and maintain Synthetic Minor status. The proposed State Only (Synthetic Minor) Operating Permit contains applicable requirements for emissions limitations, monitoring, record keeping, reporting and work practice standards designed to ensure facility compliance with Federal and State air pollution regulations.

**39-00075: Stonemor PA, LLC** (927 Nathaniel Trail, Warminster, PA 18974) for operation of a crematory in Whitehall Township, **Lehigh County**. This is a renewal of a State-Only Operating Permit.

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

**49-00042: Catawissa Lumber & Specialty Co., Inc.** (PO Box 176, Catawissa, PA 17820) for their hardwood dimension mill in Ralpho Township, **Northumberland County**. The facility's main sources include two wood fired boilers, eight steam heated lumber drying kilns, and wood working operation. The facility has the potential to emit sulfur oxides (SO<sub>x</sub>), nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO), particulate matter with an aerodynamic diameter of 10 microns or less (PM<sub>10</sub>), volatile organic compounds (VOCs), and hazardous air pollutants (HAPs) below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**14-00022: State College Area School District** (131 West Nittany Avenue, State College, PA 16801) for their junior-senior high school in State College Borough, **Centre County**. The facility's main sources include five (5) natural gas/#2 fuel oil fired boilers, and four (4) natural gas fired emergency generators. The facility has taken a synthetic minor restriction to limit its potential SO<sub>x</sub> emissions below Title V thresholds. The facility has

the potential to emit NO<sub>x</sub>, CO, PM (PM<sub>10</sub>), VOCs, and HAPs below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

## 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.

When 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 a 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 a 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 a 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.*

**11031702 and NPDES Permit # PA0235512, ArcelorMittal Pristine Resources, Inc.**, (PO Box 36, 129 Bethlehem Road, Revloc, PA 15948), to renew the post mining activity permit for the Mine 77 AMD Plant in East Taylor Township, **Cambria County** and related NPDES permit. No additional discharges. Application received: October 27, 2009.

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

**32000104 and NPDES No. PA0235318. Alverda Enterprises, Inc.**, P. O. Box 87, Alverda, PA 15710, revision of an existing bituminous surface mine to change the land

use from forestland to unmanaged natural habitat in Pine Township, **Indiana County**, affecting 57.3 acres. Receiving stream(s): unnamed tributary to Yellow Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 21, 2009.

**32940107 and NPDES No. PA0212911. Pitt Mining Company**, 423 Weiss Road, Shelocta, PA 15774, permit renewal for reclamation only of a bituminous surface mine in Young Township, **Indiana County**, affecting 66.7 acres. Receiving stream(s): Craig Run and Gobblers Run to Crooked Creek to the Allegheny River; Whiskey Run to Blacklegs Creek to the Conemaugh River classified for the following use(s): warm water fishery and cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 26, 2009.

**56950108 and NPDES No. PA0213195. Fieg Brothers**, 3070 Stoystown Road, Stoystown, PA 15563, revision of an existing bituminous surface mine to change land use from woodland to pastureland and/or cropland in Brothersvalley Township, **Somerset County**, affecting 112.25 acres. Receiving stream(s): unnamed tributaries to

Buffalo Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 27, 2009.

**56930114 and NPDES No. PA0212679. Fieg Brothers**, 3070 Stoystown Road, Stoystown, PA 15563, revision of an existing bituminous surface mine to change land use from woodland to pastureland and/or cropland in Brothersvalley Township, **Somerset County**, affecting 28.8 acres. Receiving stream(s): unnamed tributaries to and Buffalo Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 27, 2009.

**56900113 and NPDES No. PA05989882. Fieg Brothers**, 3070 Stoystown Road, Stoystown, PA 15563, revision of an existing bituminous surface mine to change land use from woodland to pastureland and/or cropland in Brothersvalley Township, **Somerset County**, affecting 99.5 acres. Receiving stream(s): unnamed tributaries to and Hays Run; unnamed tributaries to Buffalo Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 27, 2009.

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

**02090102 and NPDES Permit No. PA0251780. Quality Aggregates, Inc.** (2955 Steubenville Pike, Suite 245, Pittsburgh, PA 15205). Application for commencement,

operation and reclamation of a bituminous surface mine, located in Findlay Township, **Allegheny County**, affecting 112 acres. Receiving streams: unnamed tributaries to Potato Garden 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: October 26, 2009.

**04070101 and NPDES Permit No. PA0251208. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Revision application for land use change from forestland to unmanaged natural habitat to the pending bituminous surface mine, located in North Sewickley Township, **Beaver County**, affecting 151.7 acres. Receiving streams: unnamed tributaries to Beaver River, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: October 29, 2009.

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

**54840105R5. Mine Hill Coal Co., #7, Inc.**, (1415 Howard Avenue, Pottsville, PA 17901), renewal of an existing anthracite surface mine operation in Cass Township, **Schuylkill County** affecting 372.2 acres, receiving stream: none. Application received: October 16, 2009.

*Noncoal Applications Received*

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

<i>Parameter</i>	<i>Table 2</i>		
	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

**26950401 and NPDES Permit No. PA0201294. Amerikohl Aggregates, Inc.** (1384 State Route 711, Stahlstown, PA 15687). Application received for transfer of permit currently issued to Amerikohl Mining, Inc., for continued operation and reclamation of a noncoal surface mining site (limestone quarry) located in Springfield Township, **Fayette County**, affecting 570.0 acres. Receiving streams: unnamed tributary to Clay Run and Buck Run, to Indian Creek, to Youghiogheny River, classified for the following uses: high quality, cold water fishes. The first downstream potable water supply intake from the point of discharge is the Municipal Authority of Westmoreland County. Transfer application received: October 26, 2009.

**26900306 and NPDES Permit No. PA0591483. Hanson Aggregates BMC, Inc.** (2200 Springfield Pike, Connellsville, PA 15425). Application received for transfer of permit currently issued to Hanson Aggregates PMA, Inc., for continued operation and reclamation of a noncoal surface mining site (limestone quarry) located in Connellsville Township, **Fayette County**, affecting 51.4 acres. Receiving streams: unnamed tributaries to Connell Run to Youghiogheny River, and Connell Run to Youghiogheny River, classified for the following use: warm water fishes. There are no potable water supplies within ten miles of the point of discharge from the site. Transfer application received: October 13, 2009.

**3378NC17 and NPDES Permit No. PA0592579. Hanson Aggregates BMC, Inc.** (2200 Springfield Pike, Connellsville, PA 15425). Application received for transfer of permit currently issued to Hanson Aggregates PMA, Inc., for continued operation and reclamation of a noncoal surface mining site (limestone quarry) located in Connellsville Township, **Fayette County**, affecting 73.5 acres. Receiving streams: unnamed tributaries to Connell Run to Youghiogheny River, and Connell Run to Youghiogheny River, classified for the following use: warm water fishes. There are no potable water supplies within ten miles of the point of discharge from the site. Transfer application received: October 13, 2009.

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

**4475SM10 and NPDES Permit No. PA0220043. Harbison-Walker Refractories** (400 Fairway Drive, Moon Township, PA 15108). Renewal of NPDES permit, in Woodward Township, **Clearfield County**. Receiving streams: Unnamed tributary to Upper Morgan Run to Clearfield County to West Branch Susquehanna River, classified for the following uses: Cold Water Fishery, Warm Water Fishery. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received: August 12, 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 Floodplain Management Act (32 P. S. § 679.302) and requests for certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E46-1048. Montgomery County Roads and Bridges**, One Montgomery Plaza, 6th Floor, Norristown, PA 19401, East Norriton Township, **Montgomery County**, ACOE Philadelphia District.

To extend and maintain the existing 67.2-foot long, 8-foot span, and 8-foot rise, single span bridge by approximately 51 feet on the downstream side across the Dry Run Branch of Stony Creek (TSF) associated with the construction of the proposed Albert Einstein Hospital.

The site is located approximately 500 feet southeast of the intersection of Germantown Pike and Whitehall Road (Lansdale, PA USGS Quadrangle N: 4.8 inches; W: 13.40 inches).

**E46-1046. Montgomery County Planning Commission**, Montgomery County Courthouse, PO. Box 311, Norristown, PA 19404-0311, Upper Providence Township, **Montgomery County**, ACOE Philadelphia District.

*Schuylkill River Trail and Canal Towpath Restoration Project*

To perform the following Water Obstruction and Encroachment activities along the Schuylkill River, and Canal (WWF, MF) associated with the existing Schuylkill River Trail and Canal Towpath restoration project:

- 1) To maintain the surface of the existing 8-foot wide towpath, and trail.
- 2) To rehabilitate and maintain the spillway between the Canal and the Schuylkill River. This work includes the construction and maintenance of a steel foot-bridge over the spillway.
- 3) To rehabilitate and maintain the substructure of the existing Red bridge over an unnamed tributary to Schuylkill River.
- 4) To stabilize and maintain segments of the banks of the canal and the River.

The project commences at Bridge Street bridge over the Canal, and ends approximately at the intersection of Providence and Langford Roads in Upper Providence Township, Montgomery County (Phoenixville, PA USGS Quadrangle N: 1.01 inches; W: 00.00 inches).

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

**E67-832: Gwen Loose, York County Rail Trail Authority**, P. O. Box 335, Seven Valleys, PA 17360, York County Rails to Trails Authority/Northern Extension, Manchester and Springettsbury Townships, **York County**, ACOE Baltimore District

To: (1) construct and maintain a 23-foot long, 6-inch uniformly depressed, 47-inch high by 71-inch wide corrugated metal pipe arch culvert in an unnamed tributary to Codorus Creek (WWF) (Latitude: 40° 00' 10"; Longitude: 76° 42' 35"); (2) construct and maintain a 40-foot long, 6-inch uniformly depressed, 24-inch high by 35-inch wide corrugated metal pipe arch culvert in an unnamed tributary to Codorus Creek (WWF) (Latitude: 40° 00' 28"; Longitude: 76° 42' 30"); (3) construct and maintain a 10.2-foot wide, 258.5-foot long, three span pedestrian bridge, having normal spans of 73.1 feet, 91.6 feet, and 73.5 feet and minimum under-clearances of 1.6 feet, 14.6 feet, and 1.3 feet, respectively, across Codorus Creek (WWF) and to place and maintain approximately 50 cubic yards of fill in the floodway of Codorus Creek (WWF) (Latitude: 40° 00' 39"; Longitude: 76° 42' 38"); and (4) place and maintain approximately 939 cubic yards of fill in the floodway of Codorus Creek (WWF): (640 yd<sup>3</sup> from Sta: 38+26 to Sta: 56+31, 103 yd<sup>3</sup> from Sta: 106+45 to Sta: 109+94, and 196 yd<sup>3</sup> from Sta: 121+09 to Sta: 134+06). The project also includes the construction and maintenance of a 6-inch outfall structure, nine 8-inch



outfall structures, and 20 10-inch stormwater outfall structures, including endwalls and R-4 rip-rap aprons, discharging to the Codorus Creek (WWF). The project parallels the Codorus Creek from US Route 30 (York, PA Quadrangle N: 21.45 inches; W: 13.75 inches, Latitude: 39° 59' 36"; Longitude: 76° 43' 25") to Mundis Mill Road (York Haven, PA Quadrangle N: 1.96 inches; W: 12.00 inches, Latitude: 40° 00' 39"; Longitude: 76° 42' 38") in Manchester and Springettsbury Townships, York County. The project purpose is to convert an abandoned train rail bed into a trail for recreational use.

**ENVIRONMENTAL ASSESSMENTS**

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

**EA38-009, Robert Snyder**, 245 Lawn Hill Road,

Manheim, PA 17545, Berlin-Cramer Wetland Enhancement, South Londonderry Township, **Lebanon County**, ACOE Baltimore District.

To construct and maintain: 1) a 3.0-foot high by 30.0-foot wide earthen berm impacting 5,319 square feet of existing PEM wetlands; 2) two pools and one island disturbing 4,386 square feet of existing PEM wetlands all within the Little Conewago Creek watershed for the purpose of enhancing wildlife habitat and improving water quality at a point just east of the intersection of Lawn and Colebrook Roads (Elizabethtown, PA Quadrangle 19.5 inches North; 6.0 inches West, Latitude: 40° 13' 15" N; Longitude: 76° 32' 30" W) in South Londonderry Township, Lebanon County. Applicant proposes to create 5,642 square feet of PEM wetlands and enhance 15,347 square feet of PEM wetlands on-site.

**STORAGE TANKS**

**SITE-SPECIFIC INSTALLATION PERMITS**

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Waste Management, Division of Storage Tanks, PO Box 8763, Harrisburg, PA 17105-8763, within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

**The following applications have been received for 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.**

<i>SSIP Application No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
09019	Fluids Management LTD 11767 Katy Freeway Suite 230 Houston, TX 77079 Attn: Mr. Dwayne LeJeune	Clearfield	Boggs Township	27 ASTs storing synthetic oil / drilling mud	650,160 gallons total

**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 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. Phone: 717-705-4707.*

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0246395 (IW)	Integrity Plastics, Inc. Ten Industrial Way Denver, PA 17517	Lancaster County East Cocalico Township	UNT Stony Run 7J	Y
PA0009741 (IW)	Exelon Generation Company, LLLC 300 Exelon Way, Suite 320 Kennett Square, PA 19348	Lancaster County Drumore Township	Susquehanna River 7K	Y
PA0085928 (IW)	Eldorado Properties Corporation (Highspire Bulk Petroleum Terminal) 900 Eisenhower Boulevard, PO Box 2621 Harrisburg, PA 17105	Dauphin County Lower Swatara Township	UNT Laurel Run 7C	Y
PA0008761 (IW)	Armstrong World Industries 1507 River Road Marietta, PA 17547	Lancaster County East Donegal Township	Susquehanna River 7G	Y

*Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481. Phone (814) 332-6860.*

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0105295	Minard Run Oil Company Dent Water Treatment Facility P. O. Box 18 Bradford, PA 16701	Lafayette Township McKean County	Lewis Run 16-C	Y

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

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

**NPDES Permit No. PA0021601**, Sewage, **Hamburg Municipal Authority**, 61 North Third Street, Hamburg, PA 19541. This proposed facility is located in Hamburg Borough, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to Schuylkill River in Watershed 3-B.

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

**NPDES Permit No. PA0219461-A1**, Sewage, **Center-West Joint Sewer Authority**, 235 Main Street, West Brownsville, PA 15417. This existing facility is located in Centerville Borough, **Washington County**.

Description of Proposed Action/Activity: permit amendment issuance to decrease the average daily design flow of the facility from 0.35 mgd. to 0.28 mgd.

**NPDES Permit No. PA0000507-A1**, Industrial Waste, **Eastman Chemical Resins, Inc.**, State Route 837, PO Box 567, West Elizabeth, PA 15088. This existing facility is located in Jefferson Hills Borough, **Allegheny County**.

Description of Proposed Action/Activity: Permit amendment issuance to authorize discharge from a facility located at the Jefferson Plant to receiving waters named Monongahela River.

Amplified Final Public Notice for NPDES Permit No. PA0000507-A1, Industrial Waste, Eastman Chemical Resins, Inc., State Route 837, PO Box 567, West Elizabeth, PA 15088-0567.

This notice reflects changes from the notice published in the September 19, 2009 *Pennsylvania Bulletin*.

The following effluent limitations were omitted from the September 19, 2009 notice for this amendment.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instant. Maximum
Toluene	0.0137	0.0421	0.026	0.080	0.100

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

**NPDES Permit No. PA0240133**, Industrial Waste, **Amendment No. 1, Mahoning Distribution, Inc.**, 35 Main Street, Corsica, PA 15829-6115. This proposed facility is located in Knox Borough, **Clarion County**.

Description of Proposed Action/Activity: Issuance of a new NPDES permit for a new discharge of remediated groundwater contaminated with unleaded gasoline.

**NPDES Permit No. PA0101265**, Sewage, **Andrew L. Hatton, d/b/a Shangri La Mobile Home Court**, 25368 Maple Lane, Cochranon, PA 16314. This proposed facility is located in West Shenango Township, **Crawford County**.

Description of Proposed Action/Activity: Issuance of a new permit for an existing discharge of treated sewage.

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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. Phone: 717-705-4707.*

**WQM Permit No. 0788405, Amendment 09-1**, Sewage, **Roaring Spring Municipal Authority**, 740 Spang Street, PO Box 97, Roaring Spring, PA 16673. This proposed facility is located in Roaring Spring Borough, **Blair County**.

Description of Proposed Action/Activity: Construction/modifications of sewerage facilities consisting of: Construction of new UV disinfection system to replace existing chlorination system and Modifications to the existing decanter mechanism.

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

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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).

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

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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 Ground Water 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>
Hamiltonban Township Adams County	PAG2000109010	Robert L. Gordon Hamiltonban Township P. O. Box 526 Fairfield, PA 17320	Middle Creek CWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 717-334-0636
Ayr Township Fulton County	PAG2002909006	Donald F. Roy JLG Industries, Inc. 1JLG Drive McConnellsburg, PA 17233	Big Cove Creek CWF	Fulton County Conservation District 216 North Second Street McConnellsburg, PA 17233 717-485-3547 Ext 122
Carroll Township Perry County	PAG2035009006	James M. Corl 43 Ramsey Hollow Road Beech Creek, PA 16822	Fishing Run— Shermans Creek WWF	Perry County Conservation District P. O. Box 36 31 West Main Street New Bloomfield, PA 17068 717-582-5119
Franklintown Borough York County	PAG2006708070	Lloyd M. Conway 37 Essex Road Camp Hill, PA 17011	UNT to Bermudian Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-840-7430
Codorus Township York County	PAG2006709039	Lamar R. Glatfelter Codorus Township 4631 Shaffers Church Road Glenville, PA 17329	UNT to Pierceville Run WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-840-7430
Athens Township Bradford County	PAG2000809007	Randy B. Williams Williams Toyota PO Box 207 York Avenue North Towanda, PA 18848	Chemung River WWF	Bradford County Conservation District Stoll Natural Resource Center RR 5, Box 5030C Towanda, PA 18848 (570) 265-5539, X 6
Benner & Spring Townships Centre County	PAG2001404020-R1	Terry Rogers Fiore-Bohn Residence 450 Rishel Hill Road Bellefonte, PA 16823	UNT to Logan Branch CWF	Centre County Conservation District 414 Holmes Avenue, Suite 4 Bellefonte, PA 16823 (814) 355-6817
Allegheny County Bethel Park & South Park Twp.	PAG20002\ 5000203027-R	Woodrow Welsch 122 Cedar Lane McMurray, PA 15317	Lick Run (TSF)	Allegheny County CD 412-241-7645
Allegheny County Findlay Twp.	PAG2000204039-R	Maronda Homes, Inc. 202 Park West Drive Pittsburgh, PA 15275	Potato Garden Run (WWF)	Allegheny County CD 412-241-7645
Allegheny County Harrison Twp.	PAG2000204047-R	Maronda Homes, Inc. 202 Park West Drive Pittsburgh, PA 15275	Allegheny River (WWF)	Allegheny County CD 412-241-7645

## NOTICES

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<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 North Fayette Twp.	PAG2000204065-R	Charles DiNardo 200 Patton Drive Coraopolis, PA 15108	Robinson Run (WWF)	Allegheny County CD 412-241-7645
Allegheny County Hampton Twp.	PAG2000204085-R	Montgomery Rust Inc. 4284 Route 8 Allison Park, PA 15101	Crouse Run (TSF)	Allegheny County CD 412-241-7645
Allegheny County North Fayette Twp.	PAG2000207066-1	Wood Waste Recycling 111 Bridge Street Burgettstown, PA 15021	Half Crown Run (WWF)	Allegheny County CD 412-241-7645
Allegheny County Pittsburgh	PAG2000208045-1	Housing Authority of the City of Pittsburgh 200 Ross Street Pittsburgh, PA 15219	Allegheny River (WWF)	Allegheny County CD 412-241-7645
Allegheny County McCandless & Hampton Twps.	PAG2000209033	Allegheny County Department of Public Works 501 County Office Building Pittsburgh, PA 15219	Pine Creek (WWF)	Allegheny County CD 412-241-7645
Allegheny County Harmar Twp.	PAG2000209037	Duff McCrady One Market Street Pittsburgh, PA 15222	Deer Creek (WWF)	Allegheny County CD 412-241-7645
Allegheny County Indiana Twp.	PAG2000209037	PA Turnpike Commission PO Box 67676 Harrisburg, PA 17106	Deer Creek (CWF)	Allegheny County CD 412-241-7645
Allegheny County North Fayette Twp.	PAG2000209046	Sam's Rebt 2001 SE 10th Street Bentonville, AR 72716	Montour Run (TSF)	Allegheny County CD 412-241-7645
Allegheny County Monroeville	PAG2000209048	Group Six Sigma Development 4006 Berger Lane Monroeville, PA 15146	Leak Run (WWF)	Allegheny County CD 412-241-7645
Allegheny County Pine Twp.	PAG2000209050	Wexford Hills Estates, LLC PO Box 1324 Lake Ozark, MO 65072	Pine Creek (CWF)	Allegheny County CD 412-241-7645
Allegheny County Pittsburgh	PAG2000209052	Corcoran Jennison Company 150 Mount Vernon Street Boston, MA 02108-1128	Monongahela River (WWF)	Allegheny County CD 412-241-7645
Allegheny County South Fayette Twp.	PAG2000209056	South Fayette School District 3680 Old Oakdale Road McDonald, PA 15057	Millers Run (WWF)	Allegheny County CD 412-241-7645
Allegheny County Forward Twp.	PAG2000209057	Dominion-Peoples Gas Company 1201 Pitt Street Pittsburgh, PA 15221	Beckets Run (WWF)	Allegheny County CD 412-241-7645
Allegheny County Elizabeth Twp.	PAG2000209058	Pennsylvania American Water Company 300 Galley Road McMurray, PA 15317	Wylie Run (WWF)	Allegheny County CD 412-241-7645
Allegheny County Jefferson Hills Boro	PAG2000209059	Thomas a' Becket Charitable Trust 509 Gill Hall Road Clairton, PA 15025	Lik Run & Beam Run (TSF)	Allegheny County CD 412-241-7645
Allegheny County Marshall Twp.	PAG2000209060	Ericsson Drive Associates, LP One Presidential Drive Bala Cynwyd, PA 19004	Brush Creek (WWF)	Allegheny County CD 412-241-7645
Allegheny County Plum, Verona, and Penn Hills Boros	PAG2000209062	Duquesne Light Company 2835 New Beaver Avenue Pittsburgh, PA 15233	Blacks Run, Indiana Cree, Plum Creek, Quigley Run, Sandy Creek, Shades Run, & Allegheny River (WWF).	Allegheny County CD 412-241-7645

*Facility Location:  
Municipality &  
County*Allegheny County  
Richland Twp.*Permit No.*

PAG2000209066

*Applicant Name &  
Address*Joseph B. Fay Company  
PO Box 66  
Russellton, PA 15076*Receiving  
Water/Use*

Montour Run

*Contact Office &  
Phone No.*Allegheny County CD  
412-241-7645*General Permit Type—PAG-3**Facility Location:  
Municipality &  
County*Franklin County/  
Antrim Township*Permit No.*

PAR803675

*Applicant Name &  
Address*Con-Way Freight, Inc.  
(XHG - Greencastle)  
2211 Old Earhart Road,  
Suite 100  
Ann Arbor, MI 481005*Receiving  
Water/Use*unt Conococheague  
Creek  
WWF*Contact Office &  
Phone No.*DEP—SCRO—WQ  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4707York County  
Springettsbury  
Township

PAR203547

York Operations Cooper Tools,  
Inc.  
3990 East Market Street  
York, PA 17402-2769UNT to Kreutz  
Creek  
WWFDEP—SCRO—WQ  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4707New Stanton  
Borough  
Westmoreland  
County

PAR806162

UPS, Inc.  
521 North Center Avenue  
New Stanton, PA 15672UNT of Sewickley  
CreekSouthwest Regional  
Office:  
Water Management  
Program Manager  
400 Waterfront Drive  
Pittsburgh, PA  
15222-4745  
412-442-4000*General Permit Type—PAG-8**Facility Location:  
Municipality &  
County*Quincy Township  
Franklin County*Permit No.*

PAG083591

*Applicant Name &  
Address*Quincy Township Sewer  
Authority  
7575 Mentzer Gap Rd.  
Waynesboro, PA 17268*Site Name &  
Location*Quincy Township  
WWTP 7575 Mentzer  
Gap Rd.  
Waynesboro, PA  
17268*Contact Office &  
Phone No.*DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
717-705-4707*General Permit Type—PAG-12**Facility Location:  
Municipality &  
County*Lancaster County/  
Penn Township*Permit No.*

PAG123686

*Applicant Name &  
Address*Glenn Martin  
(Glenn Martin Duck Farm  
CAFO)  
2077 Mountain Road  
Manheim, PA 17545*Receiving  
Water/Use*unt Chickies Creek  
WWF/7J*Contact Office &  
Phone No.*DEP—SCRO—WQ  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4707**PUBLIC WATER SUPPLY (PWS)  
PERMITS**

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O.

Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania 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 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

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

**Permit No. 4707502**—Operation Public Water Supply.

Applicant	<b>Pepper Hills Mobile Home Park</b>
Township or Borough	Cooper Township
County	<b>Montour</b>
Responsible Official	Mr. and Mrs. Luther Ernst Pepper Hills Limited P. O. Box 139 Danville, PA 17821
Type of Facility	Public Water Supply—Operation
Consulting Engineer	N/A
Permit Issued Date	October 29, 2009
Description of Action	Use of Well #1 as an additional source of supply and operation of a Clack MTM media iron filtration system, including detention tanks and sodium hypochlorite, potassium permanganate and sodium hydroxide chemical feed systems, replacement pump in Well #2, booster pump station and two 10,500 gallon finished water storage tanks.

**Permit No. MA (1493504)**—Construction and Operation Public Water Supply.

Applicant	<b>Rock Springs Water Company</b>
Township or Borough	Ferguson Township
County	<b>Centre</b>
Responsible Official	Mr. J. Roy Campbell Rock Springs Water Company 1750 Tadpole Road Pennsylvania Furnace, PA 16865
Type of Facility	Public Water Supply—Construction and Operation
Consulting Engineer	Eric Lundy, P. E. Nittany Engineering Suite 101 2836 Earlstown Road Centre Hall, PA 16828
Permit Issued Date	October 30, 2009
Description of Action	Rehabilitation of the existing 212,000 gallon finished water storage tank.

## 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.*

**Uptown Worthington**, East Whiteland Township, **Chester County**. Jeffery Walsh, Penn Environmental, and Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Guy Wolfington, Malvern Hill Associates, L.P, 2701 Renaissance Blvd, Fourth Floor, King of Prussia, PA 19406 has submitted a Final Report concerning remediation of site groundwater contaminated with used motor oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Former Willow Grove Home Depot**, Upper Moreland Township, **Montgomery County**. Justin Lauterbach, RT Environmental Services, Pureland Complex, Suite 306, 510 Heron Drive, PO Box 521, Bridgeport, NJ 08014, Christopher Ward, Pureland Complex, Suite 306, 510

Heron Drive, PO Box 521, Bridgeport, NJ 08014 on behalf of Christopher Gallub, Develcom, 204 Harding Road, PO Box 217, Bellmawr, NJ 08031 has submitted a Final Report concerning remediation of site soil contaminated with arsenic and other organics. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Blue Grass Plaza**, City of Philadelphia, **Philadelphia County**. Samuel Kucia, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401, Richard Werner, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of Lennard Katz, Blue Grass Mall Associates, 45-17 Marathon Parkway, Little Neck, NY 11362 has submitted a Final Report concerning remediation of site groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

**Pa. College of Technology-Rose St.**, Student Housing/Parking, City of Williamsport, **Lycoming County**. TCI Environmental Services, Inc., 100 N. Wilkes-Barre Blvd., Wilkes-Barre, PA 18702 on behalf of Pa College of Technology, 2245 Reach Road, Williamsport, PA 17701 has submitted a Cleanup Plan concerning remediation of site soil contaminated with Lead and Arsenic. The report is intended to document remediation of the site to meet Site-Specific Standard.

## 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.**

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

**GP3-09-0089: Allied Recycling Co.** (1725 Limekiln Pike, Suite 3A, Dresher, PA 19025) on October 27, 2009, to operate a portable nonmetallic mineral processing plant operation in Chalfont Borough, **Bucks County**.

**GP11-09-0017: Allied Recycling Co.** (1725 Limekiln Pike, Suite 3A, Dresher, PA 19025) on October 27, 2009, to operate a nonroad engine(s) in Chalfont Borough, **Bucks County**.

**GP14-09-0129: Veterinary Crematory Services, LLC** (387 Nina Way, Warminster, PA 18974) on October 27, 2009, to operate (2) two animal crematory units in Warminster Township, **Bucks County**.

**GP14-09-0130: Veterinary Crematory Services, LLC** (387 Nina Way, Warminster, PA 18974) on October 27, 2009, to operate (2) two animal crematory units in Warminster Township, **Bucks County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Contact: Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226.*

**GP5-30-00171A: Range Resources Appalachia, LLC** (380 Southpointe Boulevard, Suite 300, Canonsburg, PA 15317-8561) on October 29, 2009, authorized under GP5 to install and operate one (1) Ajax DPC 360LE compressor engine and one (1) Tejas 0.075 mmBtu/hr

dehydrator at their Apted Compressor station facility in Greene Twp, **Greene County**.

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

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

**15-0090C: National Envelope Corp.** (303 Eagleview Boulevard, Exton, PA 19341) on October 27, 2009, to install flexographic printing heads on an existing unit at an envelope manufacturing and printing facility in Uwchlan Township, **Chester County**. The plan approval is for a non-Title V (State only) facility. The process will potentially increase actual VOC and total HAP emissions by 2.1 and 1.4 tons per annum, respectively. However, the facility will continue to operate under its current facility-wide permitted emission limits. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**23-0001AA: Sunoco, Inc., R & M, Marcus Hook Refinery** (100 Green Street, Marcus Hook, PA 19061) on October 28, 2009, to install one (1) cooling tower to replace an existing one at the 12-2 plant at an existing Title V facility in **Delaware County**. There will be a potential decrease in Particulate Matter emissions from this project of approximately 1.0 tons/yr. The plan approval will include 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. Contact: William R. Weaver, New Source Review Chief—Telephone: 717-705-4702.*

**ER-06-05018: The Hershey Co.** (1025 Reese Avenue, PO Box 805, Hershey, PA 17033) on October 21, 2009, to close their Reading candy plant in the City of Reading, **Berks County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940.*

**24-083Q: Carbone of America Industries Corp.** (215 Stackpole Street, Saint Marys, PA 15857-1401) on October 20, 2009, to modify a facility operating permit condition relating to test derived from plan approval 24-083J at their facility in the City of Saint Marys, **Elk County**. This is a Title V facility.

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

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

**15-0027I: Johnson Matthey, Inc.** (456 Devon Park Drive, Wayne, PA 19087) on October 29, 2009, to operate a new diesel catalyst production line No. 1 in Tredyffrin Township, **Chester County**.



**46-0147A: Chemalloy Co., Inc.** (P. O. Box 350, Bryn Mawr, PA 19010) on October 29, 2009, to operate a No. 2-2A grinding screen Plymouth Township, **Montgomery County**.

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

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

**06-05105A: Green GAS Pioneer Crossing Energy, LLC** (2400 Boston Street, Suite 348, Baltimore, MD 21224) on October 28, 2009, to construct four (4) internal combustion engines and landfill gas treatment systems by GAS at the Pioneer Crossing Landfill in Exeter Township, **Berks County**. The plan approval was extended.

**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. Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.*

**23-00086: Engineered Arresting Systems Corp.** (2250 Market Street, Aston, PA 19014-3426) on October 28, 2009, to operate their assembly facility in Upper Chichester Township, **Delaware County**. The permit is for a non-Title V (State only) facility. Sources of air emissions include two (2) spray paint booths and clean-up operations. The renewed permit will include 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. Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507.*

**45-00032: BioSpectra, Inc.** (RR 32, Box 2129G, Stroudsburg, PA 18360) on October 30, 2009, to issue a State-Only (Natural Minor) Operating Permit for operation of a pharmaceutical excipient manufacturing process at their facility in Stroud Township, **Monroe County**.

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

**21-05064: Atlas Roofing Corp.** (817 Spangler Road, Camp Hill, PA 17011-5823) on October 27, 2009, for their polyisocyanurate foam manufacturing facility in Camp Hill Borough, **Cumberland County**. This is a renewal of the State-only operating permit.

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

**63-00525: Washington Cemetery, Inc.** (498 Park Avenue, Washington, PA 15301-5797) on October 29, 2009, to operate one (1) human crematory rated at 1.415 mmbtu/hr with a capacity of 150 lbs/hr at their facility in the City of Washington, **Washington County**.

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

**S08-004: St. Christopher's Hospital for Children, LLC** (Erie Avenue at Front Street, Philadelphia, PA 19134) on October 30, 2009, to operate a hospital in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes one (1) 200 Hp boiler, one (1) 300 Hp boiler, one (1) 500 Hp boiler, two (2) less than 50 Hp boilers, two (2) 1520 Hp emergency generators, and one (1) 145 Hp emergency generator.

**S03-010: General Services Administration, William J. Green Jr., Federal Building.** (600 Arch Street, Philadelphia, PA 19106) on October 26, 2009, to operate a federal building in the City of Philadelphia, **Philadelphia County**. The synthetic minor emission sources include three (3) 13.39 MMBTU/hr boilers, three (3) hot water heaters, one (1) 746 kW Emergency Generator and one (1) 175 kW emergency generator.

**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. Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.*

**15-00005: West Chester University** (201 Carter Drive, Suite 100, West Chester, PA 19383) on October 28, 2009, for their university campus in West Chester Borough, **Chester County**. The issued Title V Operating Permit has been amended to correct several minor typographical errors in the facility's recently renewed Title V Operating Permit.

**09-00179: Bucks County Furniture, LTD** (174 Keystone Drive, Telford, PA 18969) on October 28, 2009, to revise the State Only Operating Permit to incorporate the conditions of plan approval 09-0179 for three (3) spray coating booths and an off-line spray coating operation for wood furniture coating operations in West Rockhill Township, **Bucks County**. The Administrative Amendment of the State Only Operating Permit was issued in accordance with the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

**15-00002: World Color (USA), LLC—d/b/a Worldcolor Atglen** (4581 Lower Valley Road, Atglen, PA 19310) on October 30, 2009, for their printing facility in West Sadsbury Township, **Chester County**. The issued Title V Operating Permit has been amended to facilitate a name change as a result of a change of ownership.

**46-00036: Visteon Systems, LLC** (2750 Morris Road, Lansdale, PA 19446) on October 30, 2009, to operate their automotive parts manufacturing facility in Worcester Township, **Montgomery County**. The permit is being amended to incorporate conditions from Plan Approval No. 46-0036J and to remove the following sources and the associated conditions and permit maps:

Source ID: 129	Source Name: Wave Solder 6
Source ID: 231	Source Name: Wave Solder 10
Source ID: 136	Source Name: Selective Solder 2
Source ID: 137	Source Name: Selective Solder 3
Source ID: 144	Source Name: Selective Solder 10
Source ID: 134	Source Name: Coil Soldering-Servo
Source ID: 130	Source Name: Wave Solder 8

Source ID: 131 Source Name: Wave Solder 9  
 Source ID: 133 Source Name: In-Line Package 1  
 Source ID: 135 Source Name: Selective Solder 1  
 Source ID: 143 Source Name: Selective Solder 9  
 Source ID: 233 Source Name: Wave Solder 12  
 Source ID: 234 Source Name: Wave Solder 13

The facility is subject to Compliance Assurance Monitoring (CAM) pursuant to 40 CFR Part 64. The Administrative Amendment of Title V Operating Permit for this facility is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

## 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.*

**30831303 and NPDES Permit # PA0013511, Cumberland Coal Resources, LP**, (PO Box 1020, Waynesburg, PA 15370), to revise the permit for the Cumberland Mine in Whiteley Township, **Greene County** to add surface acres for the installation of Gob Ventilation Borehole 57-2A. Surface Acres Proposed 0.09. No additional discharges. Application received: May 8, 2009. Permit issued: October 29, 2009.

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

**65890104 and NPDES Permit No. PA0591734. Gary Gioia Coal Company** (319 Karen Drive, Elizabeth, PA 15037). Permit renewal issued for reclamation only of a bituminous surface mining site, located in South Huntingdon Township, **Westmoreland County**, affecting 92.5 acres. Receiving stream: unnamed tributary to Barren Run. Application received: October 9, 2009. Renewal issued: October 29, 2009.

### Noncoal Applications Returned

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

**42080808. Lois Baker** (1821 Champlin Hill Road, Turtlepoint, PA 16750) Commencement, operation and restoration of a small bluestone operation in Annin Township, **McKean County** affecting 5.0 acres. Receiving streams: Newell Creek. Application received: September 12, 2008. Permit Denied: October 30, 2009.

### Noncoal Permits Actions

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

**11091001, Maple Coal Company**, 254 Interpower Drive, Colver, PA 15927, approval of registration under General Permit for short-term construction project BMR-GP-103 to extract noncoal (industrial minerals), in Portage Township, **Cambria County** to supply material to the Maple Coal Company Sonman Refuse site, receiving stream Hill Creek, designated use cold water fishery (CWF). There are no potable water supply intakes within 10 miles downstream. Application received: March 30, 2009. Permit issued: October 26, 2009.

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

**37090302 and NPDES Permit No. PA0258768. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201) Commencement, operation and restoration of a limestone operation in Slippery Rock Township, **Lawrence County** affecting 79.1 acres. Receiving streams: Unnamed tributary to Slippery Rock Creek. Application received: June 11, 2009. Permit Issued: October 23, 2009.

## ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

### Blasting Permits Actions

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

**21094143. M & J Explosives, Inc.**, P. O. Box 608, Carlisle, PA 17013-0608, blasting activity permit issued for single dwelling development in West Pennsboro Township, **Cumberland County**. Blasting activity permit end date is October 31, 2010. Permit issued: October 23, 2009.

**07094005. Appalachian Geophysical**, 2659 State Route 60, Killbuck, OH 44637, blasting activity permit issued for seismic exploration project in Juniata Township, **Blair County**. Blasting activity permit end date is October 22, 2010. Permit issued: October 28, 2009.

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

**26094009. Scott Gustafson** (65 Bald Mountain Road, Dubois, WY 82513). Blasting activity permit issued for the Route 88, Point Marion Bridge demolition project, located in Point Marion Borough, **Fayette County**. The duration of blasting is expected to be two months. Blasting activity permit issued: October 26, 2009.

**65094009. Green River Resources** (385 Inverness Parkway, Suite 428, Englewood, CO 80112). Blasting activity permit issued for the Latrobe PPV Test Seismic Exploration, located in Unity Township, **Westmoreland County**. The duration of blasting is expected to be two months. Blasting activity permit issued: October 29, 2009.

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

**27094006. Pennsylvania General Energy Corporation** (120 Market Street, Warren, PA 16365) Blasting activity permit for stone removal in Green Township, **Forest County**. This blasting activity permit will expire on December 31, 2009. Permit Issued: October 27, 2009.

**37094001. Gene Whalen** (121 Heron Dr., Enon Valley, PA 16120) Blasting activity permit for stone removal in Little Beaver Township, **Lawrence County**. This blasting activity permit will expire on November 27, 2009. Permit Issued: October 27, 2009.

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

**22094110. Warren's Excavating & Drilling, Inc.**, (PO Box 214, Myerstown, PA 17067), construction blasting for Highspire Road Development in Swatara and Lower Swatara Townships, **Dauphin County** with an expiration date of September 11, 2010. Permit issued: October 27, 2009.

**58094106. Meshoppen Blasting, Inc.**, (PO Box 127, Meshoppen, PA 18630), construction blasting for clearing land for well site in Springville Township, **Susquehanna County** with an expiration date of November 30, 2009. Permit issued October 27, 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 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 Floodplain 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. Telephone: 717-705-4707.*

**E28-358: Dennis LaBarre, Falling Spring Greenway, Inc.**, PO Box 1252, Chambersburg, PA 17201, Township of Guilford, **Franklin County**, ACOE Baltimore District.

To restore 940 linear feet of the Falling Spring Branch (HQ-CWF) through stream narrowing and the creation of fish habitats, including lunkers, scour holes, converging roller eddies, and converging rock clusters, for the purpose of enhancing the stream quality and promoting the growth of native trout populations. The project is located along Falling Spring Road approximately 1,000 feet west from the intersection of Spring Road and Falling Spring Road (Scotland, PA Quadrangle N: 5.6 inches; W: 14.2, Latitude: 39° 54' 18"; Longitude: 77° 36' 2") in Guilford Township, Franklin County.

**E28-351: Borough of Waynesboro, South Potomac Street Improvement Project, The Borough of Waynesboro, Kevin Grubbs**, 57 East Main Street, Waynesboro, PA 17268, Waynesboro Borough, **Franklin County**, ACOE Baltimore District.

To: (1) remove 329.0 lineal feet of gabion baskets from the bed and banks of a stream; (2) grade 775.0 lineal feet of streambed, stream bank, and top of bank, removing approximately 743 cubic yards of material; (3) install and maintain 775.0 lineal feet of armoring in the channel bottom, 631.0 lineal feet of gabion baskets along the channel banks and 631.0 lineal feet of 6-foot high chain link fence along the top of bank; and (4) replace and maintain 230.0 feet of 8-inch sanitary sewer line, 44.0 feet of 18-inch sanitary sewer line, existing stormwater inlets and stormwater pipes at two culvert/bridge locations, and two 12-foot wide by 5-foot high concrete box culverts with two 16-foot wide by 6-foot high pre-cast concrete conspan bridges. All proposed activities will impact an unnamed tributary to East Branch Antietam Creek (CWF). The project parallels Cemetery Avenue east of Potomac Street (Smithsburg, MD-PA Quadrangle N: 21.5 inches; W: 12.0 inches, Latitude: 39° 44' 32"; Longitude: -77° 35' 21") in the Borough of Waynesboro, Franklin County.

**E22-549: Consolidated Scrap Resources, Inc, Benjamin Abrams**; 1616 North Cameron Street, P. O. Box 1761, Harrisburg PA 17105; Harrisburg City, **Dauphin County**, ACOE Baltimore District.

To construct and maintain 900.0 linear feet of 10.0-foot high stacked concrete EcoBlock wall in the floodway of

Paxton Creek (Harrisburg West, PA Quadrangle N: 5.5"; W: 0.8", Latitude: 40° 16' 41.7"; Longitude: 76° 52' 53.8", Beginning, N: 4.8"; W: 0.8", Latitude: 40° 16' 33"; Longitude: 76° 52' 49.4" Ending) for the purpose of stabilizing erosion in Harrisburg City, Dauphin County.

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

**E02-1576. Redevelopment Authority of Allegheny County**, 425 Sixth Street, Suite 800, Pittsburgh, PA 15219. To place and maintain fill along the right bank and in the flood plain in Rankin, Swissvale, Munhall, and Whitaker Boroughs, and in the City of Pittsburgh, **Allegheny County**, Pittsburgh ACOE District. (Pittsburgh East, PA Quadrangle N: 6.6 inches; W: 1.9 inches, Latitude: 40° 24' 41"; Longitude: 79° 53' 19"). To place and maintain fill for an approximate length of 4,800 feet and the maximum width of 1,000 feet along the right bank and in the floodplain (outside floodway) of Monongahela River (WWF) located just downstream of the Rankin Bridge for the purpose of elevating the floodplain to redevelop a 194-acre site located on both sides of said river. To operate and maintain three (3) existing outfall structures having diameters greater than 36 inches in the Monongahela River.

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control Permits have been issued.

Any person aggrieved by these actions may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. Chapter 5, Subchapter A (relating to practice and procedure of Commonwealth agencies), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users 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 pro bono representation. Call the Secretary to the Board (717) 787-3483 for more information.

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

10/28/09

ESCGP-1 No.: ESX09-125-0048  
Applicant Name: Range Resources—Appalachia, LLC  
Contact Person: Carla Suszkowski  
Address: 380 Southpointe Boulevard, Suite 300  
City: Canonsburg State: PA Zip Code: 15317  
County: Washington Township(s): Mt. Pleasant  
Receiving Stream(s) and Classifications: UNT to Robinson Run, Other

10/28/09

ESCGP-1 No.: ESX09-125-0049  
Applicant Name: Range Resources—Appalachia, LLC  
Contact Person: Carla Suszkowski  
Address: 380 Southpointe Boulevard, Suite 300  
City: Canonsburg State: PA Zip Code: 15317  
County: Washington Township(s): Donegal  
Receiving Stream(s) and Classifications: UNT to Buck Run, HQ

10/28/09

ESCGP-1 No.: ESX09-125-0050  
Applicant Name: Range Resources—Appalachia, LLC  
Contact Person: Carla Suszkowski  
Address: 380 Southpointe Boulevard, Suite 300  
City: Canonsburg State: PA Zip Code: 15317  
County: Washington Township(s): Chartiers  
Receiving Stream(s) and Classifications: UNT to Plum Run, Other

10/28/09

ESCGP-1 No.: ESX09-125-0051  
Applicant Name: Range Resources—Appalachia, LLC  
Contact Person: Carla Suszkowski  
Address: 380 Southpointe Boulevard, Suite 300  
City: Canonsburg State: PA Zip Code: 15317  
County: Washington Township(s): Cecil  
Receiving Stream(s) and Classifications: UNT to Brush Run, HQ

10/28/09

ESCGP-1 No.: ESX09-125-0052  
Applicant Name: Range Resources—Appalachia, LLC  
Contact Person: Carla Suszkowski  
Address: 380 Southpointe Boulevard, Suite 300  
City: Canonsburg State: PA Zip Code: 15317  
County: Washington Township(s): Canton  
Receiving Stream(s) and Classifications: UNT to Georges Run, Other

10/28/09

ESCGP-1 No.: ESX09-129-0031  
Applicant Name: Rex Energy Corporation  
Contact Person: Timothy Beattie  
Address: 476 Rolling Ridge Drive, Suite 300  
City: State College State: PA Zip Code: 16801  
County: Westmoreland Township(s): Derry  
Receiving Stream(s) and Classifications: Unnamed Tributaries to Union Run, Other—WWF

*Northwest Region: Oil and Gas Program Manager 230 Chestnut St. Meadville, PA 16335.*

ESCGP-1 #ESX09-053-0003

Applicant Pennsylvania General Energy Co. LLC  
Contact Douglas Kuntz  
Address 120 Market St.  
Warren PA 16365  
County Forest Township(s) Green  
Receiving Stream(s) and Classification(s) Fox Run, UNT to Fox Run, Zipp Run, Big Weaver Run; HQ, Other; Secondary Water—Little Coon Creek, Coon Creek

ESCGP-1 #ESX09-065-0003

Applicant Exco—North Coast Energy Inc.  
Contact Joel Heiser  
Address 1 GOJO Plaza, Ste 325  
Akron OH 44311-1057  
County Jefferson Township(s) Henderson  
Receiving Stream(s) and Classification(s) Stump Creek CWF

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**SPECIAL NOTICES**


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**CERTIFIED EMISSION REDUCTION CREDITS IN PENNSYLVANIA'S ERC REGISTRY**

Emission reduction credits (ERC) are surplus, permanent, quantified and Federally enforceable emission reductions used to offset emission increases of oxides of nitrogen (NO<sub>x</sub>), volatile organic compounds (VOCs) and the following criteria pollutants: carbon monoxide (CO), lead (Pb), oxides of sulfur (SO<sub>x</sub>), particulate matter (PM), PM-10 and PM-10 precursors.

The Pennsylvania Department of Environmental Protection (Department) maintains an ERC registry in accordance with the requirements of 25 Pa. Code § 127.209. The ERC registry system provides for the tracking of the creation, transfer and use of ERCs. Prior to registration of the credits, ERC Registry Applications are reviewed and approved by the Department to confirm that the ERCs meet the requirements of 25 Pa. Code §§ 127.206—208. Registration of the credits in the ERC registry system constitutes certification that the ERCs satisfy applicable requirements and that the credits are available for use. The following registered, and certified ERCs in the ERC Registry are currently available for use as follows:

(1) To satisfy new source review (NSR) emission offset ratio requirements;

(2) To “net-out” of NSR at ERC-generating facilities;

(3) To sell or trade the ERCs for use as emission offsets at new or modified facilities.

The certified ERCs shown below, expressed in tons per year (tpy), satisfy the applicable ERC requirements contained in 25 Pa. Code §§ 127.206—127.208. ERCs created from the curtailment or shutdown of a source or facility expires for use as offsets 10 years after the emission reduction occurs. ERCs generated by the over control of emissions by an existing facility do not expire for use as offsets. However, credits in the registry that are not used in a plan approval will be discounted if new air quality requirements are adopted by the Department or U.S. Environmental Protection Agency (EPA).

For additional information concerning this listing of certified ERCs, contact the Bureau of Air Quality, Division of Permits, Department of Environmental Protection, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. This Pennsylvania ERC registry report, ERC Registry application and instructions are located at [www.depweb.state.pa.us](http://www.depweb.state.pa.us), select Air Topics, Air Quality Home, Permits, Emission Reduction Credits.

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
R. R. Donnelley & Sons Co. County: Lancaster Contact Person: Frederick Shaak, Jr.	VOCs	16.00		Internal Use
Kurz Hastings Inc. County: Philadelphia Contact Person: George Gornick Telephone Number: (215) 632-2300	VOCs	137.45		Trading
Kurz Hastings Inc. County: Philadelphia Contact Person: George Gornick Telephone Number: (215) 632-2300	NO <sub>x</sub> VOCs	8.01 64.55	Varies from 03/28/2013 to 01/9/2014	Trading
PPG Industries, Inc. Source Location: Springdale Complex County: Allegheny Contact Person: Lori Burgess Telephone Number: (412) 274-3884	VOCs	171.82		Trading
Recipient/Holder of ERC: Coastal Aluminum Rolling Mills Inc. ERC Generating Facility: Fasson Div. of Avery Dennison Corp. ERC-generating facility location: Quakertown, Bucks Contact Person: Jesse Hackenberg Telephone Number: (570) 323-4430	VOCs	3.62		Internal Use/ Trading
Congoleum Corporation Source Location: Marcus Hook County: Delaware Contact Person: Theresa C. Garrod Telephone Number: (609) 584-3000	NO <sub>x</sub> VOC	5.20 0.9		Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Recipient/Holder of ERC: PG&E Energy Trading-Power, L.P. ERC Generating Facility: Global Packaging, Inc. ERC-generating facility location: Oaks Plant, Montgomery County Contact Person: Sarah M. Barpoulis Telephone Number: (301) 280-6607	VOCs	43.50		Trading
Newcomer Products Inc. Source Location: Latrobe County: Westmoreland Contact Person: Edward M. Nemeth Telephone Number: (724) 694-8100	VOCs	16.00	07/14/2010	Trading
Scranton-Altoona Terminals Corporation Source Location: Monroe Township County: Cumberland County Contact Person: Thomas M. Carper Telephone Number: (717) 939-0466	VOCs	4.84	09/30/2010	Trading
Pennzoil Wax Partner Company Source Location: Rouseville County: Venango Contact Person: David W. Dunn Telephone Number: (713) 546-6941	NOx VOCs CO	15.47 0.68 14.86	02/26/2010	Trading
Pennzoil Wax Partner Company Source Location: Rouseville County: Venango Contact Person: David W. Dunn Telephone Number: (713) 546-6941	NOx VOCs CO	2.82 44.34 0.57	04/1/2010	Trading
INDSPEC Chemical Corp. Source: Boiler # 8 Source Location: Petrolia County: Butler Contact Person: Terry Melis Telephone Number: (412) 756-2376	NOx SOx	158.68 1,217.95		Trading
Sun Company, Inc. Source: Wastewater Conveyance System Source Location: Marcus Hook Borough County: Delaware Contact Person: Steve Martini Telephone Number: (610) 859-1000	VOCs	147.93		Trading/ Internal Use
Columbia Gas Transmission Corporation Source Location: Kent Station County: Indiana Contact Person: Gregory Lago Telephone Number: (304) 357-2079	NOx VOCs	44.36 2.66	05/31/2011	Trading
Columbia Gas Transmission Corporation Source Location: Homer Station County: Indiana Contact Person: Gregory Lago Telephone Number: (304) 357-2079	NOx VOCs	45.89 3.79	05/31/2011	Trading
ISG Steelton, Inc. Source: Rail Heat Treating & Quenching Source Location: Steelton Plant County: Dauphin Contact Person: James R. Hernjak Telephone Number: (717) 986-2042	NOx VOCs	7.00 43.00	11/9/2009	Trading
General Electric Transportation System Source: Boiler # 2 Source Location: E. Lake Road County: Erie Contact Person: Mark D. Restifo Telephone Number: (814) 875-5406	NOx VOCs PM SOx CO	280.90 1.70 29.50 2,006.70 111.90	12/31/2010	Trading

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<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
3M Minnesota Mining & Manufacturing Source Location: Bristol Plant County: Bucks Contact Person: Jeff Muffat Telephone Number: (651)-778-4450	VOCs VOCs	479.00 279.00	11/30/2011 12/17/2011	Trading
Kosmos Cement Company, Cemex Inc. Source Location: Neville Road, Pittsburgh County: Allegheny Contact Person: Amarjit Gill Telephone Number: (713) 653-8554	NOx VOCs PM10 SOx CO	910.00 26.00 61.00 442.00 44.00	04/24/2011	Trading
Recipient/Holder of ERC: Maple North America Development Company, LLC ERC Generating Facility: Laclede Steel Corporation Source Location: Fairless County: Bucks Contact Person: Paul D. Jones Telephone Number: (415) 768-2281	NOx VOCs	104.00 45.00	11/29/2011	Trading
Recipient/Holder of ERC: Natsource Emissions Brokers ERC Generating Facility: Laclede Steel Corporation Source Location: Fairless County: Bucks Contact Person: David Oppenheimer Telephone Number: (212) 232-5305	NOx VOCs	0.27 1.50	11/29/2011	Trading
Trinity Industries, Inc. Source Location: Greenville County: Mercer County Contact Person: Dennis Lencioni Telephone Number: (214) 589-8141	VOCs	61.65	10/31/2010	Trading
Rohm and Haas Company Source Location: Bristol Township County: Bucks Contact Person: Lloyd Davis Telephone Number: (215) 785-8871	VOCs VOCs	1.15 0.32	10/30/2010 01/30/2011	Trading
Recipient/Holder of ERC: Waste Management Disposal Services of Pennsylvania ERC Generating Facility: The Worthington Steel Company Source Location: Malvern, East Whiteland County: Chester Contact Person: Eli Brill Telephone Number: (215) 269-2111	VOCs	43.00	01/31/2012	Traded
Recipient/Holder of ERC: Waste Management of Pennsylvania, Inc. ERC Generating Facility: The Worthington Steel Company Source Location: Malvern, East Whiteland County: Chester Contact Person: Eli Brill Telephone Number: (215) 269-2111	VOCs	70.00	01/31/2012	Traded
North American Refractories Company Source Location: Womelsdorf County: Lebanon Contact Person: Rhonda Vete Telephone Number: (412) 375-6848	NOx	5.11	12/15/2010	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
The Quaker Oats Company Source Location: Shiremanstown Plant County: Cumberland Contact Person: Richard C. Pitzer Telephone Number: (717) 731-3334	NOx VOCs	4.00 1.68	Varies from 04/3/2010 to 07/15/2011	Trading
Glasgow, Inc. Source Location: Plymouth Meeting County: Montgomery Contact Person: Brian Chabak Telephone Number: (215) 884-8800	NOx VOCs NOx VOCs	2.72 0.21 6.54 0.52	12/31/2010 12/31/2010 06/01/2010 06/01/2010	Trading
SLI Lighting Inc. Source Location: Ellwood City County: Lawrence Contact Person: Tim Haubach Telephone Number: (724) 752-6493	VOCs	5.70	06/3/2010	Trading
Harvard Industries, Inc. Plant name: Pottstown Precision Casting Inc. Source Location: West Pottsgrove Township County: Montgomery Contact Person: Allan B. Currie, Jr. Telephone Number: (517) 740-2991 or (517) 592-3706	NOx VOCs	28.25 8.70	11/12/2011	Trading
Alcoa, Inc. Source Location: Lebanon Township County: Lebanon Contact Person: Kevin S. Barnett Telephone Number: (412) 553-2094	VOCs	197.43	Varies from 09/29/2010 to 05/1/2012	Trading
American Color Graphics, Inc. Formerly Flexi-Tech Graphics, Inc. Source Location: Barnhart Drive, Hanover County: York Contact Person: Glenn Shaffer Telephone Number: (717) 792-8104	VOCs	9.60	01/15/2012	Trading
Allegro Microsystems, Inc. Source Location: Upper Moreland Township County: Montgomery Contact Person: Wendy Cooper Telephone Number: (610) 286-7434	VOCs	42.61	03/29/2012	Trading
Calumet Lubricants Company Source Location: Rouseville Plant County: Venango Contact Person: Harry Klodowski Telephone Number: (724) 940-4000	NOx VOCs SOx	89.80 2.38 87.70	05/21/2012	Trading
Avery Dennison Corporation Source Location: Dungan Road County: Philadelphia Contact Person: Frank J. Brandauer Telephone Number: (626) 398-2773	VOCs	3.13	06/30/2012	Trading
Henry Miller Spring & Manufacturing Company Source Location: Sharpsburg County: Allegheny Contact Person: David J. Jablonowski Telephone Number: (412) 782-7300	NOx VOCs	10.96 36.47	01/22/2010	Trading



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<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Penco Products, Inc. Source Location: Lower Providence Township County: Montgomery Contact Person: Allan J. Goss Telephone Number: (610) 666-0500	NOx VOCs	3.11 29.48	10/1/2011	Trading
Norfolk Southern Railway Co. Source Location: Hollidaysburg Car Shop County: Blair Contact Person: Carl Russo Telephone Number: (814) 949-1479	NOx VOCs	4.35 69.80	07/19/2012	Trading
World Kitchen Inc. Source Location: Charleroi Plant County: Washington Contact Person: James Rowlett Telephone Number: (724) 489-2288	NOx	251.43		Trading
Pittsburgh Glass Works LLC. Source Location: Meadville Works 8, Greenwood Twp County: Crawford Contact Person: David Vogt Telephone Number: (814) 336-8326	NOx	1,118.50		Trading
Sentry Paint Technologies, Inc. Source Location: Mill Street, Darby County: Delaware Contact Person: Benjamin Breskman Telephone Number: (610) 522-1900	VOCs	3.56	04/30/2013	Trading
R. H. Sheppard Company, Inc. Source Location: Core making operation in Hanover County: York Contact Person: Julie L. Smith Telephone Number: (717) 637-3751	VOCs	14.43	04/15/2013	Trading
International Paper Source: Bleach Plant, Erie Mill County: Erie Contact Person: Allyson Bristow Telephone Number: (901) 419-4852	VOCs	72.06		Trading
International Paper Source Location: Erie Mill County: Erie Contact Person: Allyson Bristow Telephone Number: (901) 419-4852	NOx VOCs	1,114.00 868.00	09/30/2012	Trading
Corning Incorporated Source Location: College Township County: Centre Contact Person: Steven Ritter Telephone Number: (607) 974-7247	NOx	1,042.01	06/23/2013	Trading
Sea Gull Lighting Products, Inc Source Location: 25th & Wharton St County: Philadelphia Contact Person: Mark Gardiner Telephone Number: (215) 468-7255	VOCs	12.50	03/1/2013	Trading
Allegra Microsystems, Inc. Source Location: Upper Moreland Township County: Montgomery Contact Person: Wendy Cooper Telephone Number: (610) 286-7434	NOx CO	2.90 1.30	10/20/2013	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
<p>Recipient/Holder of ERC: First Quality Tissue, LLC  ERC Generating Facility: Alcoa Inc.  ERC Generation Source Location: South Lebanon  County: Lebanon  Contact Person: Mark Zeffiro  Telephone Number: (814) 231-5267</p>	VOCs	43.72	04/05/2012	Internal Use
<p>Lancaster Malleable Castings Company  Source Location: Manheim Township  County: Lancaster  Contact Person: Jeffrey L. Ressler  Telephone Number: (717) 295-8200</p>	VOCs CO	11.71 1.30	03/31/2013	Internal use/Trading
<p>International Paper  Source: Lock Haven Mill  Source Location: Castanea Township  County: Clinton  Contact Person: Allyson Bristow  Telephone Number: (901) 419-4852</p>	NOx VOC SOx	1,287.00 27.90 6,606.00	03/22/2012	Offsets/Trading
<p>Brodart Company  Source Location: Montgomery Facility  County: Lycoming  Contact Person: Robyn J. Dincher  Telephone Number: (570) 326-2461 ext 6408</p>	VOCs	24.91	04/18/2013.	Trading
<p>Pennsylvania House White Deer Furniture Plant  Source: Conveyor and Monorail lines  Source Location: White Deer Plant  County: Union  Contact Person: Robert J. Varney  Telephone Number: (570) 523-2356</p>	VOCs	82.90	03/15/2012	Trading
<p>Exelon Power  Source: Delaware Generating Station  Source Location: Philadelphia  County: Philadelphia  Contact person: Kimberly Scarborough  Telephone Number: (610) 765-5883</p>	NOx SO <sub>2</sub> PM10 PM2.5 CO	286.5 412.2 31.2 22.3 31.7	12/16/2014	Trading
<p>Worthington Steel Company  Source Location: East Whiteland Township  County: Chester  Contact Person: Matt Johnson  Telephone Number: (614) 438-7960</p>	NOx	10.00	04/01/2013	Trading
<p>Buckeye Pipe Line Company, L.P.  Source Location: Reed Township  County: Dauphin  Contact Person: Jason Mengel  Telephone Number: (484) 232-4491</p>	VOCs	12.00	02/28/2012	Trading
<p>Bollman Hat Company  Source Location: Willow St, Adamstown  County: Lancaster  Contact Person: David L. Wails  Telephone Number: (717) 484-4361</p>	VOCs	14.34	10/03/2013	Trading
<p>Property Investing Center (Goodville Industrial Center)  Source Location: East Earl Township  County: Lancaster  Contact Person: Richard Stauffer  Telephone Number: (717) 738-3488</p>	VOCs	84.09	09/13/2013	Trading

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<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Armstrong World Industries, Inc (Lancaster Flooring) Source Location: 1067 Dillerville Road County: Lancaster	VOC	31.79	09/01/2013 to 08/20/2014	Internal use/ Trading
Contact Person: Gene Hartzell Telephone Number: (717) 396-3668	NOx	1.9	08/20/2014	
RUTGERS Organics Corporation Source Location: 201 Struble Road, State College County: Centre	NOx NOx VOC	5.27 3.35 2.17	08/15/2013 04/16/2014 03/26/2014	Internal use/ Trading
Contact Person: Mary Jo Smith Telephone Number: (814) 231-9277				
AK Steel Corporation Source Location: Butler County: Butler	NOx NOx	13.00 24.82	11/06/2011 01/30/2012	Trading/ Internal use
Contact Person: Robert J. Hocks Telephone Number: (724) 284-2685				
Cabinet Industries, Inc. Source Location: Danville Borough County: Montour	VOC	7.29	09/01/2015	Trading
Contact Person: Laura Lee Spatzer Telephone Number: (570) 275-1400, Ext 1400				
Honeywell-International Source Location: Emlenton Plant County: Venango	VOC	49.82	04/30/2010	Trading
Contact Person: Shane Dunn Telephone Number: (814)-887-4081				
Reliant Energy Mid-Atlantic Power Holdings, LLC Source Location: Pennsylvania Avenue, Warren County: Warren	NOx VOCs SOx PM10 PM2.5 Lead	1,043.00 5.32 5,197.00 155.6 70.1 0.02	9/28/2012	Trading
Contact Person: Keith A. Schmidt Telephone Number: (724) 597-8193				
Arbill Industries, Inc Source Location: 2207 West Glenwood Avenue County: Philadelphia	VOCs NOx SOx	20.32 0.38 0.21	01/01/2016	Trading
Contact Person: Barry Bickman Telephone Number: (800) 523-53673				
Dominion Transmission Inc. Source Location: Big Run Compressor Station County: Jefferson	NOx	10.00	10/13/2013	Trading
Contact Person: David Testa Telephone Number: (412) 690-1815				
Carmeuse Lime, Inc. Source Location: Hanover Lime Plant County: Adams	NOx VOC SOx PM10 PM2.5	46.61 1.96 10.26 14.64 7.18	01/03/2016	Trading
Contact Person: Kenneth Kauffman Telephone Number: (717) 630-8266				
Port Glenshaw Glass, LLC Source location: 1101 William Flynn Hwy, Glenshaw PA 15116 County: Allegheny	VOC NOx SOx PM2.5 PM10	10.64 59.46 74.89 23.11 25.40	11/24/2014	Trading/ Internal use
Contact Person: Harry Klodowski Telephone Number: (724) 940-4000				

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Cinram Manufacturing LLC	VOC	6.53	02/06/2016	Internal use
Source location: City of Olyphant County: Lackawanna Contact Person: Mark A. Thallmayer Telephone Number: (570) 383-3291	VOC	6.75	05/09/2016	
Bemis Company, Inc. Source location: Hazle Township County: Luzerne Contact Person: Thomas G. Franko Telephone Number: (570) 501-1429	VOC	22.27	01/1/2016	Trading
Techneglas, Inc. Source Location: Pittston Facility County: Luzerne Contact Person: Harry F. Klodowski, Jr. Telephone Number: (724) 940-4000	VOC NOx	784.88 33.82	12/17/2013 to 8/11/2014	Trading
Horsehead Corporation (Zinc Corp of America) Source: Acid Roaster Plant-Monaca Smelter Source Location: Monaca County: Beaver Contact Person: William N. Bailey Telephone Number: (724) 773-9057	NOx SOx PM10 PM2.5 CO	3.3 382.5 9.4 3.2 1.4	10/23/2012	Netting/Offsetting
Recipient/Holder of ERC: Natsource MAC 77, Ltd ERC Generating Facility: Eljer Plumbingware Inc Source Location: Ford City Plant County: Armstrong Contact Person: Mithun Rathore Telephone Number: (281) 340-8300	NOx VOCs	105.22 7.26	6/8/2014 to 10/4/2014 3/15/2014 to 10/4/2014	Trading
Bluegrass Folding Carton Company, LLC (Formerly Smurfit Stone Container Enterprises, Inc) Source Location: Upper Providence Township County: Montgomery Contact Person: Tom Tutwiler Telephone Number: (610) 935-4119	VOC	60.36	05/31/2015	Internal use/Trade
Fleetwood Industries Source Location: St Lawrence Plant County: Berks Contact Person: Robert Mervine Telephone Number: (610) 779-7700	VOC	24.5	07/31/2015	Internal use/Trade
Sunoco Inc. (R&M) Source Location: 200 Neville Road, Pittsburg, PA 15225 County: Allegheny Contact Person: Gary P. Rabik Telephone Number: (610) 859-3435	VOC	25.16	04/01/2017.	Trading/ Internal use
Leggett & Platt Inc Source location: Zell Brothers County: York Contact Person: Theresa Block Telephone Number: 417-358-8131	VOC	6.51	11/1/2015	Trading
Anchor Glass Container Corporation Source Location: Plant No 5 County: Fayette Contact Person: Joseph G. Clemis Telephone Number: (813) 884-0000	VOCs NOx PM10 PM2.5 SOx CO	21.0 309.0 68.0 51.0 259.0 20.0	11/04/2014	Trading

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<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
R. R. Donnelley & Sons Co.	VOCs	7.8	11/30/2015	Trading
Source Location: Lancaster East Facility	VOCs	10.5	12/31/2015	
County: Lancaster				
Contact Person: Stacey Haefner				
Telephone Number: 717-293-2363				
Philadelphia Gas Works (PGW)	NOx	47.86	1/1/2015	Trading
Source Location: Richmond Plant	VOC	6.54		
County: Philadelphia	PM10	0.56		
Contact Person: Megan E. Brown	PM2.5	0.56		
Telephone number: 215-684-6613	SO <sub>2</sub>	0.16		
	CO	22.48		
Ashland Inc (Ashland Performance Products)	NOx	10.73	11/1/2011	Trading
Source Location: Neville Island Facility, Pittsburg	VOC	41.78		
County: Allegheny	CO	461.00		
Contact Person: Tara L. Lanier				
Telephone number: 614-790-3214				
Philadelphia Baking Company	NOx	4.09	9/21/2017	Trading
Source Location: 2550 Grant Avenue	VOC	24.2		
County: Philadelphia	PM10	0.10		
Contact Person: Brent Williams	SOx	0.02		
Telephone number: 410-266-0006	CO	1.33		
Lindy Paving, Inc	NOx	6.85	10/27/2017	Trading/ Internal use
Source Location: 200 Neville Island Facility	VOC	9.10		
County: Allegheny	PM10	5.71		
Contact Person: Paul J. Reiner, Jr	PM2.5	1.77		
Telephone number: 412-462-6121	SOx	0.66		
	CO	18.78		
Recipient/Holder of ERC: Dominion Transmission, Inc.	NOx	108	06/23/2013	Trading/Use
ERC Generating Facility: Corning, Inc				
Source Location: College Township				
County: Centre				
Contact Person: Roberta J. Jackson				
Telephone Number: (804) 787-6145				
Eastman Chemical Resins, Inc	NOx	0.50	7/1/2014	Trading
Source Location: Jefferson Facility, West Elizabeth	VOC	31.10		
County: Allegheny	PM2.5	2.90		
Contact Person: Fred Mullner	CO	0.40		
Telephone number: (412) 384-2520 x 2201				
CNH America LLC	VOC	39.11	8/1/2018	Trading
Source Location: Belleville Plant, Union Township				
County: Mifflin				
Contact Person: Audrey Van Dyke				
Telephone Number: (262) 636-6073				
Masonic Homes	NOx	7.6	12/31/2012	Trading
Source Location: One Drive, Elizabethtown	VOC	3.1		
County: Lancaster	PM2.5	13.0		
Contact Person: Jeffrey Gromis				
Telephone Number: (717) 367-1121 Ext 33158				
Foamex, L.P.	NOx	7.67	12/31/2018	Trading
Source Location: 1500 East 2nd Street, Eddystone	VOC	84.25		
County: Delaware	SOx	1.03		
Contact Person: John F. McLaverty	CO	26.93		
Telephone Number: (610) 245-2765				

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Norcross Safety Products Source Location: US RT 1 at Brinton Lake Rd, Concordville County: Delaware Contact Person: Anthony Ricci Telephone Number: 401-275-2432	VOC	7.62	03/27/2017	Trading
NVF Company Source Location: 400 Mulberry St, Kennett Square County: Chester Contact Person: William Campbell Telephone Number: (302) 239-5281 ext 317	NOx VOC SOx	18.86 34.05 28.42	01/31/2015	Trading
P.H. Glatfelter Company Source Location: 228 South Main St, Spring Grove County: York Contact Person: Jonathan E. Moores Telephone Number: (717) 225-4711 X 2395	SOx	428.00		Trading
The Hershey Company Source Location: Derry Township Plant County: Dauphin Contact Person: Charles Stoner Jr. Telephone number: 717-534-4692	VOC NOx PM10 PM2.5 CO	37.00 4.00 44.50 8.00 4.90	7/1/2018	Trading
The Hershey Company Source Location: Reading Plant County: Berks Contact Person: Charles Stoner Jr. Telephone number: 717-534-4692	VOC PM10 PM2.5	5.36 24.63 4.43	5/1/2019	Trading

#### Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of October 2009, the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P. L. 238, No. 43 (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

Name	Address	Type of Certification
Kevin Adams Adams Environmental Services, Inc.	113 North Main Street Washington, PA 15301	Mitigation
Diane Clerkin	1114 Bergan Road Oreland, PA 19075	Testing
Bryan Cole	317 McWilliams Road Trafford, PA 15085	Testing
Mark Desmond	606 Brighton Road Wilmington, DE 19809	Testing
Timothy Gentry	474 Easton Road Horsham, PA 19044	Testing
Albert Gordon	106 Lyric Way Warrington, PA 18976	Testing
Daniel Howard Howard Building, Testing & Inspections, LLC	251 River Landing Freeport, PA 16229	Testing
Robert Huska, Jr.	1329 Glendale Road York, PA 17403	Testing

Name	Address	Type of Certification
Michael Israel	165 Red Haven Drive North Wales, PA 19454	Testing
John McDermott, III	590 Centerville Road #134 Lancaster, PA 17601	Testing
Anthony Milone	351 West Schuylkill Road Suite 10-411 Pottstown, PA 19465	Testing
Joseph Miloser, Jr.	160 Rustic Ridge Fombell, PA 16123	Mitigation
Patrick Orr	10 Clifford Road McDonald, PA 15057	Testing
Christine Rajkovich	122 West 5th Avenue Derry, PA 15627	Testing
Kenneth Schaeffer, Jr.	105 Macintosh Drive Newport, PA 17074	Testing
Rebecca Selko	1276 Bethel Green Drive Bethel Park, PA 15102	Testing
Charles Smith	11 West Grant Street Houston, PA 15342	Mitigation
Maria Stinger	P. O. Box 15811 Pittsburgh, PA 15244	Testing
Donald Stoltenberg	10522 High Rock Road Airville, PA 17302	Testing
Kenneth Struder	P. O. Box 72722 Thorndale, PA 19372	Laboratory
Matthew Tracy	1523 Poplar Road Feasterville, PA 19053	Testing
Wayne Treible	19108 Spring Run Road Spring Run, PA 17262	Testing
John Trusa	454 Dana Street Wilkes-Barre, PA 18702	Testing & Mitigation
Robert Vail, Jr.	1335 Chapman Lake Road Jermyn, PA 18433	Mitigation
William Whiting	11879 Lake Drive Conneaut Lake, PA 16316	Testing
Gary Winterrowd	1765 Cambridge Drive State College, PA 16803	Testing

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

Notice of Public Hearing. The Cambria District Mining Office, 286 Industrial Park Road, Ebensburg, PA 15931 has scheduled a public hearing regarding large industrial mineral surface and deep mine application no. 56090301 and NPDES permit number PA0262846 by New Enterprise Stone & Lime Co., Inc., P. O. Box 77, New Enterprise, PA 16664. The proposed site is located in Jefferson Township, Somerset County, on the Kooser Run and Shaffer Run watersheds, both tributary to Laurel Hill Creek. These streams are designated High Quality Cold Water Fisheries. The applicant proposes to use nondischarge alternatives for handling wastewater and storm water. Public notice of the application was previously issued in the *Pennsylvania Bulletin* on August 29 and in the *Somerset Daily American* on August 20, 27, and September 3, 10. The hearing will begin at 6 p.m. on Thursday, December 17, 2009, at the Bakersville Fire

Company, Route 31, Bakersville, PA. The purpose is to accept oral and written comments on the application. From 6 to 7 p.m. the hearing will follow an open-house format wherein attendees may review maps and ask questions. From 7 to 9 p.m. Department of Environmental Protection representatives will accept formal public comment. Each commenter will be allocated a time as necessitated by the number of attendees. The persons requesting the hearing expressed concerns about the potential impacts of the operation on the quality and quantity of the Laurel Hill Creek Watershed and on nearby water supply sources. Any interested persons may obtain further information or request a copy of a fact sheet and arrange to inspect a copy of the application by contacting the Cambria District Mining Office at 814-472-1900 or at the address given above.

[Pa.B. Doc. No. 09-2104. Filed for public inspection November 13, 2009, 9:00 a.m.]

### Cleanup Standards Scientific Advisory Board

The Cleanup Standards Scientific Advisory Board will hold a meeting by means of teleconference on November 19, 2009, to review and discuss the proposed rulemaking for Chapter 250. The teleconference will begin at 1 p.m. in Conference Room 9B in the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting can be directed to Marilyn Wooding at (717) 783-7509 or mwooding@state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.dep.state.pa.us>.

Persons with a disability who require accommodations to attend this meeting should contact the Department at (717) 783-7509 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-2105. Filed for public inspection November 13, 2009, 9:00 a.m.]

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## DEPARTMENT OF HEALTH

### Application of Abington Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Abington Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 127.32 (relating to written orders).

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, 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,  
*Secretary*

[Pa.B. Doc. No. 09-2106. Filed for public inspection November 13, 2009, 9:00 a.m.]

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### Application of The Children's Institute for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Children's Institute has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following

publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-2.1.1.3 (relating to documentation space), 3.1-2.1.7.5 (relating to soiled holding), 3.1-2.2 and 2.3 (relating to imaging and laboratory services), 3.1-4.1.7 (relating to wheelchair storage).

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

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before they decide 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, contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-2107. Filed for public inspection November 13, 2009, 9:00 a.m.]

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### Application of Crozer Chester Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Crozer Chester Medical Center has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

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 they decide 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, 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,  
*Secretary*

[Pa.B. Doc. No. 09-2108. Filed for public inspection November 13, 2009, 9:00 a.m.]



### Application of Eastern Pennsylvania Nephrology Associates for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Eastern Pennsylvania Nephrology Associates has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery).

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.

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 they decide 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, 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,  
Secretary

[Pa.B. Doc. No. 09-2109. Filed for public inspection November 13, 2009, 9:00 a.m.]

### Application of Edgewood Surgical Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Edgewood Surgical Hospital has requested an exception to the requirements of 28 Pa. Code §§ 103.3, 107.11, 107.12, 103.34, 103.41—103.46 and Chapters 107, 113, 115, 125 and 147.

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

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before they decide 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, 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,  
Secretary

[Pa.B. Doc. No. 09-2110. Filed for public inspection November 13, 2009, 9:00 a.m.]

### Application of Hamot Surgery Center, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Hamot Surgery Center, LLC has requested an exception to the requirements of 28 Pa. Code § 555.32(a) (relating to administration of anesthesia).

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, 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,  
Secretary

[Pa.B. Doc. No. 09-2111. Filed for public inspection November 13, 2009, 9:00 a.m.]

### Application of Lansdale Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lansdale Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: NFPA 101-18.2.5.10 (dead end corridor), 3.4.2.1(3) and 3.4.2.1(7)(b)(i)(ii)(iii) (patient care areas-windows), Table 2.1-5 (station outlets for oxygen, vacuum (suction) and medical air systems in hospitals).

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

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before they decide 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, contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-2112. Filed for public inspection November 13, 2009, 9:00 a.m.]

### **Application of Laser Spine Surgery Center of Pennsylvania, LLC for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Laser Spine Surgery Center of Pennsylvania, LLC has requested an exception to the requirements of 28 Pa. Code §§ 551.3 and 551.31(a) (relating to definitions; and licensure).

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

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before they decide 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, contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-2113. Filed for public inspection November 13, 2009, 9:00 a.m.]

### **Application of Lawrence County Surgery Center of Edgewood Surgical Hospital for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lawrence County Surgery Center of Edgewood Surgical Hospital has requested an exception to the requirements of 28 Pa. Code §§ 553.3, 553.31(a) and (b), 555.3, Chapter 557, and § 567.2.

These requests are on file with the Department. Persons may receive a copy of a request for exception by

requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before they decide 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, 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,  
*Secretary*

[Pa.B. Doc. No. 09-2114. Filed for public inspection November 13, 2009, 9:00 a.m.]

### **Application of Moses Taylor Hospital for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Moses Taylor Hospital has requested an exception to the requirements of 28 Pa. Code § 127.32 (relating to written orders).

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, 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,  
*Secretary*

[Pa.B. Doc. No. 09-2115. Filed for public inspection November 13, 2009, 9:00 a.m.]

### **Application of Nephrology Hypertension Associates of Lehigh Valley for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Nephrology Hypertension Associates of Lehigh Valley has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery).

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.

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 they decide 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, 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,  
Secretary

[Pa.B. Doc. No. 09-2116. Filed for public inspection November 13, 2009, 9:00 a.m.]

### Application of UPMC Presbyterian Shadyside for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Presbyterian Shadyside has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 4.6.12 (relating to corridors), 2.1-3.1.1.2(2) (relating to dimensions and clearances)

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

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before they decide 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, contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or

hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 09-2117. Filed for public inspection November 13, 2009, 9:00 a.m.]

### Application of UPMC South Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC South Surgery Center has requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards).

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, 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,  
Secretary

[Pa.B. Doc. No. 09-2118. Filed for public inspection November 13, 2009, 9:00 a.m.]

### Application of The Washington Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Washington Hospital has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

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.

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 they decide 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, 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,  
*Secretary*

[Pa.B. Doc. No. 09-2119. Filed for public inspection November 13, 2009, 9:00 a.m.]

### Application of West Shore Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that West Shore Surgery Center has requested an exception to the requirements of 28 Pa. Code § 555.21 (relating to surgical procedures).

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.

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 they decide 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, 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,  
*Secretary*

[Pa.B. Doc. No. 09-2120. Filed for public inspection November 13, 2009, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.10(d) (relating to doors).

Hanover Hall  
267 Frederick Street  
Hanover, PA 17331

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

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

Comments received by the Department within 15 days after the date of publication of this notice will be

reviewed by the Department before they decide whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-2121. Filed for public inspection November 13, 2009, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Application for Lease of Right-of-Way

The Department of Transportation (Department), under 67 Pa. Code § 495.4(d) (relating to application procedure), gives notice that an application to lease highway right-of-way has been submitted to the Department by Lamar West, LP, seeking to lease highway right-of-way located on the northerly side of SR 0051 Section A29, City of Pittsburgh, Allegheny County, containing 5,150 ± square feet or 0.118 ± acre, for the purpose of an outdoor advertising device.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to H. Daniel Cessna, P. E., District Executive, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

Questions regarding this application or the proposed use may be directed to Michael Sudar, District Property Manager, 45 Thoms Run Road, Bridgeville, PA 15017, (412) 429-4830.

ALLEN D. BIEHLER,  
*Secretary*

[Pa.B. Doc. No. 09-2122. Filed for public inspection November 13, 2009, 9:00 a.m.]

### Bureau of Highway Safety and Traffic Engineering; Availability of Publication 411, Pennsylvania STAA Truck Routes

The Department of Transportation (Department), Bureau of Highway Safety and Traffic Engineering, under the authority contained in Section 49 of the Vehicle Code, 75 Pa.C.S. § 4908(e), gives notice that the Publication 411, Pennsylvania STAA Truck Routes, is available and can be downloaded from the Department web site at www.dot.state.pa.us. Copies can also be obtained at the Department Sales Store located at 400 North Street, 5th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120.

ALLEN D. BIEHLER, P. E.,  
*Secretary*

[Pa.B. Doc. No. 09-2123. Filed for public inspection November 13, 2009, 9:00 a.m.]

### Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under section 2003(e)(7) of The Administrative Code of 1929 (71 P. S. § 513(e)(7)), intends to sell certain land owned by the Department.

The following property is available for sale by the Department.

1. Parcels No. 4-7, 9-12—Shaler Township, Allegheny County. The parcels contains approximately 12,771 +/- square feet of unimproved land known as the eastern half

of Riverview Avenue. The estimated fair market value of the parcel is \$3,600.

Interest public entities are invited to express their interest in purchasing this parcel within 30 calendar days from the date of publication of this notice to H. Daniel Cessna, P. E., District Executive, Department of Transportation, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

ALLEN D. BIEHLER, P. E.,  
*Secretary*

[Pa.B. Doc. No. 09-2124. Filed for public inspection November 13, 2009, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Triploid Grass Carp Permit Application

Under 58 Pa. Code § 71.7 (relating to triploid grass carp), the Fish and Boat Commission (Commission) may issue permits to stock triploid grass carp in Commonwealth waters. Triploid grass carp are sterile fish that may, in appropriate circumstances, help control aquatic vegetation. The Commission has determined consistent with 58 Pa. Code § 71.7(e)(3) to seek public input with respect to any proposed stockings of triploid grass carp in waters having a surface area of more than 5 acres.

Interested persons are invited to submit written comments, objections or suggestions about the notice to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 10 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

The following applications to stock triploid grass carp in waters having a surface area of greater than 5 acres are currently undergoing staff review:

<i>Applicant</i>	<i>Water</i>	<i>Location of Water</i>	<i>Description of Water</i>	<i>Nature of Vegetation to be Controlled</i>
Morman Lake Association	Morman Lake	Ridgeway Township Bradford County	15.0 acre lake which discharges into a UNT to Miller Run, and then into the Susquehanna River	Elodea Canadensis
Cherry Ridge Association	Lake Wanoka	Cherry Ridge Township Wayne County	42 acre lake which discharges into a UNT to Middle Creek, and then into the Delaware River	Utricularia spp. Potamogeton spp. Ceratophyllum demersum

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

[Pa.B. Doc. No. 09-2125. Filed for public inspection November 13, 2009, 9:00 a.m.]

## HOUSING FINANCE AGENCY

### 2010 Low Income Housing Tax Credit Allocation Plan; Public Hearing

The Housing Finance Agency (Agency), as the Administrator of the Federal Low Income Housing Tax Credit Program for the Commonwealth, provides notice of a public hearing to obtain public comment on the proposed 2010 Low Income Housing Tax Credit Allocation Plan (Plan). This public hearing will be held at 9 a.m. on Tuesday, November 24, 2009, at the Housing Finance Agency, 211 North Front Street, Harrisburg, PA. Copies of

the proposed allocation plan are available upon written request at the address, by phone at (717) 780-3948 or through the Agency's web site at [www.phfa.org](http://www.phfa.org).

Persons with a disability who wish to attend this meeting and require an auxiliary aid, service or other accommodation to participate should contact the Secretary by Friday, November 20, 2009, to discuss how the Agency may best accommodate their needs.

Individuals wishing to comment on the Plan, but are unable to attend the scheduled hearing, are invited to provide written comments to the address shown no later than Friday, November 20, 2009, Manager, Tax Credit Program, Housing Finance Agency, P. O. Box 8029, Harrisburg, PA 17105-8029, TTY for hearing impaired (717) 780-1869.

Written comments must be submitted prior to the date of the scheduled hearing or at the public hearing. Persons who plan to attend the public hearing should contact the Agency at (717) 780-3948.

BRIAN A. HUDSON,  
*Executive Director*

[Pa.B. Doc. No. 09-2126. Filed for public inspection November 13, 2009, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 645.5b).

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

Reg. No.	Agency/Title	<i>Close of the Public Comment Period</i>	<i>Issued Comments Issued</i>
2-160	Department of Agriculture Milk Sanitation 39 Pa.B. 4677 (August 1, 2009)	9/30/09	10/30/09

### Department of Agriculture

#### Regulation #2-160 (IRRC #2777)

#### Milk Sanitation

**October 30, 2009**

We submit for your consideration the following comments on the proposed rulemaking published in the August 1, 2009 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Department of Agriculture (Department) to respond to all comments received from us or any other source.

#### 1. Determining whether the regulation is in the public interest.

Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b) directs the Independent Regulatory Review Commission (IRRC) to determine whether a regulation is in the public interest. When making this determination, IRRC considers criteria such as economic or fiscal impact and reasonableness. To make that determination, the Commission must analyze the text of the Preamble and proposed regulation and the reasons for the new or

amended language. The Commission also considers the information a promulgating agency is required to provide under Section 5 of the Regulatory Review Act (§ 745.5(a)) in the Regulatory Analysis Form (RAF).

This proposed rulemaking is a comprehensive rewrite of the Department's milk sanitation regulation that includes seven subchapters. The Preamble included with the proposal only provides an "overview of the major provisions of the proposed rulemaking." This brief overview does not provide an adequate description of the numerous sections of the rulemaking and the rationale behind the language. Without this information, this Commission is unable to determine if the regulation is in the public interest. In the Preamble submitted with the final-form rulemaking, the Department should provide more detailed information, including a description of the language proposed for each section of the regulation and why the language is required.

#### 2. Fiscal impact.

According to the RAF, some dairy producers may be required to incur new testing costs as a result of this rulemaking. The costs are estimated at \$85,200 for fiscal year 2009-2010 and then at \$55,200 per year after that. It is our understanding that raw milk producers will also incur additional costs related to testing of their products. However, those costs were not quantified in the RAF. We ask the Department to provide an analysis of the costs this rulemaking will impose on the raw milk production community.

#### 3. Need.

Subsection 59a.11, relating to the adoption of the Grade "A" PMO (Pasteurized Milk Ordinance), establishes the standards of the Grade "A" PMO as those of the Department. In addition, Subchapter C, relating to the production and processing of milk for manufacturing purposes, adopts the United States Department of Agriculture's document titled "*Milk for Manufacturing Purposes and its Production and Processing—Recommended Requirements*" as the Department's regulatory standards with respect to milk manufacturing. Given the detail contained in these two documents, what is the need for the various sections of this rulemaking which address the same topics?

### Subchapter A. PRELIMINARY PROVISIONS

#### 4. Section 59a.1. Scope.—Clarity.

A commentator has questioned if this regulation applies to other milk producing animals, such as goats or sheep. To the extent that the regulation does apply to these other animals, we recommend including appropriate language in this section.

In addition, this section does not make any reference to the regulation of raw milk. We recognize that raw milk may fall under the definition of milk. However, we believe that adding raw milk to this section would improve the clarity of the rulemaking.

#### 5. Section 59a.2. Definitions.—Implementation procedures; Need; Clarity.

*3-A Sanitary Standards*—This definition references the latest standards jointly promulgated by certain parties. It concludes with the following phrase, "... or as otherwise defined in the Grade "A" PMO." This would appear to create two sets of standards that may or may not be consistent. Since regulations create binding standards and have the full force and effect of law, the Department must clearly indicate which standards will take prece-

dence. We have similar concerns with the phrase as used in the definition of “*PMO-defined milk products*.”

*Adulterated*—Several definitions found in this section are either direct quotes or paraphrases of statutory definitions found in the Milk Sanitation Law (31 P. S. §§ 645—660g) (Act) or the Food Act (31 P. S. §§ 20.1—20.18) (Food Act). Why is this definition a cross-reference to a statutory definition when other definitions are a quote or paraphrase? We have a similar concern with the definition of “misbranded.” We recommend that the Department be consistent with the way it defines terms.

*Dairy farm*—A commentator has asked if this definition is limited to farms with cows. This should be clarified in the final-form regulation.

*Food Act*—This definition simply states, “31 P. S. §§ 20.1—20.18.” We recommend that it be amended to mirror the format used for the definition of “Act”, which states “The act of July 2, 1935 (P. L. 589, No. 210) (31 P. S. §§ 645—660g), known as the Milk Sanitation Law.”

*Manufactured dairy products*—This definition lists specific products and concludes with the phrase “. . . and other products for human consumption, as may be designated by the Secretary.” We recognize that this definition is a verbatim quotation from the Act. However, it is vague and does not set a binding standard. How will the regulated community know if a product was designated as a manufactured dairy product? We recommend that the final-form regulation provide greater clarity as to what is or is not a manufactured dairy product.

*Milk plant or plant*—Most of the language in this definition is from the same definition found in the Act. However, the regulatory definition adds the phrase “milk for manufacturing purposes or milk for pasteurization.” Why is the new language being added?

*Milk products*—What is the need for this definition and the definition of “*PMO-defined milk products*”?

*Pennsylvania-approved dairy laboratory director*—We have two concerns with this definition. First, it references “written examinations.” What examinations are being referred to? Second, how will individuals present that they, “demonstrated the necessary experience” that is referenced?

*Permitholder*—Would producers of raw milk that hold permits be considered permitholders? If so, this definition should be amended to reflect that fact.

*Raw milk*—This definition references “relevant provisions of this chapter.” We recommend that the specific relevant provisions be cross-referenced in this definition.

In addition, while the Act does explain what raw milk is, it only defines “milk.” See 31 P. S. §§ 645 and 652(a). However, where the Act references “milk, milk products or manufactured dairy products,” it is unclear if this language encompasses raw milk. Clarification of this phrase is significant since several provisions of the proposed regulation pertaining to raw milk contain language that is similar to provisions of the Act that address “milk, milk products or manufactured dairy products.”

The final-form regulation should explain how the definition for “raw milk” is properly aligned with the Act. Specifically, the Department should clarify whether raw milk is included as part of “milk, milk products or manufactured dairy products” under the Act.

#### **6. Section 59a.4. Approved inspectors.—Statutory authority; fiscal impact; Clarity.**

We have two concerns with this section. First, Subsection (a) imposes an application fee of \$50 and Subsection

(d) imposes a renewal fee of \$20. However, the statutory definition of “approved inspector” sets these fees at \$15 and \$5 respectively. What authority does the Department have to charge different fees?

Second, under Subsection (b) how will the Department determine that an applicant demonstrated that he or she is of good character? Other vague language in this subsection includes “adequate education or experience” and “capable and efficient manner.” How will the Department and the regulated community know if these standards are being met?

#### **7. Section 59a.5. Standards for Pennsylvania-approved dairy laboratories, official laboratories and other laboratories; reports of results.—Implementation procedures; Clarity.**

We have two concerns with Subsection (a). First, what is the difference between a Pennsylvania-approved dairy laboratory, an official laboratory and other laboratories?

Second, these laboratories must conform to specific sampling and testing standards or “other methods approved by the Secretary.” This phrase is vague and does not set a binding standard. What are these other methods? How would a laboratory seek and obtain approval of these other methods? The final-form regulation should either delete this phrase or provide the procedures that need to be followed to obtain approval by the Secretary.

Under Subsection (b), why are only Pennsylvania-approved dairy laboratories referenced? Why wouldn’t laboratory directors from the other two types of laboratories be required to follow the same procedures of this subsection?

### **Subchapter B. PERMIT REQUIREMENTS**

#### **8. Section 59a.11. Adoption of Grade “A” PMO.—Statutory authority.**

Subsection (a) states:

The provisions, terms, procedures, appendices and standards of the Grade “A” PMO are adopted as the regulatory standards of the Department to the extent they do not conflict with one or more of the following:

- (1) The act.
- (2) The Food Act.
- (3) A provision of this chapter.

Is the Department required by Federal law to adopt the Grade “A” PMO? If so, what is the Department’s statutory authority for permitting State laws and regulations to supersede the federal requirement? A similar concern applies to Section 59a.405.

#### **9. Section 59a.12. Permits.—Implementation procedures; Reasonableness; Clarity.**

Subsection (g) pertains to the ownership of milk permits. It states the person in possession of a milk permit must immediately return or surrender the permit if the permit is suspended or revoked. How would this provision be administered if the permitholder requests an administrative hearing under Subsection (h)(2)? The Department should explain how this provision adequately protects a person’s due process rights.

Under Subsection (h)(2), we question whether five days is long enough for permitholders to decide if they want to request an administrative hearing on a proposed action involving refusal, revocation or suspension of a permit.

**10. Section 59a.13. Adulterated or misbranded milk, milk products of manufactured dairy products.—Clarity.**

We have three concerns with this section. First we note that the word “of” in the title of this section should be changed to “or.” Second, the text of Subsection (b) only references milk and not milk products or manufactured dairy products. We recommend that all three types of milk be included in the text of that subsection. Finally, we ask if raw milk and PMO-defined milk products should be included in this section.

**11. Section 59a.14. Labeling: Bottles, containers and packages of milk, milk products or manufactured dairy products.—Clarity.**

The title of this section includes milk, milk products or manufactured dairy products. However, various sections also include or make reference to PMO-defined milk products. We recommend that the title be amended to include PMO-defined milk products. Also, if this section applies to raw milk, it should be amended accordingly.

**12. Section 59a.18. Sampling and examination.—Implementation procedures; Clarity.**

Subsection (a) states that testing required under this section shall be conducted by a “Pennsylvania-approved dairy laboratory or the Department.” However, Subsection (c) states that samples shall be analyzed in an “approved laboratory.” These two provisions conflict. What type of laboratory must analyze the samples required under Subsection (c)?

Subsection (d) states that drug residue screening will be completed “at the direction of the Department and records of the testing shall be maintained on file by the permitholder.” We have two concerns. First, the phrase “at the direction of the Department” is vague and provides no guidance to the regulated community. We suggest that the drug residue screening requirements be placed in the final-form regulation. Second, how long must the permitholder retain the records?

**13. Subsection 59a.19. Standards for grade “A” raw milk for pasteurization, ultrapasteurization or aseptic processing.—Clarity.**

The title of this section indicates that the section pertains to raw milk. However, Subsection (a) indicates that the section pertains to just milk. This discrepancy should be resolved in the final-form regulation.

**14. Subsection 59a.20. Standards for grade “A” pasteurized, ultrapasteurized and aseptically processed milk and milk products.—Clarity.**

To improve clarity and for consistency with the arrangement of the preceding section, we recommend that “applicability” be moved to Subsection (a) and “reference to applicable provisions of the Grade “A” PMO” be moved to Subsection (b).

**15. Subsection 59a.26. Plans for construction and reconstruction.—Implementation procedures; Clarity.**

This section requires the Secretary to approve construction and reconstruction projects. However, the processes and procedures associated with obtaining approval are not included in the regulation. To assist the regulated community in understanding the requirements of this section, the procedures that need to be followed to obtain approval, including timeframes, should be included in the final regulation.

**16. Subsection 59a.27. Personnel health.—Conflict with other statutes; Reasonableness; Implementation procedures; Clarity.**

Subsection (a) of this section reads as follows:

*Specific requirements.* A person affected with any disease in a communicable form or while a carrier of the disease may not work at any dairy farm or milk plant in any capacity which brings the person into contact with the production, handling, storage or transportation of milk, milk products, containers, equipment and utensils; and a dairy farm or milk plant operator may not employ in any capacity a person suspected of having a disease in a communicable form, or a person suspected of being a carrier of the disease. A producer or distributor of milk or milk products upon whose dairy farm or in whose milk plant a communicable disease occurs or who suspects that an employee has contracted any disease in a communicable form or has become a carrier of the disease shall notify the Department immediately.

We have four concerns. First, inclusion of the phrase “any disease” makes the scope of this subsection very broad. Can this be narrowed in any way? Second, how would an employee or employer know if a disease is being carried if no symptoms are present? Third, we question the legality of requiring dairy farms or milk plant operators not to employ in any capacity a person *suspected* of having a disease in a communicable form. This could be a violation of Federal and State civil rights and anti-discrimination laws. We also question the legality of the reporting requirements contained in the last sentence of the subsection, particularly with respect to reporting “suspected” carriers of diseases.

We suggest that this subsection be deleted and that the Department rely on the applicable provisions of the Grade “A” PMO referenced in Subsection (b).

**Subchapter C. PRODUCTION AND PROCESSING OF MILK FOR MANUFACTURING PURPOSES**

**17. Section 59a.103. Plant inspection.—Need; Clarity.**

This section states that plants receiving milk or dairy products for manufacturing or processing will be subject to inspection by the Secretary or an agent. Section 59a.17 pertains to inspection of dairy farms and milk plants and provides more detail on inspection requirements. Given the language found in Section 59a.17, what is the need for Section 59a.103?

**18. Section 59a.104. Certification of bulk milk collectors-weigher/samplers.—Clarity.**

This section states: “Weighers/samplers will be evaluated and approved by the Department.” The process the Department will use to evaluate and approve weighers/samplers should be included in the final-form regulation. Also, the word “weigher” in the title of this section should be made plural.

**19. Section 59a.105. Approved milk graders.—Implementation procedures; Clarity.**

Under this section, how will the Department be able to determine if the milk grader is capable of determining the quality classifications required for raw milk? The process for making this determination should be included in the final regulation.

**20. Section 59a.107. Appearance and odor.—Clarity.**

This section references an “acceptable test procedure” and “other test procedures.” These references are vague.



The final-form regulation should provide greater detail on what is considered an “acceptable test procedure” or include language that is similar to Section 59a.109(b)(10).

**21. Section 59a.110. Somatic cell count.—Implementation procedures; Clarity.**

Subsection (c)(1) requires laboratories to provide producers with a warning of excessive somatic cell counts. We recommend that this subsection include language similar to Section 59a.109 (c)(1), which states that the warning need not be in writing.

In addition, commentators have questioned what the acceptable somatic cell count will be for goat milk. If this regulation applies to goat milk, and if the standard is different, that standard should be included in the final-form regulation.

**22. Section 59a.111. Drug residue level.—Implementation procedures; Clarity.**

Subsection (a) pertains to “industry” responsibilities. What is meant by “industry”? The term should be defined or further explained in the final regulation. Similarly, Subsection (a)(5)(i) includes the undefined phrase, “industry personnel.” What is meant by the phrase? We have a similar concern with Subsections (b)(1)(ii) and (iii).

Subsection (a)(4) pertains to sample and record retention requirements for load samples. Are there similar requirements for individual producer sampling under Subsection (a)(2)?

Under Subsection (b)(2)(v), a producer’s milk shipping privileges could be suspended “according to State policy.” This phrase is vague. What policies are being referred to? This should be included in the final-form regulation.

**23. Subsection 59a.114. Inspection and quality testing of milk from producers.—Need; Reasonableness; Implementation procedures.**

Subsection (d)(2)(i) requires new buyers to obtain certain records from previous buyers. Subsection (d)(5) also states that if a new buyer fails to receive required records from the previous buyer, that fact must be reported to the Department. We have three questions. First, what is the need for this transfer of information between a previous buyer and a new buyer? Second, what incentive would the previous buyer have for cooperating with the new buyer? Third, once the Department is notified of this situation, what can be done to require compliance?

**24. Subsection 59a.115. Record of tests.—Implementation procedures; Clarity.**

This section requires records to be kept “for at least 12 months.” This language does not inform the regulated community of exactly how long the records must be kept. We recommend that the final-form regulation include a more specific timeframe for record retention.

**25. Subsection 59a.117. Animal health.—Clarity.**

This section refers to the following terms: “modified accredited area”; “accredited free state”; “accredited free herd as determined by the United States Department of Agriculture” (USDA); “Class B status” and “Certified-Free Herds.” What do these terms mean? The final-form regulation should either define these terms or provide appropriate cross-references to definitions for these terms.

**Subchapter D. FARMS PRODUCING MILK FOR MANUFACTURING**

**26. Section 59a.201. Farm inspection.—Implementation procedures; Clarity.**

We have four questions and concerns with Paragraph (1). First, how is the passing score for inspections estab-

lished? Second, inspections are required “at least once in each 6 month period.” This requirement is vague. The final-form regulation should specify exactly how often inspections will occur. Third, how long must the required records be kept? Fourth, how would a permitholder know if a form for maintaining records is “acceptable” to the Secretary?

Under Paragraph (2), how will it be determined if milk is “of a wholesome sanitary quality”? In addition, the phrase “appropriate time for correction of deficiencies” is vague. Who will decide what is an appropriate amount of time?

Finally, under Paragraph (3), how would a permitholder know if a producer of milk has been instated, suspended or reinstated?

**27. Section 59a.202. Milking facilities and housing.—Clarity.**

This section includes vague phrases such as “adequate size”, “sufficient distance” and “ample size.” We recommend that more precise language be added to the final regulation.

**28. Section 59a.207. Water supply.—Need; Implementation procedures; Clarity.**

The first sentence of this section contains vague words or phrases such as “properly located,” “easily accessible” and “ample.” It would be difficult for the regulated community to determine if they meet the requirements of this provision. Furthermore, since the second sentence requires the water supply to be approved by the Department, what is the need for the first sentence? In addition, what procedures are required to obtain Department approval of a water supply? The procedures should be included in the final-form regulation.

**Subchapter E. MANUFACTURING PLANTS**

**GENERAL REQUIREMENTS**

**29. Section 59a.302. Buildings.—Clarity.**

Subsection (f)(5) requires laboratories to be properly equipped and maintained “to meet requirements established by the Department,” yet the regulation does not set forth what these requirements are. The final-form regulation should either list the requirements or, if available, provide a cross-reference to relevant code provisions relating to these conditions.

**30. Section 59a.304. Equipment and utensils.—Clarity.**

Subsection (a)(2) contains a typographical error. The final-form regulation should state that: “New or rearranged equipment shall be set away from any wall or spaced *in* a manner. . . .” (Emphasis added.)

In Subsection (i)(2), what does the Department consider a record of temperature or time of cooling and of holding that is “of significant importance?” This phrase is vague and the final-form regulation should clarify this phrase.

**31. Section 59a.305. Personnel cleanliness.—Clarity.**

This section includes provisions for proper attire worn by all persons dealing with dairy products. A commentator suggests that “caps” be deleted as a form of clothing, and replaced with “hair nets,” in order to be consistent with the current PMO standards. We agree and recommend this change to the final-form regulation. In addition, do “hair nets” encompass covering facial hair (for example, beards)? If the PMO doesn’t provide this information, then it should be clarified and included in the final-form regulation.

**32. Section 59a.308. Raw product storage.—Implementation procedures; Clarity.**

Subsection (c) requires the Department or “a designated representative, from each plant” to conduct raw milk sampling. Who determines the designated representative, the Department or the plant? Under what circumstances would the designated representative and not the Department perform the sampling?

Under Subsection (e)(3), after a new sample is taken subsequent to a high bacteria count, what does the Department consider a “satisfactory” sample? The final-form regulation should explain this standard.

**33. Section 59a.310. Composition and wholesomeness.—Implementation procedures.**

This section refers to the “necessary precautions” to prevent contamination during manufacturing. However, this section never specifically provides what these precautions are. To improve clarity, the final-form regulation should include a list of requisite precautions. The same concern applies to Sections 59a.349, 59a.363(b), 59a.371(a), and 59a.373(c)(1).

**34. Section 59a.311. Cleaning and sanitizing treatment.—Clarity.**

Subsection (a)(1) refers to “other similar materials” which will not adversely affect the products used to clean and sanitize. This phrase is vague and should be deleted from the final-form regulation.

Subsection (c) discusses transport tanks. However, Subsections (c)(1)—(3) contain a list of information that does not appear to relate to this issue. The final-form regulation should include additional language to explain why these provisions are included in this subsection.

**35. Section 59a.312. Insect and rodent control program.—Implementation procedures.**

Who determines who is the “specially designated employee” from the commercial pest control service? In addition, Section 59a.353 refers to a “specifically” designated employee from the commercial pest control service. Is the use of “specially” in one section and “specifically” in another a typographical error? If so, it should be corrected in the final-form regulation. If not, the Department should explain the use of different terms.

**36. Section 59a.314. Packaging and general identification.—Clarity.**

Subsection (b) requires packaging and repackaging of dairy products to be conducted under “rigid sanitary conditions.” Previous subsections, when discussing sanitation, refer to “adequate” sanitary conditions. The terms “adequate” and “rigid” are vague and should be clarified in the final-form regulation. Additionally, why is a higher standard used in this section? The same concern applies to Subsection 59a.373(d).

**37. Section 59a.316. Permits.—Implementation procedures; Clarity.**

This section states that plant permitting requires “satisfactory compliance.” How is such compliance determined? Also, the version of the proposed regulation published in the *PA Bulletin* contains a typographical error within the parenthesis contained in this section. The final-form regulation should correct this error.

**SUPPLEMENTAL REQUIREMENTS FOR PLANTS MANUFACTURING, PROCESSING AND PACKAGING INSTANT NONFAT DRY MILK, NONFAT DRY MILK, DRY WHOLE MILK, DRY BUTTERMILK, DRY WHEY AND OTHER DRY MILK PRODUCTS**

**38. Section 59a.343. Operations and operating procedures: Pasteurization.—Reasonableness; Need; Implementation procedures.**

Subsection (b) requires buttermilk to be pasteurized at 185 degrees Fahrenheit, while Subsection (c) requires cheese whey to be pasteurized at 161 degrees Fahrenheit. A commentator questions why these products are pasteurized at different temperatures. The Preamble to the final-form regulation should explain the rationale for the difference.

**39. Section 59a.348. Operations and operating procedures: Packaging, repackaging and storage.—Clarity.**

In Subsection (a), what would be considered a package or container that protects the contents “without significant impairment of quality”? This phrase is vague and should be explained in the final-form regulation.

**SUPPLEMENTAL REQUIREMENTS FOR PLANTS MANUFACTURING, PROCESSING AND PACKAGING BUTTER AND RELATED PRODUCTS**

**40. Section 59a.361. Rooms and compartments.—Clarity.**

In Subsection (a), what are considered “good commercial practices?”

**41. Section 59a.362. Equipment and utensils.—Clarity.**

In Subsections (d) and (e), what is the difference between “easily cleanable” and “readily cleanable”? These terms are vague and the final-form regulation should clarify this distinction.

**42. Section 59a.363. Operations and operating procedure.—Implementation procedures; Clarity.**

Subsection(a)(1)(i) requires certain temperatures for pasteurization. As mentioned in this subsection, when would the Department approve “another equivalent time and temperature combination”?

Subsection (e) explains how commercial bulk shipping containers should be properly identified. When would “other identification” be required? The final-form regulation should list these circumstances.

Subsection (g)(2)(i) explains appropriate freezer storage. It includes the sentence: “Adequate air circulation is desirable.” The terms “adequate” and “desirable” are vague and do not establish a binding standard that can be complied with or enforced. We recommend that the final regulation include a more measurable and definite standard.

**SUPPLEMENTAL REQUIREMENTS FOR PLANTS MANUFACTURING AND PACKAGING CHEESE**

**43. Section 59a.371. Rooms and compartments.—Fiscal impact; Need; Clarity.**

This section describes various types of manufacturing and packaging rooms for cheese. Subsection (g) refers to cutting and packaging rooms, and requires separate rooms for cleaning and preparation of cheese. A commentator is concerned that requiring numerous rooms would

be cost prohibitive to a farmstead cheese maker. What is the need for separate rooms? Have these costs been quantified in the RAF?

**44. Section 59a.372. Equipment and utensils.—Implementation procedures; Clarity.**

This section describes various types of equipment and utensils. Subsection (e) includes the phrase “miscellaneous equipment,” but it is unclear what this includes. The final-form regulation should define this term.

Subsection (i) discusses paraffin tanks. A commentator questions whether a food grade ceramic tank would be acceptable. The Department should explain why only “metal tanks” are considered paraffin tanks.

**SUPPLEMENTAL REQUIREMENTS FOR PLANTS  
MANUFACTURING, PROCESSING AND  
PACKAGING PASTEURIZED PROCESS CHEESE  
AND RELATED PRODUCTS**

**45. Section 59a.382. Operations and operating procedures.—Implementation procedures; Clarity.**

Subsection (c) states that filler crews shall handle forming containers “with extreme care.” How does the Department intend for crews to meet the standard of “extreme care?” This term is vague and should be defined in the final-form regulation.

**SUPPLEMENTAL REQUIREMENTS FOR PLANTS  
MANUFACTURING, PROCESSING AND  
PACKAGING EVAPORATED, CONDENSED OR  
STERILIZED MILK PRODUCTS**

**46. Section 59a.391. Equipment and utensils.—Clarity.**

Subsection (a) states that: “. . . for certain other equipment, the requirements of this section shall be met.” What does the Department consider the “other equipment” that would be subject to this section?

**Subchapter F. RAW MILK FOR HUMAN  
CONSUMPTION**

**47. Section 59a.402. Raw milk; Prohibitions.—Statutory authority; Clarity.**

Subsection (a) prohibits the sale of raw milk without the seller having a valid permit issued by the Department. Several commentators, including Representative Samuel E. Rohrer (128th Legislative District), suggest that this type of permit is unconstitutional, as the Department does not have jurisdiction to regulate direct farmer-to-consumer transactions. While the Act does permit the Secretary to require permits, it also includes a section that relates to portions of the Act being ineffective due to court holdings of unconstitutionality. *See* 31 P. S. § 660g. What is the Department’s statutory authority for regulating these types of transactions? Are there any court holdings related to this issue?

Subsection (b) authorizes a raw milk permit holder to obtain a permit for the sale of aged cheese manufactured from raw milk. Commentators recommend that this additional permit be expanded to include other dairy products, such as yogurt, kefir, butter and cottage cheese. Has the Department considered expanding the scope of the second permit?

**48. Section 59a.403. Raw milk permit.—Implementation procedures.**

Subsection (b) states that “Each raw milk permit will expire as of September 1 each year. . . .” This subsection also limits a permit’s validity to no more than one year. However, if a person receives a permit in August, for

example, how can the permit be valid for a year if it automatically expires in September? In order to fulfill the entire year for the permit, has the Department considered including in this subsection a deadline for when a person can *apply* and *receive* a valid permit?

**49. Section 59a.404. Requirements for the issuance of a raw milk permit.—Protection of the public health, safety and welfare; Need; Implementation procedures; Clarity.**

This section details the requirements for the issuance of a raw milk permit. However, while it does require that specific processes be followed from other sections, the majority of these requirements are included, almost verbatim, in subsequent sections of this subchapter. To improve clarity, the Department should consider only listing in this section the specific permit requirements and maintaining further details about them in other sections.

*Subsection (a)(1)*

This subsection states that: “The dairy farm must be *in passing condition* to be eligible for a raw milk permit.” (Emphasis added.) What do Department inspectors consider “passing condition”? The final-form regulation should clarify this issue.

*Subsection (c)*

Subsections (c)(1) and (2) require applicants for both new and successor raw milk permits to provide the Department with a report from a licensed veterinarian that the herd is “. . . free from communicable disease.” A commentator is concerned that an examination by a veterinarian may not have enough information to reach this conclusion, because the regulation is unclear as to what specific diseases this phrase encompasses. To improve clarity, this phrase should be deleted from the final-form regulation. The same concern applies to Section 59a.406(d).

*Subsection (d)*

This subsection provides that confirmation of a safe water supply must occur as a permit requirement. A commentator suggests that only the water supply is mentioned, and not the cooling water used in the cooling of the raw milk. Has the Department considered confirmation of the safety of cooling water as a permit requirement? The same concern applies to Section 59a.407.

Subsections (d)(1) and (2) require the water supply on the farm to be “bacteriologically safe,” without further explanation. The final-form regulation should clarify what a “bacteriologically safe” water supply is. The same concern applies to Subsection 59a.407(c).

*Subsection (e)*

Subsection (e)(1)(v) requires, as part of sampling and testing necessary for new raw milk permits, testing for the presence of “pathogenic bacteria.” Commentators argue that because all pathogenic bacteria do not cause illness in humans, it is unreasonable to test for them since they do not pose a threat to public health. Is it possible for testing to occur only for pathogens that can cause illness to humans? The same concern applies to Sections 59a.409(d), (d)(3) and (d)(4).

*Subsection (f)*

This subsection deals with different types of containers for packaging raw milk. A commentator suggests that not only are there containers owned by the consumer and the producer, but there are also containers sold by the farmer to the consumer along with the milk. The final-form

regulation should include this third type of container. The same concern applies to Section 59a.410.

This subsection also discusses separate rooms for “bottling, single service container storage, and bottle washing.” Section 59a.410(a) also requires use of a “mechanical means of filling and capping bottles.” What is the need for both the separate rooms, as well as such mechanical equipment?

**50. Section 59a.406. Animal health.—Clarity.**

This section states in three places (Subsections (b)(1) and (2), and (c)) that animal health reporting requirements for the holder of a raw milk permit are relative to the “animal or herd” from which the raw milk is being produced. The Act defines raw milk as “milk from a cow or cows. . . .” See 31 P. S. § 652(a). However, Section 59a.404 (c) of the proposed regulation, which discusses animal health requirements for obtaining a permit for raw milk, only refers to “the herd.” A commentator also notes that Section 59a.12(b)(5) states: “A person producing and selling milk from a single cow” is an “exception” for obtaining a permit. The Preamble to the final-form regulation should clarify whether Section 59a.12(b)(5) applies to raw milk permits. In addition, given how raw milk is defined in the statute, the Preamble should also explain the discrepancy between the use of “animal or herd” and “herd” in Sections 59a.404(c) and 59a.406.

**51. Section 59a.407. Regular testing of water supply.—Implementation procedures.**

In Subsection (d), how long must a raw milk permitholder retain water test records?

**52. Section 59a.408. Regular testing of raw milk.—Protection of public health, safety and welfare; Implementation procedures.**

Subsection (c) lists the raw milk testing schedule and standards. With respect to somatic cell count, a commentator questions why the testing has been increased to twice a month. In addition, how did the Department determine that 750,000/milliliter is the appropriate limit for the count?

**53. Section 59a.409. Violations of raw milk testing standards.—Implementation procedures; Clarity.**

Subsection (b) lists various procedures to be followed if pesticides are detected in milk samples, but does not specify a required testing regimen. The final-form regulation should clarify if and when such testing is required.

**54. Section 59a.411. Label content reviewed by the Department.—Implementation procedures; Clarity.**

Subsection (a)(1) requires labels on raw milk containers to be submitted to and approved by the Department prior to use. The final-form regulation should include a timeframe for Department approval of the labels.

Subsections (a)(2)(ii) and (b)(2) include the following statement: “The Department will consider alternative written means of notification of consumers of the potential risks associated with the consumption of raw milk by highly-susceptible populations.” We raise two issues. First, why is this statement included in each of these subsections? Second, what is meant by “alternative written means?” The final-form regulation should address these concerns.

**55. Section 59a.413. Enforcement: Suspension or revocation of a raw milk permit.—Implementation procedures; Clarity.**

This section relates to the process for suspension or revocation of a raw milk permit. We raise three issues.

First, Subsection (b)(2) discusses the detection of pathogenic bacteria as the basis for suspension or revocation of a raw milk permit. Would this include detection of all pathogenic bacteria, or just those that would cause human illness? The final-form regulation should clarify this issue.

Second, under, Subsection (b)(2)(ii)(C), if a permitholder does not voluntarily cease raw milk sales, the Department will arrange for an administrative hearing upon the request of the permitholder. However, this subsection does not identify the process for arranging such a hearing. The final-form regulation should set forth the hearing procedures or include a cross-reference to any provisions in the regulation pertaining to the hearing process.

Finally, once a permit has been suspended, what will the process be for permit reinstatement? Would it be the same process as that included in Section 59a.12?

**56. Section 59a.416. Enforcement: Seizure, condemnation, denaturing or destruction of raw milk; exclusion from sale.—Statutory authority; Implementation procedures; Clarity.**

Subsection (a) permits the Secretary to “. . . seize, condemn, denature or destroy . . .” “raw milk or illegally-produced raw milk products . . . considered unsafe or a menace to public health. . . .” Several commentators, including Representative Rohrer, consider such conduct to be unconstitutional, in particular for raw milk involved in direct farmer-to-consumer transactions. Representative Rohrer also expressed concerns related to Section 59a.415, which permits the Attorney General to “enjoin a person from selling raw milk without the required raw milk permit.” Representative Rohrer states that “the attempt of this Section to label private contracts [direct farmer-to-consumer transactions] as “illegal” is a direct violation of both the state and federal Constitutions.”

While similar language, pertaining to both seizures and injunctions, is included in the Act, these provisions refer to “milk, milk products, or manufactured dairy products” and it is unclear whether raw milk is included within these categories. See 31 P. S. §§ 660e and 660f. What is the Department’s statutory authority for both of these types of raw milk enforcement?

Subsections (a) and (b)(1) refer to products that the Secretary “considers unsafe,” and Subsection (a) also includes those products that are a “menace” to public health. How does the Secretary make these determinations? The final-form regulation should clarify what is considered “unsafe” as well as what would be a “menace” to public health.

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 09-2127. Filed for public inspection November 13, 2009, 9:00 a.m.]

**Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission’s public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10:30 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from

the promulgating agency, the Commission will provide a copy or a copy can be obtained on the our web site, [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

*Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
54-63	Pennsylvania Liquor Control Board License Application and Management Contracts	10/29/09	11/19/09
16A-5417	State Board of Pharmacy Continuing Education	11/2/09	12/3/09
16A-4924	State Board of Medicine Acupuncture Registration	11/2/09	12/3/09

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 09-2128. Filed for public inspection November 13, 2009, 9:00 a.m.]

## INSURANCE DEPARTMENT

**Brian P. Baker; Prehearing**

**Appeal of Brian P. Baker;  
Consent Order; Doc. No. CO09-03-013**

A prehearing telephone conference initiated by this office is scheduled for November 17, 2009, at 9:30 a.m. A hearing will occur on December 2, 2009, at 9:30 a.m. in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or intervention, if any, must be filed with the Hearings Administrator at the previous address on or before November 9, 2009. Answers to petitions to intervene, if any, shall be filed on or before November 16, 2009.

On or before November 24, 2009, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for the party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office. Experts will be permitted to testify only on matters substantially contemplated by reports supplied to the other party in accordance with this paragraph.

A written request for continuance of the scheduled prehearing telephone conference and hearing, for good cause will be considered by the Presiding Officer. Prior to requesting a continuance, a party must contact the opposing party. All continuance requests must indicate whether the opposing party objects to a continuance.

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 Analyst at (717) 705-4194.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-2129. Filed for public inspection November 13, 2009, 9:00 a.m.]

### Children's Health Insurance Program; Benefit Changes and State Plan Amendment; Notice 2009-09

The Insurance Department has or will implement several benefit changes and other changes on December 1, 2009, the beginning of its next plan year. The Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA or Public Law 111-3), which reauthorized the Children's Health Insurance Program (CHIP), requires several of these changes, and allows for other changes. Consistent with Federal law, the mandated benefit and administrative changes are included in a State Plan Amendment being submitted to the Centers for Medicare and Medicaid Services (CMS) on or before December 1, 2009. The State Plan Amendment also includes other changes planned by Pennsylvania's CHIP, some of which are permitted by CHIPRA and some of which are not addressed in CHIPRA.

CHIPRA mandated changes already in effect:

- Increase the premium payment grace period from 10 days to 30 days
- Provide notice during the 30 day grace period that coverage will terminate at the end of the grace period if payment is not received

CHIPRA mandated changes to be effective December 1, 2009:

- Verify citizenship of applicants—requires the Social Security Number of applicant children to be included on the application
- Automatic enrollment of a newborn child in Medicaid or CHIP for 1 year if the child is born to a targeted low-income woman who was receiving pregnancy-related assistance through CHIP on the date of the child's birth
- Provide mental health parity—places limit on physical health outpatient visits to match the outpatient limits for mental health at 50 visits per year. This requirement will exclude well-baby and well-child visits
- Implement the Prospective Payment System or an alternative payment methodology to reimburse Federally Qualified Health Centers

Other amendments to be effective December 1, 2009, or as soon as possible:

- Modify certain benefits by eliminating the lifetime maximums and adding hospice care to the benefit package
- Simplify the applicant and enrollee protection process
- Add verification of immigrant status through the Systematic Alien Verification for Entitlements program
- Specifically include Autism Spectrum Disorders (ASD) as a covered benefit under CHIP to pay for claims

up to the point of the diagnosis of the ASD and referral to the Department of Public Welfare for an eligibility determination.

The State Plan Amendment also identifies the following CHIPRA options that Pennsylvania plans to pursue upon CMS approval:

- Implement a match with the Social Security Administration for verification of citizenship status. This reduces the burden on applicants to provide original documentation
- Elect to provide coverage to children who are lawfully residing in the United States and are otherwise eligible for CHIP including optional targeted low-income children described in section 1905(u)(2)(B) without a 5-year delay

The complete proposed CHIP State Plan Amendment will be available through the Insurance Department's web site at [http://www.chipcoverspakids.com/assets/media/pdf/state\\_plan\\_amendment\\_2009.pdf](http://www.chipcoverspakids.com/assets/media/pdf/state_plan_amendment_2009.pdf).

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-2130. Filed for public inspection November 13, 2009, 9:00 a.m.]

### **Erie Insurance Exchange; Private Passenger Auto Insurance; Rate and Rule Revision; Rate Filing**

On October 29, 2009, the Insurance Department (Department) received from Erie Insurance Exchange a filing for a proposed rate level and rule change for Private Passenger Auto insurance.

The Company requests an overall 3.3% increase amounting to \$28,048,000 annually, to be effective April 1, 2010, for new business and renewal business.

Unless formal administrative action is taken prior to December 28, 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). Under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

Interested parties are invited to submit written or e-mail comments, suggestions, or objections to Xiaofeng Lu, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [xlu@state.pa.us](mailto:xlu@state.pa.us), within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-2131. Filed for public inspection November 13, 2009, 9:00 a.m.]

### **Amanda S. Pears Hartwell, D. O.; Prehearing**

#### **Appeal of Amanda S. Pears Hartwell, D. O. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM09-10-024**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

On or before December 7, 2009, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's October 16, 2009, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for January 5, 2010, at 9:30 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before December 30, 2009. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before December 21, 2009, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before January 4, 2010.

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) 705-4194.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-2132. Filed for public inspection November 13, 2009, 9:00 a.m.]

### **PA Physicians Reciprocal Insurers; Prehearing**

#### **Appeal of PA Physicians Reciprocal Insurers under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM09-10-020**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

On or before December 7, 2009, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's September 22, 2009, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for January 5, 2010, at 10 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before December 30, 2009. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before December 21, 2009, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before January 4, 2010.

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) 705-4194.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-2133. Filed for public inspection November 13, 2009, 9:00 a.m.]

### PA Professional Liability JUA; Prehearing

#### Appeal of PA Professional Liability JUA under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM09-10-019

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

On or before December 7, 2009, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's September 22, 2009, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for January 5, 2010, at 10 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before December 30, 2009. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before December 21, 2009, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before January 4, 2010.

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) 705-4194.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-2134. Filed for public inspection November 13, 2009, 9:00 a.m.]

### Progressive Specialty Insurance Company; Private Passenger Automobile; Rate Revisions; Rate Filing

On October 28, 2009, the Insurance Department (Department) received from Progressive Specialty Insurance Company a filing for rate level changes for private passenger automobile insurance.

The company requests an overall 5.5% increase amounting to \$4.518 million annually, to be effective January 15, 2010, for new business and February 24, 2010, for renewals.

Unless formal administrative action is taken prior to December 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). Under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

Interested parties are invited to submit written or e-mail comments, suggestions, or objections to Eric Zhou, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [gzhou@state.pa.us](mailto:gzhou@state.pa.us), within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-2135. Filed for public inspection November 13, 2009, 9:00 a.m.]

## PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY

### Meetings Scheduled and Application Cut-Off Dates; Meeting Cancellations

The Pennsylvania Infrastructure Investment Authority (PENNVEST) Board of Director's meetings scheduled for January 26 and April 20, 2010, have been cancelled. These two meetings will be consolidated into one meeting that will take place on March 23, 2010.

<i>Application Cut-Off Date</i>	<i>Board Meeting Date</i>	<i>Location</i>
January 19, 2010	March 23, 2010	Governor's Residence 2035 North Front Street Harrisburg, PA 17102

Funding applications must be received by 5 p.m. on the stated cut-off dates following PENNVEST procedure.

Persons requiring ADA accommodations at the Board Meeting should contact Kathryn A. Domitrovich at (717) 783-4494 or [kdomitrovi@state.pa.us](mailto:kdomitrovi@state.pa.us).

PAUL K. MARCHETTI,  
*Executive Director*

[Pa.B. Doc. No. 09-2136. Filed for public inspection November 13, 2009, 9:00 a.m.]

# PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY

## Financial Statement

Under the provisions of section 207 of the Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class (53 P. S. §§ 12720.101—12720.709) the Pennsylvania Intergovernmental Cooperation Authority (Authority) is required to publish a “concise financial statement” annually in the *Pennsylvania Bulletin*. The Authority has issued its annual report for its fiscal year ended June 30, 2009, which includes an audit for such period performed in accordance with generally accepted auditing standards by an independent firm of certified public accountants. The complete annual report of the Authority may be obtained from the Authority’s web site, [www.picapa.org](http://www.picapa.org) or at 1500 Walnut Street, Suite 1600, Philadelphia, PA 19102, (215) 561-9160.

URI Z. MONSON,  
*Executive Director*

### PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY

#### STATEMENT OF NET ASSETS

JUNE 30, 2009

#### ASSETS

	<u>Governmental Activities</u>
<b>CURRENT ASSETS</b>	
Cash, cash equivalents and short-term investments	\$154,519,570
PICA taxes receivable	9,141,061
Accrued interest receivable	13,248
Total current assets	<u>163,673,879</u>
<b>OTHER ASSETS</b>	<u>4,821,293</u>
<b>TOTAL</b>	<u><u>\$168,495,172</u></u>
<b>LIABILITIES AND NET ASSETS (DEFICIT)</b>	
<b>CURRENT LIABILITIES</b>	
Accounts payable and accrued expenses	\$ 877,037
Due to the City of Philadelphia	10,460,227
Deferred revenue	39,199,268
Bonds payable—current portion	40,305,000
Total current liabilities	<u>90,841,532</u>
<b>BONDS PAYABLE—Long-term portion</b>	<u>517,435,000</u>
Total liabilities	<u>608,276,532</u>
<b>NET ASSETS (DEFICIT):</b>	
Restricted for debt service	103,838,009
Restricted for benefit of the City of Philadelphia	31,142,526
Restricted for subsequent PICA administration	1,565,500
Unrestricted deficit	<u>(576,327,395)</u>
Total net assets (deficit)	<u>(439,781,360)</u>
<b>TOTAL</b>	<u><u>\$168,495,172</u></u>

The accompanying notes are an integral part of this statement.



**PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY**  
**STATEMENT OF ACTIVITIES**  
**YEAR ENDED JUNE 30, 2009**

	<u>Governmental Activities</u>
<b>EXPENSES</b>	
Grants to the City of Philadelphia	\$278,584,264
General management and support—general operations	1,002,241
Interest expense on long-term debt	32,244,961
Investment expenses	54,176,492
Amortization of bond costs	218,241
	<hr/>
Total program expenses	366,226,198
<b>PROGRAM REVENUES</b>	
Premium amortization	1,615,282
Investment income - net	5,261,991
	<hr/>
Program revenues	6,877,273
	<hr/>
Net program expenses	359,348,925
<b>GENERAL REVENUES</b>	
PICA taxes	348,534,406
Other	9,700,000
	<hr/>
Total general revenues	358,234,406
<b>CHANGE IN NET DEFICIT</b>	(1,114,519)
	<hr/>
<b>NET ASSETS (DEFICIT)—Beginning of year</b>	(438,666,841)
<b>NET ASSETS (DEFICIT)—End of year</b>	<u>(\$439,781,360)</u>

The accompanying notes are an integral part of this statement.

PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY  
BALANCE SHEET-GOVERNMENTAL FUNDS  
June 30, 2009

	General	PICA Tax Revenue	1998	2009	2008	Debt Service Funds	2008	1999	2003	Debt Service Reserve Fund	Rebate Fund	1992	Expressible Trust Funds Capital Projects Fund	1993	1994	Total Governmental Funds
<b>ASSETS</b>																
<b>CURRENT ASSETS:</b>																
Cash, cash equivalents, and short-term investments	\$45,206,444	\$	\$0	\$1,562,538	\$742,612	\$742,612	\$0	\$0	\$24	\$73,759,669	\$1,989,462	\$12,369,495	\$2,039,870	\$16,733,160	\$16,733,160	\$15,419,574
PICA taxes receivable		9,144,411														152,272
Accounts receivable	10,895	1,315,732	9		0					4,450,000						1,245
Inventory																3,766,732
Prepaid expenses																
Other current assets	45,217,249	10,460,226		1,562,547	742,612	742,612			24	78,232,369	1,989,462	12,369,495	2,039,870	16,733,160	16,733,160	169,440,612
<b>OTHER ASSETS:</b>	61,753															61,753
<b>TOTAL</b>	\$45,278,001	\$10,460,226	\$0	\$1,562,547	\$742,612	\$742,612	\$0	\$0	\$24	\$78,232,369	\$1,989,462	\$12,369,495	\$2,039,870	\$16,733,160	\$16,733,160	\$169,502,365
<b>LIABILITIES AND FUND EQUITY</b>																
<b>CURRENT LIABILITIES:</b>																
Accounts payable	\$59,401	\$	\$	\$182,640	\$494,733	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$719,774
Accrued payroll and taxes	157,272	10,460,226								4,450,000						157,272
Due to the City of Philadelphia										166,732						4,580,000
Due to other governmental entities																1,419,004
Deferred liabilities																5,766,732
Total current liabilities	5,816,673	10,460,226		182,640	494,733	494,733				4,616,732						21,554,004
<b>FUND EQUITY:</b>																
Unreserved	8,034,201		0	1,380,906	247,879	247,879	0	0	24	72,296,233	1,989,462	12,369,495	2,039,870	16,233,161	16,233,161	8,034,201
Reserved for debt service																75,024,505
Reserved for benefit of the City of Philadelphia																31,402,576
Reserved for subsequent PICA administration																1,419,004
Designated for future swapable activity	31,428,122									1,419,004						1,419,004
Total fund equity	39,462,323		0	1,380,906	247,879	247,879	0	0	24	73,705,237	1,989,462	12,369,495	2,039,870	16,733,161	16,733,161	147,948,358
<b>TOTAL</b>	\$45,278,001	\$10,460,226	\$0	\$1,562,546	\$742,612	\$742,612	\$0	\$0	\$24	\$73,705,237	\$1,989,462	\$12,369,495	\$2,039,870	\$16,733,161	\$16,733,161	\$169,502,365

Amounts reported for governmental activities in the statement of net assets are different than the amounts reported in the statement of net assets for the same period and are not reported in the notes.

Swap premiums is deferred and amortized over the life of the swap debt in the statement of net assets.

Forward delivery agreement premium is amortized over the life of the agreement in the statement of net assets.

Premium on 2009 bond issuance is deferred on statement net assets.

Fund level additions are capitalized in the statement of assets, net of accumulated depreciation.

Bond issuance costs are accrued and amortized in the statement of net assets.

Net assets of governmental activities

(\$17,560,000)

(11,893,382)

3,612,236

(26,472,272)

23,619

4,771,732

(49,737,160)

The accompanying notes are an integral part of this statement.



# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## 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 (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 November 30, 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-2009-2138724. Gary A. Roller, t/a Roller's Transportation Service** (3601 Windsor Drive, Bensalem, Bucks County, PA 19020), persons, in paratransit service, between points in the County of Bucks and from points in said County to points in the City and County of Philadelphia, and return. *Attorney:* James D. Campbell, Jr., Caldwell & Kearns, 3631 North Front Street, Harrisburg, PA 17110-1533.

**A-2009-2138758. The Pottsville Area Emergency Medical Services, Inc., t/a Pottsville Area EMS** (320 North 9th Street, Pottsville, Schuylkill County, PA 17901)—persons, in paratransit service, from points in the County of Schuylkill, to points in Pennsylvania, and return. *Attorney:* Christina M. Mellott, Page, Wolfberg & Wirth, LLC, 5010 East Trindle Road, Suite 202, Mechanicsburg, PA 17050.

**A-2009-2138825. Earthride, Inc.** (104 Collin Street, Stroudsburg, Monroe County, PA 18360)—persons, in limousine service, from points in the Borough of Stroudsburg to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**A-2009-2138900. Earthride, Inc.** (104 Collin Street, Stroudsburg, Monroe County, PA 18360)—persons, in group and party service, in vehicles seating 11 to 15 passengers, from points in the Borough of Stroudsburg to points in Pennsylvania and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

### Applications of the following for approval of the *additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.*

**A-2009-2139277. Unique Limousine Service, Inc.** (P. O. Box 60264, Harrisburg, Dauphin County, PA 17106)—a corporation of the Commonwealth—persons, upon schedule, and their baggage together with mail, newspapers and such property as can be transported in buses without the removal of seats, between the City of Pittsburgh, Allegheny County by means of Routes I-76 and I-376, and returning by means of the same routes to the City of Harrisburg, Dauphin County.

### Application of the following for the approval of the *transfer of stock as described under the application.*

**A-2009-2139372. Kreb's Moving & Storage Co.** (111 Rear Merrill Street, P. O. Box 806, Clearfield, Clearfield County, PA 16830), a corporation of the Commonwealth, for the approval of the transfer of 500 shares of the issued and outstanding shares of stock held by Denise L. and David G. Saudarg, as joint tenants by the entireties, to David G. Saudarg. *Attorney:* Dwight L. Koerber, Jr., Esquire, 110 North Second Street, P. O. Box 1320, Clearfield, PA 16830.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-2138. Filed for public inspection November 13, 2009, 9:00 a.m.]

## Water Service

**A-2009-2138828. Pennsylvania-American Water Company.** Application of Pennsylvania-American Water Company for approval to offer, render, furnish or supply water service to the public in additional portions of Mount Pleasant Township, Washington County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before November 30, 2009. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Pennsylvania-American Water Company

*Through and By Counsel:* Velma A. Redmond, Esquire, Susan Simms-Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, P. O. Box 888, Hershey, PA 17033

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-2139. Filed for public inspection November 13, 2009, 9:00 a.m.]

# THADDEUS STEVENS COLLEGE OF TECHNOLOGY

## Request for Bids

Thaddeus Stevens College of Technology is soliciting bids for Project 09-0003 to disassemble and completely reassemble existing paint booth in a new location for the Collision Repair Department. Bid specifications can be obtained by contacting Nancy Froeschle, Thaddeus Stevens College of Technology, (717) 299-7787, fax (717) 391-3557 or e-mail froeschle@stevenscollege.edu until November 18, 2009.

DR. WILLIAM E. GRISCOM,  
*President*

[Pa.B. Doc. No. 09-2140. Filed for public inspection November 13, 2009, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF EDUCATION

### Long-Range Plan for the Keystone Recreation, Park and Conservation Fund Grant Program for Public Library Facilities; 2009-2013

The Pennsylvania General Assembly passed legislation (Act 50) in 1993 to establish the Keystone Recreation, Park and Conservation Fund. The Department of Education (Department), through the Office of Commonwealth Libraries (OCL), Bureau of Library Development, administers the public library portion of this program.

Program Regulations of the Keystone Recreation, Park and Conservation Fund grant program for public library facilities, located in 22 Pa. Code § 142.2(d) (relating to the long-range plan) requires that, "Commonwealth Libraries will publish the long-range plan and subsequent modifications to the long-range plan in the *Pennsylvania Bulletin*."

#### *Background*

The Keystone Recreation, Park and Conservation Fund was established by an act of the Pennsylvania General Assembly (Act 50) in 1993. The voters approved Keystone by a two to one margin in a referendum. The Statewide referendum designated Keystone Funds for, "nature preserves and wildlife habitats, and for improvements to and expansion of State parks, community parks and recreation facilities, historic sites, zoos and public libraries."

The Department, through the OLC, Bureau of Library Development, administers the public library portion of this program. Within the Department, the OCL operates a major research library and leads the development of the State's public, school, academic and special libraries to meet the information, education and enrichment needs of its residents.

Moneys for the grant fund come from a portion of the realty transfer tax. The act calls for 4% of the fund each year to be allocated for library capital projects.

In the first year of the program, \$1.2 million was available to public libraries, out of the initial \$32 million. For Fiscal Year (FY) 2007, there was \$4.1 million available to public libraries. In 2008, \$2,525,000 was appropriated. Since a portion of State realty transfer tax funds Keystone, the health of the real estate market determines the amount of funds available for public library projects. An increase in home sales resulted in an additional grant round in 2007, instead of the usual bi-annual program, and a round has been held each year since.

The current competitive grant application process is used to award matching construction grants to municipalities that sponsor State-aided public libraries. Grants reimburse up to 50% of eligible costs. Since the beginning of the Fund until the end of FY 2008-2009, 238 projects have been completed or are currently under construction.

Current funding priorities have been set for two programs within the Fund:

#### *Mini-Grant Program*

The mini-grant program addresses construction related to making public library facilities accessible to persons with disabilities, nonroutine maintenance, and building additions or remodeling of existing buildings to demonstrably improve library service to patrons. Up to \$75,000 in matching funds may be requested and total project costs are not to exceed \$200,000 for this program. If submitting an application under the accessibility priority, an application must show that at least 70% of the project's construction cost is related to American Disabilities Act (ADA) accessibility compliance. If submitting an application under the new construction, remodeling or renovation priority, a library building consultant is required.

#### *Major Grant Program*

This major construction grant program is for projects exceeding \$75,000 that address ADA accessibility, new building construction, additions or remodeling of existing buildings to demonstrably improve library service to the general public, and nonroutine maintenance, particularly where lack of maintenance is impeding service to the general public, creating a public hazard or causing a hazard to the library collection. If submitting an application under the accessibility priority, an application must show that at least 70% of the project's construction cost is related to ADA accessibility compliance. Mechanical systems with replacement costs of over \$100,000 are included in the priority of nonroutine maintenance in this program. No award has exceeded \$500,000. All Major Grant projects require a building consultant.

Keystone grant applications are scored according to the criteria laid out in the grant application packet. The current application is available on the Keystone web site, located at [http://www.portal.state.pa.us/portal/server.pt/community/keystone\\_recreation%2C\\_park%2C\\_and\\_conservation\\_fund/8701](http://www.portal.state.pa.us/portal/server.pt/community/keystone_recreation%2C_park%2C_and_conservation_fund/8701), and the application for the 2009 round is also included at the end of this document.

#### *Planning Process*

#### *About the Plan*

In consultation with the Advisory Council on Library Development, OCL has prepared this long-range plan for the allocation of grants available to municipalities for public library facility planning, acquisition, development, or rehabilitation from the Keystone Recreation, Park and Conservation Fund, in fulfillment of 22 Pa. Code § 142.2. The Advisory Council on Library Development, established by the Library Code, offers advice and recommendations to the Governor, the Secretary of Education, and the Commissioner for Libraries in areas relating to general policies and operations of the State Library and the Commonwealth's library development programs. Council members represent library trustees, librarians, and lay advocates.

In preparing the long-range plan, Commonwealth Libraries also consulted with municipal officials and library representatives and worked with consultants Pat Owens and Mary Sieminski of RPA, Incorporated to gather information. Sarah Aerni provided statistical assistance. David Belanger provided representation from the Governor's Advisory Council.

As required by these regulations, this long-range plan includes the following components and will be published in the *Pennsylvania Bulletin*:

1) A library facility needs assessment, including an analysis of the need in different geographical regions of this Commonwealth and of libraries serving various size municipalities, and a consideration of county library system plans;

2) An action plan to meet the need for improved library facilities through the use of the Fund and other available moneys;

3) Commonwealth Libraries' policies concerning the grants for public library facilities;

4) A plan for Commonwealth Libraries' administration of the program, including provision of technical assistance, monitoring of on-going projects and evaluation of completed projects.

#### *Library Facilities Need Assessment*

##### *Methodology*

In accordance with 22 Pa. Code § 142.2, a facility-needs assessment was undertaken. The assessment included an analysis of the need in different geographical regions of this Commonwealth and of libraries serving various size municipalities, and a consideration of county library system plans.

The following sources of data were used for the Needs Assessment:

- Facilities Survey of all State-aided public libraries (March, 2007);
- State-wide survey of municipalities (March, 2007);
- Review of Keystone Frequently Asked Questions (June 19, 2007);
- Interviews with Office of Commonwealth Libraries staff (July 17, 2007);
- Survey of past grant recipients (September 2007);
- Survey of grant reviewers (September 2007);
- System Administrators and District Consultants meeting (September 6, 2007);
- Eight focus groups across the Commonwealth (October–November 2007)

#### **Facilities Survey**

A detailed survey regarding facilities for all State-aided public libraries, and branches, was distributed in early March 2007, by means of e-mail, using Survey Monkey. The survey questions covered facility structure, condition of interior and exterior features, facility impact on services and future needs of the facilities. Questions regarding the Keystone Grant Program were also elicited. A total of 438 responses were received by the cut-off date of May 10, 2007. Responses to the survey were not assumed to have been completed by a library representative with facility management education or training. Results of the survey were also analyzed by geographic region and by the size of the population served by responding libraries.

The 2007 Keystone Public Library Needs Assessment Survey responses are located on the Department's Keystone Recreation, Parks and Conservation web page.

#### *Findings:*

Survey recipients were asked to report on the age, condition and future needs for their library facilities. Their responses were not verified by outside experts, such

as architects or building consultants, but valid conclusions may still be made about the facility needs for libraries in this Commonwealth over the next 5 years.

This Commonwealth's public libraries are aging. Forty-two percent of Commonwealth libraries are housed in facilities that are over 57 years old. Thirty percent of the libraries were built in the first half of the 20th century, 12% were built in the 19th century and one facility was built in the 18th century. Fifty-eight percent of State-aided libraries have constructed new facilities since 1950, with 9% in the 21st century.

#### *Year of construction of existing facility:*

	<i>Frequency</i>	<i>Valid Percent</i>
Valid		
Prior to 1800	1	.3
1800—1849	8	2.0
1850—1899	39	9.8
1900—1949	117	29.5
1950—1974	95	24.0
1975—1999	101	25.5
2000 or after	35	8.8
Total	396	100.0
Missing System	42	
Total	438	

Thirty-three percent of libraries reported that they have constructed additions to library facilities. Of these, 50% were added between 1975 and 1999, with an additional 33% in 2000 and after; however, 66% of libraries have never constructed an addition.

#### *Year of most recent addition, if any:*

	<i>Frequency</i>	<i>Valid Percent</i>
Valid		
Before 1950	9	6.2
1950—1974	16	11.0
1975—1999	72	49.7
2000 or after	48	33.1
Total	145	100.0
Missing System	293	
Total	438	

Fifty-two percent of public libraries reported that they made renovations to the structure of the facility. Of those, 51% reported renovations between 1975 and 1999, and 41% completed some renovations in the 21st century. Forty-eight percent of libraries in this Commonwealth have never been renovated.

#### *Year of most recent major renovation, if any:*

	<i>Frequency</i>	<i>Valid Percent</i>
Valid		
Before 1950	4	1.8
1950—1974	14	6.1
1975—1999	116	50.9
2000 or after	94	41.2
Total	228	100.0
Missing System	210	
Total	438	

#### *Condition of existing facility*

While 31% of respondents rated the overall condition of their library facilities as adequate, 29% rated the condi-

tion as less than adequate. Only 40% of libraries were ranked as more than adequate. Of those, 12% were ranked in the highest category of "good."

On a scale of 1 to 5, with 1=substandard, 3=adequate, and 5=good, rate the overall condition of your facility:

		Frequency	Valid Percent	Cumulative Percent
Valid	1	24	7.5	7.5
	2	69	21.4	28.9
	3	100	31.1	59.9
	4	89	27.6	87.6
	5	40	12.4	100.0
	Total	322	100.0	
Missing System		116		
Total		438		

Library directors were asked to describe the condition of specific areas of their current library facilities. Particular interest was given to areas libraries described as "less than adequate" for daily use. "Less than adequate" was defined using the five point scale from the question. The value "3" was defined as adequate, and anything rated below a three was less than adequate.

The following table shows the 15 aspects of library facilities that received the lowest ranking about the condition of their facility. It is ordered by mean ranking from all respondents, from lowest to highest. All of the lowest 15 answers were rated less than adequate, except for signage, at the bottom, which was at the minimum level of adequacy.

Three that really stand out are the inadequacy of the young adult areas, the tutoring rooms and the lack of adequate parking spaces for the disabled.

Aspect of Facility	Valid data	Missing data	Mean (valid data)
Air conditioning (window units)	371	67	2.15
Storage (general)	369	69	2.18
Storage for Children's supplies	369	69	2.30
Book sale area	271	167	2.49
<b>Young adult area</b>	<b>269</b>	<b>169</b>	<b>2.50</b>
Basement	196	242	2.56
Technical services area	234	204	2.64
Shelving (sufficient quantity)	395	43	2.77
<b>Tutoring rooms</b>	<b>109</b>	<b>329</b>	<b>2.83</b>
Staff Lounge	211	227	2.85
Parking lot	272	166	2.88
Conference rooms	193	245	2.94
<b>Accessible parking space for disabled</b>	<b>336</b>	<b>102</b>	<b>2.96</b>
Meeting rooms	298	140	2.99
Signage	393	45	3.00

*Various aspects of the library facility that are lacking*

The following chart shows the results of the same question about the condition of various aspects of the library

facility. However, it is ordered by the facility aspect with the highest amounts of nonresponses. We assume by nonresponse that the library facility does not contain that particular element. In some cases, it is good not to have certain aspects of the facility (for example, window air conditioners because we assume that the facility has central air). For other facility components, a lack is definitely a draw-back, such as not having handicapped accessible parking.

The number of libraries responding to the question about each aspect of their library facility as "N/A" or "missing," was compared to how many total responses there were. By answering "N/A," the library is saying that they do not have, for example, an office for the director. If many libraries do not have this feature/service, then that aspect of the facility will have a high percentage. The ranked list of the top fifteen follows.

Aspect of Facility	Missing	Total responses	% who said N/A
Gift shop	425	438	97
Coffee shop	419	438	96
Air conditioning (window units)	371	438	85
Automatic doors	332	438	76
Tutoring rooms	329	438	75
Elevator	320	438	73
Computer lab	315	438	72
Conference rooms	245	438	56
Basement	242	438	55
Ramps	228	438	52
Staff Lounge	227	438	52
Wireless Internet	223	438	51
Technical services area	204	438	47
Facility Security System	188	438	43
Young adult area	169	438	39

This table shows that 75% of libraries do not have tutoring rooms, 73% have no elevator and 72% do not have a computer lab. The fact that 85% of libraries responded "N/A" to the question of having window air conditioning units is seen as positive since more have moved to central air.

On the other hand, automatic doors and an elevator are particularly important for libraries to be accessible to the elderly and to the disabled, however, many facilities do not have them. Tutoring rooms and computer labs are very useful for many types of life-long learning and continuing education activities for people of all ages. Library facilities were lacking these aspects in over 70% of all responses. These categories really stand out as definitive needs for the Commonwealth's public libraries going forward.

*Interior renovations*

Construction Needs	Positive responses	Percentage of total (438)	Category (see below)
Furniture	142	32%	
Shelving	141	32%	

<i>Construction Needs</i>	<i>Positive responses</i>	<i>Percentage of total (438)</i>	<i>Category (see below)</i>
Signage	135	31%	
Paint/plaster on interior walls	118	27%	

Libraries need to be updated. Thirty-two percent indicated that they needed new furniture. Thirty percent indicated that they needed improved lighting. Twenty-seven percent indicated that interior painting and plastering were needed. Library customers prefer public buildings with environments that are clean, attractive and inviting, and this is demonstrated by the responses of library directors.

*Facility maintenance*

<i>Construction Needs</i>	<i>Positive responses</i>	<i>Percentage of total (438)</i>
Parking lot upgrade	123	28%
Sidewalk upgrade	58	13%
Smoke/fire alarm	52	12%

Because of a shortage of funds, many libraries have had to defer maintenance, often requiring a more expensive repair later. The poor condition of sidewalks presents a hazard to library customers. A prevalent problem is the lack of parking as well as the dearth of handicapped parking spaces. With this Commonwealth's aging population, this problem will only increase.

- 28% indicated that they need better parking lots and sidewalk repair.
- 13% indicated that sidewalk repair was necessary.
- 12% need smoke or fire alarms.

*New construction*

<i>Construction Needs</i>	<i>Positive responses</i>	<i>Percentage of total (438)</i>
New facility	86	20%
Addition, new	125	29%

There exists a great need for new construction for State-aided public libraries within this Commonwealth. Approximately 42% of these libraries were constructed prior to 1950.

- 20% of reporting libraries indicated that they were in need of a new facility.
- 29% indicated a need for an addition to their present facility.

*The top construction needs for which libraries had bids*

To determine which needs were most likely to be met or were considered most critical, the survey included a question on construction needs for which libraries had completed a bid process. One hundred and fifty-six libraries indicated that they had obtained cost figures for a needed project.

Thirty-two libraries had received a cost estimate for a new facility or an addition. Energy-related items such as window replacement, insulation, lighting, heating and air conditioning system replacement had been considered by 71 libraries. Forty-seven libraries had estimates on interior renovations such as furniture, shelving, carpeting, paint and plaster. Bids on external repairs were obtained by 37 libraries, while handicapped accessibility improvement costs were received by 20 libraries. Some libraries had bid out more than one project.

This category includes only a small subset of libraries in this Commonwealth that actually had bids for construction and is not representative of the greater library population. Many libraries may not be aware of maintenance needs, or may not have the funds to consider obtaining estimates for maintenance or new construction.

*Sources of funding*

State funding requires a local match and, with project totals often higher than the match limit, it is estimated that every \$1 in Keystone funding leverages nearly \$6 in local library capital funding. The needs assessment indicates that, as of 2007, the demand for construction funds is in excess of \$335 million.

The sole funding source available to OCL for funding construction is the Keystone Fund.

For the 156 libraries with construction projects planned, the following sources of funding were being pursued.

- Local public funds: 80%
- Gifts and donations: 75%.
- Keystone grant funds: 60%
- Other State grant funds: 60%
- Endowment funds: 30%
- Federal funds: 28%
- Bond funds: 19%
- Other private foundation grant funding: most of these libraries

<i>Source</i>	<i>Number who said yes</i>	<i>Percentage who said yes (156=N)</i>
Local public funds	124	79%
Gifts and Donations	119	76%
Keystone Grant Funds	94	60%
State Grant Funds	92	59%
Endowment Funds	47	30%
Federal Funds	43	28%
Bond Funds	30	19%
Other Private Funds	7	4%

("N" is used to indicate the number of respondents to the questions)

*Size of municipality*

Survey results were analyzed by the size of the municipality served by the library and by the geographic region of this Commonwealth. The results indicate that building and construction needs are distributed fairly evenly over this Commonwealth's geographic regions and municipalities.

Survey results were broken down into five groupings, according to the population served by the responding libraries. The ranges were populations of 4,999 and under, populations of 5,000 to 9,999, populations of 10,000 to 49,999, and libraries serving populations of 50,000 and above. Estimated costs for planned projects by population served, show that the greatest need for Mini-Grants of \$75,000 or less was in the areas with smaller populations of 20,000 or fewer.



The oldest library facilities were in areas with populations of 9,999 or fewer, although 43% of libraries in municipalities serving 50,000 or more were constructed prior to 1950. The newest facilities (the 9% constructed in 2000 or after) belonged to public libraries serving 20,000 to 49,000 residents. The 5,000 to 9,999 population grouping had the highest proportion of libraries (75%) ranking the condition of their facilities as adequate to good.

The top priority needs noted, include automatic doors (listed in four of the five population groups) and meeting rooms (listed in three of the five population groups). A few additional pieces of information are listed.

*Sufficient Seating and Meeting Room Space for Different Sized Municipalities*

<i>Categories of Population Served</i>	<i>Does the facility currently have sufficient seating for patrons?</i>		
	<i>Yes</i>	<i>No</i>	<i>Total</i>
Fewer than 6,000 people	33	29	62
6,001—12,000 people	43	28	71
12,001—20,000 people	36	17	53
20,001—40,000 people	39	32	71
40,001—100,000 people	17	21	38
More than 100,001 people	16	6	22
<b>Total</b>	<b>184</b>	<b>133</b>	<b>317</b>

Twenty-two percent of respondents, without sufficient seating for patrons, serve populations with fewer than 6,000 people. Eighty percent of respondents without sufficient seating for patrons serve populations of 40,000 people or less.

*Public Access Computers for Different Sized Municipalities*

<i>Categories of Population Served</i>	<i>Does the facility have an adequate number of public access computers?</i>		
	<i>Yes</i>	<i>No</i>	<i>Total</i>
Fewer than 6,000 people	35	28	63
6,001—12,000 people	21	51	72
12,001—20,000 people	17	37	54
20,001—40,000 people	29	42	71
40,001—100,000 people	8	30	38
More than 100,001 people	2	20	22
<b>Total</b>	<b>112</b>	<b>208</b>	<b>320</b>

Twenty-five percent of libraries without an adequate number of public access computers serve populations of between 6,000 and 12,000 people. Seventy-six percent of all libraries that do not have an adequate number of public access computers serve populations of fewer than 40,000 people.

The ability to accommodate larger numbers of people in meeting rooms is also needed.

<i>How many people can your meeting room accommodate?</i>	<i>Do you have sufficient meeting room space?</i>		
	<i>Yes</i>	<i>No</i>	<i>Total</i>
1—25	20	80	100
26—50	35	46	81
51—75	41	22	63
76—100	32	14	46
Over 100	23	9	32
<b>Total</b>	<b>151</b>	<b>171</b>	<b>322</b>

*How many more would you like it to accommodate?*

<i>How many people can your meeting room accommodate?</i>	<i>How many more would you like it to accommodate?</i>						<i>Total</i>
	<i>1—25</i>	<i>26—50</i>	<i>51—75</i>	<i>76—100</i>	<i>Over 100—125</i>		
<i>1—25</i>	19	38	13	11	6	87	
<i>26—50</i>	17	16	11	12	6	62	
<i>51—75</i>	9	6	5	3	5	28	
<i>76—100</i>	6	1	0	3	8	18	
<i>Over 100</i>	4	1	1	1	5	12	

*Geographic regions*

The Needs Assessment was also analyzed by eight geographic regions, each of which consists of one or more District Library Centers:

- Central (C): Altoona, Central PA, Chambersburg, Johnstown
- Lehigh Valley (LV): Allentown, Bethlehem, Easton, Pottsville, Reading
- North Central (NC): North Central
- North East (NE): Wilkes-Barre, Scranton
- North West (NW): Erie, New Castle, Oil Creek, Seneca
- South Central (SC): Capital Area, Lancaster, Lebanon, York
- South East (SE): Chester, Delaware, Doylestown, Montgomery, Philadelphia
- South West (SW): Aliquippa, Monessen, Pittsburgh, Washington

The North East and North Central regions had the highest percentage of libraries that were constructed prior to 1950. The South West had 50% of additions in 2000 and after, with 54% reporting major renovations since 2000. The proportion of libraries ranking the condition of facilities as adequate to good was highest in South Central (85%) and South East (81%) and was lowest in the more rural regions—North East (67%) and Central (62%).

- Central (C): Altoona, Central PA, Chambersburg, Johnstown

The top-ten most pressing needs reported for this region are listed as follows.

<i>Item</i>	<i>Number of positive responses</i>	<i>Percent of positive responses</i>
Carpeting	20	49
Meeting room	19	46
Shelving	19	46
Automatic doors	18	44
Furniture	18	44
Storage	16	39
Tutoring room	16	39
Addition, new	15	37
Lighting	15	37
New facility	15	37

- Lehigh Valley (LV): Allentown, Bethlehem, Easton, Pottsville, Reading

The top-ten most pressing needs reported for this region are listed as follows.

<i>Item</i>	<i>Number of positive responses</i>	<i>Percent of positive responses</i>
Storage	26	52
Book sale area	25	50
Young adult area	24	48
Addition, new	22	44
Automatic doors	22	44

<i>Item</i>	<i>Number of positive responses</i>	<i>Percent of positive responses</i>
Carpeting	22	44
Shelving	22	44
Accessible parking space for disabled	21	42
Meeting room	21	42
Tutoring room	21	42

- North Central (NC): North Central

The top-ten most pressing needs reported for this region are listed as follows.

<i>Item</i>	<i>Number of positive responses</i>	<i>Percent of positive responses</i>
Rest rooms	13	54
Automatic doors	12	50
Accessible parking space for disabled	11	46
Addition, new	11	46
Meeting room	11	46
Tutoring room	11	46
Carpeting	10	42
Conference room	10	42
Parking lot upgrade	10	42
Shelving	10	42

- North East (NE): Wilkes-Barre, Scranton

The top-ten most pressing needs reported for this region are listed as follows.

<i>Item</i>	<i>Number of positive responses</i>	<i>Percent of positive responses</i>
Signage	12	41
Storage	10	34
Carpeting	9	31
Lighting	9	31
New facility	9	31
Young adult area	8	28
Accessible parking space for disabled	7	24
Automatic doors	7	24
Children's area	7	24
Computer Lab	7	24

- North West (NW): Erie, New Castle, Oil Creek, Seneca

The top-ten most pressing needs reported for this region are listed as follows.

<i>Item</i>	<i>Number of positive responses</i>	<i>Percent of positive responses</i>
Parking lot upgrade	15	35
Storage	15	35

<i>Item</i>	<i>Number of positive responses</i>	<i>Percent of positive responses</i>
Young adult area	15	35
Addition, new	14	33
Computer Lab	13	30
Furniture	13	30
Carpeting	12	28
Meeting room	12	28
Shelving	12	28
Automatic doors	11	26

• South Central (SC): Capital Area, Lancaster, Lebanon, York

The top-ten most pressing needs reported for this region are listed as follows.

<i>Item</i>	<i>Number of positive responses</i>	<i>Percent of positive responses</i>
Meeting room	19	44
Storage	19	44
Automatic doors	18	42
Young adult area	18	42
Addition, new	17	40
Computer Lab	17	40
Shelving	17	40
Tutoring room	16	37
Children's area	15	35
Furniture	15	35

• South East (SE): Chester, Delaware, Doylestown, Montgomery, Philadelphia

The top-ten most pressing needs reported for this region are listed as follows.

<i>Item</i>	<i>Number of positive responses</i>	<i>Percent of positive responses</i>
Signage	45	42
Storage	43	41
Furniture	42	40
Young adult area	42	40
Carpeting	38	36
Lighting	37	35
Wireless Internet	37	35
Paint/plaster on interior walls	36	34
Shelving	36	34
Automatic doors	34	32

• South West (SW): Aliquippa, Monessen, Pittsburgh, Washington

The top-ten most pressing needs reported for this region are listed as follows.

<i>Item</i>	<i>Number of positive responses</i>	<i>Percent of positive responses</i>
Automatic doors	29	36
Lighting	27	34
Carpeting	23	29
Furniture	20	25
Signage	20	25
Meeting room	19	24
Staff lounge	19	24
Window replacement	19	24
Paint/plaster on interior walls	18	23
Storage	18	23

*The Most Pressing Needs Reported Statewide*

Libraries were asked to list major aspects of their facilities that needed to be replaced or improved. Responses to this question are listed as follows, ranked in order of construction needs listed by the most respondents. Categories were created to group improvement priorities.

Key:  
 EE = Energy Efficiency  
 SP = Space Needs  
 ADA = Accessibility

<i>Construction Needs</i>	<i>Positive responses</i>	<i>Percentage of total (438)</i>	<i>Category (see below)</i>
Storage	155	35%	SP
Automatic doors	152	35%	ADA
Young adult area	150	34%	SP
Carpeting	144	33%	EE
Furniture	142	32%	
Shelving	141	32%	
Meeting room	140	32%	SP
Signage	135	31%	
Lighting	131	30%	EE
Tutoring room	130	30%	SP
Addition, new	125	29%	SP
Parking lot upgrade	123	28%	
Accessible parking space for disabled	121	28%	ADA
Paint/plaster on interior walls	118	27%	
Book sale area	112	26%	
Children's area	112	26%	SP
Computer Lab	112	26%	SP
Staff lounge	108	25%	SP
Conference room	106	24%	SP
Rest rooms	98	22%	SP
Air conditioning (Central)	90	21%	EE

<i>Construction Needs</i>	<i>Positive responses</i>	<i>Percentage of total (438)</i>	<i>Category (see below)</i>
Heating system replacement	89	20%	EE
Technical services area	89	20%	SP
Director's office	87	20%	SP
Phone system	87	20%	
Wireless Internet	87	20%	
New facility	86	20%	SP
Window replacement	86	20%	EE
Insulation	84	19%	EE
Wiring (Electrical)	83	19%	
Facility Security System	82	19%	
Drinking fountain	74	17%	
Plumbing	73	17%	EE
Roof replacement	73	17%	EE
Coffee shop	64	15%	
Ventilation system	64	15%	EE
Wheelchair accessible rest rooms	63	14%	ADA
Sidewalk upgrade	58	13%	
Wiring (Telecommunications)	57	13%	
Smoke/fire alarm	52	12%	
Ramp installation	44	10%	ADA
Gift shop	28	6%	
Air conditioning (Window Units)	17	4%	

*Renovations for energy efficiency (EE)*

<i>Construction Needs</i>	<i>Positive responses</i>	<i>Percentage of total (438)</i>	<i>Category</i>
Carpeting	144	33%	EE
Lighting	131	30%	EE
Air conditioning (Central)	90	21%	EE
Heating system replacement	89	20%	EE
Window replacement	86	20%	EE
Insulation	84	19%	EE
Plumbing	73	17%	EE
Roof replacement	73	17%	EE
Ventilation system	64	15%	EE

Thirty percent of libraries reported that they would benefit from energy-efficiency improvements, ranging from new heating and ventilation systems to insulation, plumbing, roof replacement and new windows and doors. Since many of the libraries are not energy-efficient, the routine costs of heating, cooling and lighting are not as low as they could be.

There is a compelling need to transition to alternative sources of clean energy and ensure that our public libraries are energy-efficient.

*Additional space (SP)*

<i>Construction Needs</i>	<i>Positive responses</i>	<i>Percentage of total (438)</i>	<i>Category</i>
Storage	155	35%	SP
Young adult area	150	34%	SP
Meeting room	140	32%	SP
Tutoring room	130	30%	SP
Addition, new	125	29%	SP
Children's area	112	26%	SP
Computer Lab	112	26%	SP
Staff lounge	108	25%	SP
Conference room	106	24%	SP
Rest rooms	98	22%	SP
Technical services area	89	20%	SP
Director's office	87	20%	SP

One-third of the libraries responding indicated that they needed additions, space for young adults, meeting space, tutoring rooms, additional shelving space, and just plain storage space. Many public libraries are located in spaces that were not originally designed as libraries—older homes, schools, township buildings—and do not function efficiently in providing library services.

Thirty-four percent of the respondents indicated that they needed storage space to better serve their users. Shelving space was also desired. Libraries also serve as community centers for a variety of programs, lectures, workshops, and similar activities. Adequate large meeting rooms as well as tutoring rooms are needed. Restroom facility updates would provide accessibility as well as savings on utilities.

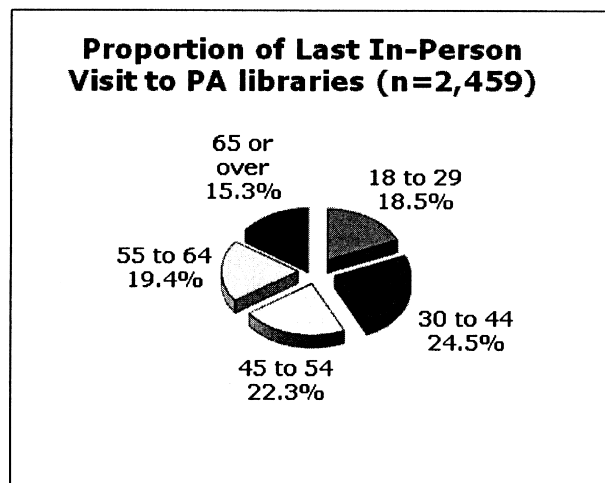
*Access for the disabled and elderly (ADA)*

<i>Construction Needs</i>	<i>Positive responses</i>	<i>Percentage of total (438)</i>	<i>Category</i>
Automatic doors	152	35%	ADA
Accessible parking space for disabled	121	28%	ADA
Elevator	83	19%	ADA
Wheelchair accessible rest rooms	63	14%	ADA
Ramp installation	44	10%	ADA

Making libraries more accessible for the disabled and the elderly is a priority for libraries in this Commonwealth, which has one of the oldest populations in the nation. Libraries undergoing renovation are required to comply with the ADA.

The U. S. Department of Commerce Population Projections by States, 1995-2025, based on U.S. Census 2000 data, indicates that all States will have more people and more elderly residents as Baby Boomers age. This Commonwealth ranks 49th in terms of projected population growth, however, this Commonwealth has an aging popu-

lation that represents a significant percentage of library users, as shown in the following chart.<sup>1</sup>



The needs for access in public libraries in this Commonwealth are clear:

- 35% indicated a need for automatic doors (68% of libraries indicated that they do not have automatic doors now);
- 28% indicated a need for handicapped parking spaces;
- 15% need accessible rest rooms;
- 10% need ramps for accessibility.

### Municipal Survey

The municipal survey was distributed to 2,600 municipal officials. Over 750 responses were received.

#### Findings:

Responses to the facility survey of library directors and the survey of municipal officials indicated that the greatest impediments to libraries improving their library facilities are

- Limited knowledge and skills in facility planning
- Limited financial resources

#### Keystone Frequently Asked Questions

Consultants reviewed each posting of the Keystone Frequently Asked Questions (FAQ) e-mail group and summarized findings.

**Conclusion:** The FAQs are viewed as extremely helpful to grant applicants and recipients.

#### Office of Commonwealth Libraries Staff Interviews

Consultants met with the staff of the OCL on July 17, 2007, to solicit input regarding the Keystone Conservation, Park and Recreation grant program. Eight staff members attended. A separate meeting with the Keystone Library Facilities Advisor, Diana Megdad, and Grants and Contracting Manager, Constance Cardillo, followed this meeting.

The following comments were elicited:

- The Keystone Fund provides hope for libraries, particularly small libraries that need roofs or elevators
- Improved facilities result in overall increase in library usage
- Problems include lack of local planning and lack of adequate funding
- District Consultants and System Administrators should play a larger role
- Lack of communication between the library and municipality, caused in part by turnover in the library and municipal staffs, causes problems, such as municipalities that proceed without library input
- System Board role is uneven throughout the State
- Existing time frame is thought to take too long
- Paperwork is cumbersome
- Building Program statements are not standardized; quality of statements varies
- Planning grants are needed

**Conclusion:** Consultants found the information gathering in this staff meeting extremely helpful in drafting the long-range plan.

#### Survey of Past Library Projects

A survey of past grant project libraries was drafted and was approved by the OCL. The link to the survey was distributed on September 6, 2007, to the director of each of the 213 libraries that had benefited from a Keystone grant since 1994. Responses were received from 69 libraries that had a Keystone project in the past.

#### Findings:

- Many libraries had new boards and directors who were not aware of the history or procedures that had been followed.
- Quarterly Reports, which are required of Keystone grantees, were completed by the library director 46% of the time, by municipal officials 25% of the time, and by a trustee or some other person 29% of the time.
- The majority of grant recipients by far were satisfied or very satisfied with most aspects of the grant application process: timing (70%), clarity of the paperwork (74%) and the timely response to questions (81%). However only 48% were satisfied or very satisfied with grant training, and 30% responded that they had not had any training.
- The majority of past grant recipients were satisfied or very satisfied with most aspects of the grant administration process: the level of detail required in the reports (62%), the timing of payments (67%) and the timely response to reporting questions (82%).
- Eighty-one percent would apply again.
- Fifty percent said that they would be more willing to apply if the applicant were the library.
- One percent said that working with the municipality had a negative effect on their relationship with the municipality.
- Less than 5% said that the requirement to pay prevailing wage would negatively affect their decision to apply for funding, although many pointed out that it did raise the cost of the project.

<sup>1</sup>Taxpayer Return on Investment (ROI) in Pennsylvania Public Libraries by Jose-Marie Griffiths, Donald W. King and Sarah E. Aerni, September, 2006. Chart is on page 16. <http://www.statelibrary.state.pa.us/libraries/lib/libraries/PAROIreportFINAL7.pdf>

- Sixty-five percent thought that the process could be simplified; 50% thought that the timeline should be shortened.

- The greatest obstacle encountered varied from community to community, from red tape to working through so many layers; many said there were not any significant obstacles.

- General comments were very positive.

#### *Grant Reviewer Survey*

A survey of the current review team for Keystone grants was drafted and was approved by the OCL. The survey was distributed by means of e-mail to the eight reviewers on September 4, 2007. Currently, two teams of four, review the applications. One team exclusively reviews the mini-grants, and the other the major construction applications. Thoughtful responses were received from each reviewer.

#### *Findings:*

- All reviewers felt they were adequately prepared to review the grants and noted the helpfulness and approachability of the Keystone Advisor.

- In terms of problems with the grants, there was a sense by three reviewers that libraries with more money and staff were able to write better applications. Reviewers would like to find a balance between an application that assures the OCL that a library has done all the work it needs to do to be able to manage the project, and an application that is easier and less time-consuming to write and review.

- There was consensus that some libraries do not allow adequate time to prepare grant applications.

- Three reviewers felt that the documentation by applicants of existing matching funds was often weak and perhaps the standard for providing this evidence should be better defined in the application, with specific examples of good evidence.

- To improve the process, reviewers felt that the training should be mandatory for all applicants; libraries need more instruction on how to put together a good grant application.

- Reviewers also supported the idea of requiring a letter of intent.

#### *System Administrator and District Consultant Input*

A brief Keystone survey was distributed to all System Administrators in early March, 2007. After numerous reminders, all 33 completed the survey. A discussion of the Keystone program was held with the administrators at their regularly scheduled meeting on March 23, 2007, in Grantville. Consultants held a focus group with System Administrators on September 6, 2007, at their regularly scheduled meeting in Grantville.

Survey highlights: Five of the systems were unaware that the system board was to review plans. Nineteen have not incorporated building needs into their long-range plans, but 12 plan to do so in the future.

#### *Findings:*

- System Administrators indicated that the review of grant applications by system boards is uneven at best. It was also noted that if a system did reject a proposal from a member library, new problems would be created.

- There is a need to involve System Administrators earlier in the process, so that they could have more input.

- There is a pressing need for training directors, boards, System, and District Administrators in building planning.

- System Administrators see a need for system-wide facilities planning

#### *Additional Findings:*

Responses to the facility survey of library directors and the survey of municipal officials indicated that the greatest impediments to libraries improving their library facilities are:

- Limited knowledge and skills in facility planning
- Limited financial resources

#### *Focus Groups*

Eight focus groups were held Statewide in late October and early November. The makeup of the focus groups is noted as follows:

- Franklin Focus Group—13 librarians, one trustee
- Pittsburgh Focus Group—eight librarians
- Bellwood Focus Group—nine librarians, one trustee
- Williamsport Focus Group—four librarians
- Scranton Focus Group—eight librarians, one trustee
- Norristown Focus Group—eight librarians, one trustee
- Harrisburg Focus Group—six librarians
- Allentown Focus Group—ten librarians (one is also a trustee)

#### *Findings:*

- Participants were very positive regarding assistance provided by the Keystone Advisor, particularly the FAQs. They did suggest that the questions and answers should be indexed and put on listserv or a web site for future reference.

- Building program statements need to be based on specific criteria, and building consultants need some sort of certification.

- The most cited problem areas were the prevailing wage requirement and the municipality as applicant requirement.

- Participants recognize that prevailing wage will remain a requirement, but think that a legislative change should be considered to make the library or owner of the building the applicant.

- A number of participants stated that the original legislative intent of the program was to foster partnerships with the municipalities, but, by and large, this has not happened. (By contrast, the Facilities Survey shows that relationships improved for 80% of the respondents after receipt of a Keystone grant. This survey question was answered by 189 libraries. See page 80).

- District Consultants need training, and System Administrators and boards should be encouraged to develop Master Facilities Plans.

- Participants observed that Keystone funds have never been sufficient to satisfy needs and suggested that PaLA should advocate for additional funds, and OCL should explore new funding streams to meet facility needs.

### Webinar

Consultants registered for and attended the Webinar presented by OCL staff on January 30, 2007.

*Findings:* Consultant felt that the overall presentation was very well done and concluded that training is critical for creating a successful grant application.

### Conclusion

Input given by hundreds of grant applicants, grant recipients, unsuccessful grant applicants, directors, and board members indicates that the strengths of the current program are many. The funding provided by the program is essential for many State-aid public libraries, and the present administration of the program, for the most part, works well. A major strength is the help provided by OCL staff to grant applicants and recipients.

Although the North East and North Central regions have the highest percentage of libraries constructed prior to 1950, and the highest proportion of libraries ranking the condition of their facilities the lowest was in the more rural regions of the North East and Central Region, building and construction needs are distributed fairly evenly over this Commonwealth's geographic regions and municipalities.

The top needs are renovations for energy efficiency, access for the disabled and elderly, nonroutine maintenance and additional space. Need is also shown for facility planning.

### Action Plan

In response to the findings previously listed, the action plan has five major goals:

*Goal 1: Keystone funds will be distributed to meet priority needs.*

Proposed activities: 2009 and ongoing

- Establish a list of funding priorities. Those priorities include:

A. Energy efficiency projects that meet the State's energy priorities. This includes installing efficient heating and air conditioning systems, window replacement, lighting upgrades and other green building technologies or upgrades. At least 70% of construction costs must be related to energy efficiency to qualify for a grant in this priority.

B. ADA requirements. At least 70% of construction costs must be related to ADA accessibility compliance in order to qualify for a grant in this priority.

C. Nonroutine maintenance, and mechanical system upgrades and interior renovations

D. New building construction, additions or remodeling/renovations, which provide additional space and/or demonstrably improve library service to the general public.

E. Planning projects. The emphasis in this priority will be to assist Library Systems in meeting 22 Pa. Code § 141.24(g)(1) (relating to library systems) for reviewing and approving plans for construction, remodeling or enlargement of units in the System to confirm that the units fulfill the needs of the are served.

*Goal 2: Potential applicants will have a choice of grant categories.*

Proposed activities: 2009 and ongoing

A. Maintain Major Grants for additions and new building.

1. Require attendance at training by one of the contacts on grant application cover page.

B. Maintain Mini-Grants for renovations, major maintenance, roofs and windows.

1. Examine reporting requirements for any possible simplification.

*Goal 3: Pennsylvania library directors, boards and municipalities will have a better understanding of library facility planning.*

Proposed activities: 2010 and ongoing

A. Take steps to improve knowledge by working with other OCL staff to provide multiple opportunities for training such as workshops, presentations at the annual Trustee Institute, a comprehensive web site of construction-related information, and/or facilities planning toolkits.

B. Make public libraries aware of applicable library code.

22 Pa. Code § 141.24(g) states:

*Facilities.* Library system facilities shall conform to the following: (1) After the effective date of this section, it shall be the responsibility of the system board to review and approve plans for construction, remodeling or enlargement of units in the system to confirm that the units fulfill the needs of the area served.

C. Work with other OCL staff to provide facilities planning training opportunities to System Administrators and District Consultants.

D. Institute planning grants for system-wide planning.

*Goal 4: Libraries and municipalities will become more aware of the Keystone Fund.*

Proposed activities: 2010 and ongoing

A. Make the long-term schedule of grant dates available at least 2 years in advance, based on available funding.

B. Make presentations to groups, such as the County Commissioners Association and the Pennsylvania League of Cities and Municipalities.

C. Continue the existing practices of

1. Sending each municipality and every library in the State a letter announcing the Keystone grant and all workshops.

2. E-mailing each library and sending reminder e-mails.

3. Posting information about training opportunities on the PDE web site.

4. Sending FAQ e-mail group announcements of training opportunities.

D. Encourage all System Administrators and District Consultants to attend Webinars and workshops. Brief the System Administrators, District Consultants and OCL staff on the Keystone Fund on an annual basis.

*Goal 5. Pennsylvania library directors, boards and municipalities will be aware of the wide range of potential funding for library facilities improvement.*

Proposed Activities: 2011 and ongoing

A. Work with other OCL staff to make available to library boards and directors information, training and/or toolkits for creating building funds, conducting capital

campaigns, establishing library foundations and conducting successful local bond issues.

### **Policies**

The following policies are in effect to encourage and assist eligible municipal applications, select qualified projects and administer the reporting of the successful projects. All policies will be reviewed prior to a new round's review of the application and must conform to Keystone Recreation, Park and Conservation regulations.

#### *American with Disability Act (ADA)*

The only application that will be accepted from a non-accessible library is one for a project that incorporates components that make its facility accessible or provides for a new facility that is accessible.

#### *Applications*

Application forms will be reviewed and updated as needed prior to each round.

#### *Application format*

Applications will be available online at Commonwealth Libraries' web site, currently located at [http://www.portal.state.pa.us/portal/server.pt/community/keystone\\_recreation%2C\\_park%2C\\_and\\_conservation\\_fund/8701](http://www.portal.state.pa.us/portal/server.pt/community/keystone_recreation%2C_park%2C_and_conservation_fund/8701). Copies will also be available in hard copy by request.

#### *Application submission*

Applications must be physically received at the Bureau of Library Development by 5 p.m. of the final due date. Supplemental material, attachments or letters received separately by Commonwealth Libraries, past the due date, will not be accepted. Applications will only be accepted from municipalities that have received a Letter to Proceed.

#### *Bid Specifications*

Specifications shall be received by Commonwealth Libraries within 90 days of the fully executed contract. If specifications are not received within 90 days of the fully executed contract, a letter shall be sent to the grantee specifying a date by which they must be received to proceed with the award. The letter shall grant no more than an additional 6 weeks for their submission.

Commonwealth Libraries may consider extenuating circumstances which necessitate receipt of bid specifications past the 90 days from the date of the fully executed contract. Allowable extenuating circumstances are those outside the control of the library and municipality and are at the discretion of Commonwealth Libraries. To request an extension, the municipality must submit a letter to Commonwealth Libraries providing:

- a) reason for the delay
- b) proposed time frame for Commonwealth Libraries' receipt of the specifications

#### *Change in Scope*

At Commonwealth Libraries' discretion, a municipality may request a change in scope for the project. At no time would a request for a change in scope extend the contract period. The change must conform to the intent of the approved project, having been mentioned or inferred in the original application. To request a change in scope, the municipality must send a formal letter of request to Commonwealth Libraries and include:

- a) reason for the requested change in scope
- b) revised budget, listing both income and expenses for the project
- c) how the change in scope will be completed within the current contract period

#### *Contacts*

The main contact at both the library and municipality shall maintain an e-mail account to correspond with Commonwealth Libraries.

#### *Contingent Awards*

Awards will not be given on a contingency basis except for issues of clarification

#### *Contract extensions*

Contract extensions may be granted for unforeseen circumstances not under the control of the municipality. Extensions are for 1 year only; multiple extensions will not be given. In no circumstance will an extension be granted for additional fundraising or for items that were to have been completed at time of original application. To request an extension, the municipality must submit a letter to Commonwealth Libraries at least 3 months prior to end date of the current contract and provide:

- a) reason for the delay
- b) proposed time frame for completion of the project

#### *Fully Executed Contract Date*

For uniformity, the date of the letter accompanying the fully executed contract shall be used as the Fully Executed Contract Date. Commonwealth Libraries, at its discretion, may use the last signature date on the contract.

#### *Ineligible Projects*

With consideration of the Keystone application's grant program criteria, and an emphasis on improvement of direct service to library users, renovations and/or expansions of parking lots, storage areas, and staff room or staff work flow modifications will not be considered for Keystone reimbursement. Parking lots will only be considered if need is based on safety or accessibility.

Equipment or furniture will not be reimbursed with Keystone funds. Phased projects will not be considered unless presented as a project by itself. All narratives and attachments would need to address the particular phase for which the application is submitted. Future phases mentioned in the application would not be considered and reviewers would be instructed to consider the application as if no further phase would follow the current one.

#### *Planning Grant Applicants*

Applications for planning grants may be made on behalf of one library or, in the case of Systems, a member library or group of member libraries. Applications made by Municipal applicants on behalf of a library system, must list the library system headquarters library as the co-applicant.

The planning grants will only address plans for construction or remodeling within a library or System. Planning grants may also be used to address the enlargement of units within a System.

#### *Project Management*

Poor management of past Keystone or LSTA projects will be considered when scoring Keystone applications at the Bureau level. Consistently late Quarterly Reports



(three or more Keystone reports past the due date) or tardy Final Reports will be used as the primary criteria.

#### *Record Retention*

The Commonwealth of Pennsylvania's policy will be followed in regard to minimum retention of records; however, unsuccessful applications will be held for 2 years (18 months longer than required) to give applicants additional time to request reviewer's comments for consideration of the next round's application.

Successful applications will be held for 5 years at Commonwealth Libraries and, in compliance with current Commonwealth policy, will be sent to Archives for an additional 45 years that questions regarding a municipality's 50 year resolution obligations may be answered.

Bid specifications and drawings will be held at Commonwealth Libraries for 5 years.

#### *Review Teams*

All review team members should hold a Masters Degree in Library Science. In addition, the team member should have library building renovation or new library construction experience, be an administrator of a library's facility, be responsible for a library's facility maintenance or be a System Administrator, District Library Consultant, or State Library Advisor.

Review teams will be selected by the Keystone administrator in consideration of experience and geographic distribution. Each team should have at least one outside reviewer that has reviewed within the past two rounds. At least one new review team member should be brought in to each new round to ensure a growing pool of reviewers. To encourage a wide geographic distribution of applications, it is important to train reviewers from geographic areas that may not have submitted many past applications.

#### *Review Team Comments*

Upon request, reviewer's comments shall be available to unsuccessful applicants up to two years after receipt of a nonaward letter. See Record Retention previously listed.

Nonapplicants who wish to review the comments must have written permission from the applicant.

#### *Review Team Scoring*

Review team members shall excuse themselves from reviewing an application from any library where they are an employee, consultant, board member or where they hold a library card.

#### **Plan for the Administration of the Keystone Program**

A library development advisor, within Grants and Contracting in the Division of Library Improvement, administers the Keystone Recreation, Park and Conservation Fund for Public Libraries within the Department of Education's Office of Commonwealth Libraries.

Decisions regarding the frequency of the grant rounds will be made by the Commissioner of Libraries, with input from the Head of Grants and Contracting, the Division Chief, and the Bureau Director. The amount of funds available will determine whether 1 year or two shall intervene between grant rounds.

Prior to each round, the Keystone advisor will prepare the application for online access and hard copy. The advisor is responsible for notifying municipalities and libraries of the availability of Keystone funding. Workshops will be held at three locations throughout the State

and a webinar will also be held. Both municipalities and libraries will be notified of the application availability and workshops.

The library development advisor will communicate with potential applicants on a regular basis through the use of e-mailed Frequently Asked Questions and will provide technical assistance to individual libraries as needed.

Applications will be reviewed by teams of peers within the library community who hold an MLS and have facilities experience.

The following goals are based on the results of all components of the needs assessment and seek to address the issues discovered in information gathering, particularly the need to improve communication, simplify the complexity of the grant application process, and to improve the skills of the project participants in facilities planning and in the grant application process.

The administration goals fall under two main categories: encouraging a strong pool of applicants and funding high-quality and needed projects. The timeframe for completion of the activities is over the next 3 years, although many of the proposed activities have been started and are ongoing.

#### **Administration Goals**

##### *Goal 1: Encouraging a strong pool of applications*

Objective: Simplify the grant application.

Proposed activities: 2009 and ongoing

A. Include in the application URLs linking to the agency web site, and/or contact information for the granting agency.

B. Continue to include a checklist of required documentation in the application packet.

C. Include a copy of the Keystone Fund reviewer sheets in the application packet.

Objective: Give all libraries the assistance they need to prepare grant applications and administer funded projects.

Proposed activities: 2009 and ongoing

A. Continue providing potential applicants with a list of previous successful grant applications, including contact information, on the Keystone web site.

B. Make attendance at training mandatory for grant applicants.

C. Consider creating an indexed version of the FAQs available online and create a listserv or blog.

##### *Goal 2: Funding high-quality and needed projects*

Objective: Communication will be improved between applicants, systems, districts, and the OCL.

Proposed Activities: 2009 and ongoing

A. Require applicants to submit a letter of intent.

B. Review letters of intent and discuss them with the applicant and appropriate library administrator.

C. Notify the applicant in writing if potential problems are evident.

D. Continue to have applicants submit copies of all correspondence to OCL staff as well as the District Consultant.

E. Encourage District Consultants and System Administrators to have an increased role in the Keystone application and administrative process.

1. Ensure that all potential Keystone projects include the district and system level in initial planning by stating involvement in the Letter of Intent.

2. Suggest that System Administrators develop a tool for reviewing Keystone applications.

3. Encourage libraries to get in touch with the appropriate library administrator as the first point of contact.

G. Encourage OCL staff to make training in facilities planning part of its continuing education program.

Objective: All Keystone grant applications will demonstrate sound planning.

Proposed Activities: 2010 and ongoing:

A. Continue to emphasize to potential applicants the importance of comprehensive preplanning.

B. Continue to encourage applicants to retain the services of a building consultant before securing an architect.

C. Provide consistency in mandatory library building program statements.

1. Develop an outline of required elements in building program statements, incorporating a standard 20-year library space-planning guide.

2. Continue to encourage applicants to thoroughly check references and past performance before engaging a building consultant.

3. Continue to encourage applicants to conduct interviews with potential library building consultants.

D. Encourage the OCL to offer Continuing Education that includes training in planning for municipal officials, library directors, and trustees.

E. Encourage the OCL staff, as well as district and system staff, to attend above trainings.

F. Introduce an additional category of grants for planning, in which the applicant would be the system and the project would be to review the needs of each of the libraries in the system, meeting the State requirement for system-wide facilities planning.

### Evaluation

To assure that the goals are being met and to revisit the activities proposed in support of the goals, the OCL will establish an evaluation team comprising the Facilities Advisor, the Grants and Contracting Manager, and a representative of the Governor's Advisory Council, to review the plan and the progress.

The review should take place at the completion of each grant cycle.

The resulting report should be submitted to the State Librarian, the Director of Library Development, and the Governor's Advisory Council.

M. CLARE ZALES,  
*Deputy Secretary of Education and  
Commissioner for Libraries*

Commonwealth of Pennsylvania  
Edward G. Rendell, Governor

Department of Education  
Gerald Zahorchak, Secretary

Office of Commonwealth Libraries

M. Clare Zales, Deputy Secretary for Commonwealth Libraries

Bureau of Library Development

Jim Hollinger, Director

The Department does not discriminate in its educational programs, activities, or employment practices, based on race, color, national origin, sex, sexual orientation, disability, age, religion, ancestry, union membership, or any other legally protected category. This policy is in accordance with State law, including the Pennsylvania Human Relations Act, and with Federal law, including Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination in Employment Act of 1967, and the Americans With Disabilities Act of 1990.

Persons with questions about this publication, or for additional copies, contact Diana Megdad, Office of Commonwealth Libraries, Bureau of Library Development, 333 Market Street, Harrisburg, PA 17126-1745, Voice Telephone: (717) 787-3124, Text Telephone TTY: (717) 783-8445, or fax (717) 787-2117.

The following persons have been designated to handle inquiries regarding the Department's nondiscrimination policies:

For Inquiries Concerning Nondiscrimination in Employment: Department of Education, Equal Employment Opportunity Representative, Bureau of Human Resources, 333 Market Street, 11th Floor, Harrisburg, PA 17126-0333, Voice Telephone: (717) 787-4417, Text Telephone: (717) 783-8445, fax: (717) 783-9348.

For Inquiries Concerning Nondiscrimination in All Other Department of Education Programs and Activities: Department of Education, School Services Unit Director, 333 Market Street, 5th Floor, Harrisburg, PA 17126-0333, Voice Telephone: (717) 783-3750, Text Telephone: (717) 783-8445, fax: (717) 783-6802.

The Department of Education's Office of Commonwealth Libraries, is accepting applications for grants to improve the physical facilities of public libraries. Eligible applicants may apply for the funds to construct new library buildings, renovate or rehabilitate existing facilities and make buildings accessible for persons with disabilities.

### Letter of Intent and Application Submission Deadlines

A Letter of Intent, with required documentation, must be received by 5 p.m., January 30, 2009.

Applicants who subsequently receive an Invitation to Proceed from the Office of Commonwealth must then submit an original and four copies of the complete grant application, with all attachments and enclosures, to the OCL by 5 p.m., June 30, 2009.

Late applications will be returned without being reviewed.

### Application Mailing Address

Allow sufficient time for applications to clear Commonwealth mail security.

First Class Mail: Department of Education, Office of Commonwealth Libraries, Bureau of Library Development, 333 Market Street, Harrisburg, PA 17126-1745, Attention: Diana Megdad, Keystone Library Facilities Advisor.

Express Mail: Federal Express, UPS or other private delivery service, Department of Education, Office of Commonwealth Libraries, Bureau of Library Development, 333 Market Street, Harrisburg, PA 17126-1745, Attention: Diana Megdad, Keystone Library Facilities Advisor.

### Source of Grant Funds

State grants for library facilities are available from the Keystone Recreation, Park and Conservation Fund, and are administered by the OCL.

### Competitive Grants

Keystone Fund grants will be awarded on a competitive basis by the OCL, which will be guided by its needs assessment, funding priorities and grant award criteria. Consideration will be given to distribute funds in a manner that is geographically equitable across this Commonwealth and with weight given to funding projects in communities with more relative economic need. If funds are limited in relation to public library needs, the OCL may place a ceiling on the amount of grant funds available for one project. Prospective applicants should note that during previous highly competitive application procedures, no grant larger than \$500,000 was awarded. Libraries that have benefited from previous Keystone Library Facilities Grants will be given less consideration.

### How to Apply for Funds

This package includes information about eligibility and other requirements, an application form and instructions for submitting a Letter of Intent and compiling an application. *Read the entire package before preparing a Letter of Intent* and follow these steps:

- Review eligibility and other requirements in the following sections.
- Refer also to the program regulations in the Appendix.
- Read directions for preparing a Letter of Intent under Application Procedures heading and have appropriate officials endorse the Letter. All those submitting a Letter of Intent will be notified by the OCL as to whether or not their application may proceed. An application should not be submitted unless an Invitation to proceed has been received from the OCL.
- Read the directions for preparing a Keystone Fund application form. Incomplete applications will not be reviewed.
- Review and have appropriate officials sign the State assurances.
- Applicants should be familiar with the normal restrictions and conditions of State-funded construction projects.
- Do not put your completed application in ring binders or in special packaging of any kind. Submit the application in the order listed in the Application Checklist.

### Eligible Applicants

Keystone Fund grant applications will be accepted from municipalities, defined by the Keystone Recreation, Park and Conservation Act as: "Any county, city, borough, incorporated town, township, home rule municipality or any official agency created by the fore-going units of government under the laws of this Commonwealth. . . ." The OCL will accept applications from Councils of Governments (COG) and authorities. However, an application from a COG or an authority must be approved by the participating local governing bodies of the COG or authority.

Libraries, which are organized as authorities, must have one of the participating local governing bodies of the authority act as the sponsoring municipality and applicant.

### Sponsoring Municipality

To be eligible to submit an application, a municipality must sponsor a public library. This means the municipality, alone or in cooperation with other municipalities, must make appropriations out of current revenue or out of moneys raised by the levy of special taxes to establish and/or maintain a public library. The municipality may directly provide the service by including the public library within the municipal government structure or may delegate responsibility for public library service to a board of directors or to a nonprofit corporation.

A sponsoring municipality may apply for a grant only for a State-aided public library or State-aided public library system or for a facility to house a new public library that will become State-aided. A sponsoring municipality applying for a grant to establish a new library must provide assurance that it will support the library at a level adequate for effective operation and State aid eligibility. Although annual operating budgets vary with the size of the library, a guideline for the minimum budget needed for effective operation is not less than \$150,000 per year.

### Sponsoring School District

Some public libraries in this Commonwealth are supported by school districts. The Keystone Recreation, Park and Conservation Act does not permit school districts to apply directly for grants. When a State-aided public library is sponsored by a school district, a municipality that is located (in whole or in part) in that school district may apply for a grant on behalf of that school district for that public library. The application should be signed by governing bodies of both the school district and the municipality.

### Shared Facilities

In the case of shared facilities, Keystone Fund grants and related matching funds may only pay for the portion of the building to be used as a State-aided public library or State-aided public library system facility. The application should be very clear as to the percent of the building that will be used by the library.

### Applications

Applications requesting Keystone Fund grants will be accepted from sponsoring municipalities.

Joint grant applications are required. The sponsoring municipality and the board of the State-aided public library or State-aided public library system must submit an application developed cooperatively by both entities and signed by their governing bodies. Joint applications that include system member libraries must be signed and approved by the system board and by the local library board. In 22 Pa. Code Education, places responsibility on the system board to review and approve plans for construction, remodeling or enlargement of units in the system to confirm that the units fulfill the needs of the area served. Refer to § 141.24(g)(1) (relating to library systems).

### Matching Requirements

Keystone Fund grants must be matched dollar for dollar. Matching funds may include cash and in-kind contributions, Federal funds and other State funds. Documentation of the matching funds should be clearly identi-

fied in the application. Any special conditions attached to these funds must be explained. *Carefully read the program regulations in the Appendix for additional information concerning matching funds.*

Sponsoring municipalities whose local economies better enable local support of the project may be required to contribute a larger local share of project costs. If the demand for grants greatly exceeds available funds, all projects may need more than the minimum required matching funds. Given the great need for improved public library facilities, and the limited grant funds available, it is expected many grants will pay for less than 50% of project costs.

### Library Building Consultant

In the case of construction of new facilities, additions and major alterations of existing facilities, the applicant must employ an external, independent library building consultant to work with the applicant, the library board and the architect throughout the design and construction of the project. Although some projects, including minor changes to make a library accessible to people with disabilities, may not require the services of a building consultant, the OCL reserves the right to require a building consultant, where appropriate, for any funded project.

The building consultant must be a professional librarian with a degree from a library school program accredited by the American Library Association and must be approved by the OCL. This librarian should have experience with library construction projects.

### Mini-Grants and Major Projects

Keystone Fund Grants are awarded under two programs:

#### Mini-grant Program

Funds will be made available for mini-grants of \$75,000 or less for smaller projects. It is expected that most projects for nonroutine maintenance will be funded as mini-grants.

#### Major Projects for Construction/Renovation

The remainder and larger portion of funds will be made available for major construction projects, including new facilities, major additions, major renovation and rehabilitation of library facilities. Keystone Fund Grants may not be used solely for purchasing new furniture and equipment, including equipment needed for library automation, although such costs may be part of an overall construction/renovation project.

### Funding Priorities—Mini-Grant Program

- Projects to make public library facilities accessible to persons with disabilities. At least 70% of the construction costs of the project must be related to ADA accessibility compliance in order to qualify for a grant in this priority.
- Nonroutine maintenance of public library facilities, particularly where the lack of maintenance is impeding service to the general public, creating a public hazard or causing a hazard to the library collection.
- Building addition or remodeling/renovation of existing buildings to demonstrably improve library service to the general public. Total project costs are not to exceed \$200,000. A Library Building Consultant report is required for this priority.

### Funding Priorities—Major Projects

- Major construction needed to make public library facilities accessible to persons with disabilities. At least 70% of the construction costs of the project must be related to ADA accessibility compliance in order to qualify for a grant in this priority.
- New building construction, additions or remodeling/renovations of existing buildings to demonstrably improve library service to the general public.
- Nonroutine maintenance of public library facilities, particularly where lack of maintenance is impeding service to the general public, creating a public hazard or causing a hazard to the library collection. These projects would include mechanical systems with replacement costs over \$100,000.

### Grant Program Criteria

The following criteria will be used to judge grant applications.

1. The extent to which the project meets one or more of the priorities for the grant program.
2. The extent of the impact of the project on improving direct service to library users, including users with disabilities.
3. The extent to which the applicant demonstrates how the project will help reduce a public hazard or preserve the library collection in the case of projects for non-recurring maintenance.
4. The extent of documentation verifying possession of local matching funds. (see Program Regulations 22 Pa. Code §§ 142.6—142.9, for an explanation of acceptable matching funds)
5. The extent of documentation verifying that the combination of local matching funds and grant funds will be sufficient to complete the proposed project within a reasonable time frame, normally 12 months or less, with good cause shown for projects expected to take longer.
6. The extent to which the applicant can document that the project cannot become a reality without the Keystone Fund grant.
7. The extent that the application demonstrates adequate planning for the project, including an indication that the library board, system board (if a system member library), library director, district consultant librarian and, if appropriate, an architect and library building consultant have been involved.
8. The extent to which the supporting municipality will commit to operational support of the public library when the project is complete and will ensure ongoing routine and preventive maintenance of the facility.
9. The extent to which the total cost is reasonable in relation to the anticipated results.
10. Whether the library has received a Keystone Grant within the last 5 years.
11. Whether past Keystone projects have shown good library/municipal communication and timely reports.
12. The extent of economic distress in the local community.
13. The extent to which funding this application contributes to an equitable geographic distribution of limited grant funds.

#### Additional Criteria for Major Construction Grants

14. The extent to which the applicant demonstrates need for the project based on the library's goals and an analysis of the community's needs for and use of the library.

15. The extent to which the design and the building plan reflect good library practices, facilitate public service and include the capability of using advanced information technology.

Poor management of either Keystone or LSTA past grant projects will affect scoring, with a maximum deduction of 15 points. Poor management of Keystone projects will also affect scoring on LSTA applications.

#### Additional Grant Award Guidelines

Because of the large number of applications received each grant round, requesting four or five times what is available, priority will be given to applications for libraries which have not received a Keystone Grant in the last 5 years.

The OCL will consider and may rely upon the municipality or county comprehensive plans and zoning ordinances when reviewing grant applications.

This Commonwealth is not obligated to pay for any materials or services purchased as part of a grant project until there is a fully executed contract between the OCL and the grantee. Between the time the grant applicant receives written approval of a grant award and the date the grant contract is fully executed, any grant expenditures incurred are made at the grantee's risk.

For most grant projects the OCL must approve bid specifications and final drawings. The Department will notify grantees of this requirement in their grant award letter. Bid specifications and final drawings must be submitted to, and approved by, the OCL prior to advertising and bidding of the project.

Subject to weather conditions, work must begin within 90 days of receiving a fully executed contract, with project completion within 12 to 16 months. Bid specifications must be submitted within those 90 days of receiving a fully executed contract.

The OCL recommends that applicants for major construction/renovation projects inform Diana Megdad, Keystone Library Facilities Advisor, of their intent to apply. Contact should be made by telephone or e-mail at least 1 month before application submittal. See the beginning of this document for contact information.

#### Application Procedures

##### Letter of Intent

The first step in the application process is a Letter of Intent, which is required for all applicants. The Letter must be received by the OCL by January 30, 2009, at 5 p.m. The Letter of Intent should be submitted on the Letter of Intent form found in this application package.

The Letter of Intent form must supply:

- name of the municipal applicant
- name of library facility to benefit from the grant
- one sentence summary of proposed project
- estimated amount of Keystone funds to be requested
- estimated cost of total project
- estimated time to complete project

- name and title of municipal or library workshop attendee, with date attended

- contact information with signatures for the municipality, library and system board official. The municipal contact should be an official authorized to enter into contracts. Signature by the System Board official implies System Board approval of the project

- name of the District Consultant with the date the District Consultant was notified of the project

All those submitting a Letter of Intent will be notified by the OCL as to whether or not their application may proceed. The Letter of Intent is nonbinding, and the municipality is under no obligation to complete an application.

Commonwealth Libraries will issue "Invitations to Proceed" based on eligibility of the project and proper completion of the Letter of Intent. Not all municipalities submitting a Letter of Intent will receive an Invitation to complete a full application. Receipt of an "Invitation to Proceed" does not imply that the project will be funded. An application should not be submitted unless the municipality has received the "Invitation to Proceed." Incomplete applications will not be reviewed.

#### Submission

An original and four copies of the application, each complete with appropriate supporting documents, including transmittal letters, must be submitted by the deadline of 5 p.m., June 30, 2009. Only those documents received with the application will be considered. An application should not be submitted unless an "Invitation to Proceed" has been received from the OCL.

#### Consultation Requirements

Keystone Fund applications must be developed in consultation with the district library center consultant librarian. A copy of the application should be sent to the District Library Consultant at least 2 weeks before submission to Commonwealth Libraries. Applications that involve system member libraries must also be developed with the involvement of the system administrator and must be signed by the System Board.

#### Letters of Transmittal

A letter of transmittal from the district library consultant librarian stating involvement in the planning of the project and preparing of the application must be included with the application.

Applicant libraries that are system members must include a letter of transmittal from the system administrator or System Board of Trustees stating involvement in the planning of the project and how the project fulfills the needs of the area served.

A letter of transmittal from the district library center administrator may also accompany the application. This letter should comment on the importance of the project for the district and its relationship to the district's long-range plan.

#### Review of Applications

Applications will be reviewed and ranked by outside readers and OCL staff. Reviewers will judge applications according to the criteria outlined previously.

Recommendations based on the comments of outside readers, the OCL staff and the availability of funds will be presented to the Deputy Secretary for Libraries to finalize grant award decisions.

## Post Award Procedures

### Grant Contract

Applications, as approved, become part of a written contract between the OCL and the grantee. The contract will include terms and conditions of the grant, the project budget and the standard terms and conditions of the Commonwealth.

Funds granted must be expended solely for the stated purpose outlined in the application and in accordance with the terms of the project contract. Funds not expended shall be repaid to the OCL.

### Financial Requirements

Interest earned on the investment of grant dollars may be used only for the purposes for which the funds are granted and must be expended within 60 days following the termination date of the grant contract. It is unlikely the grantee will earn much interest on grant dollars because all payments are made on a reimbursement basis.

Grantees are required to keep separate bookkeeping records for each funded program. A separate audit trail must be established for each grant received.

### Audits

In the case of State funds, the Department reserves the right to audit the provision of services and the expenditure of funds. The grantee will provide the auditor selected by the Department with full and complete access to all records related to, and all persons and employees involved in, the performance of the contract.

### Furniture/Equipment

At the end of the contract period, an inventory of furniture and equipment purchased with grant funds must be filed with the OCL. Equipment purchased with a Keystone Fund Grant must be used for library purposes only and must be housed in the library.

### Project Sign/News Releases

During the project period, the grantee must display at the project site a sign identifying the project and stating:

“This project is supported in part through a grant from the Office of Commonwealth Libraries, Pennsylvania Department of Education, with funds provided from the Keystone Recreation, Park and Conservation Fund.”

All news releases about the project shall contain a similar phrase acknowledging the assistance of the OCL, the Department and the source of the funds.

### Role of the District Consultant Librarian

During the project period, the District Consultant Librarian must be forwarded copies of all correspondence and quarterly and final reports. The District Consultant Librarian will be the first point of contact for the OCL concerning questions related to the execution of a Keystone Grant.

### Application Instructions

Read the following instructions before completing an application form. It is acceptable to reproduce these forms using word processing, but be careful to include all information requested by the form. Note that application forms must be submitted with all requested attachments and must be accompanied by signed copies of State assurances.

Grant application cover sheet—choose a mini or major grant cover sheet.

Priority—check the priority under which the proposed project is submitted. If the project includes both physical accessibility and nonroutine maintenance, submit it under nonroutine maintenance.

Municipal applicant is the supporting municipality of the library whose facility is to be improved. Please refer to the Keystone Recreation, Park and Conservation Fund Act, Section 3, 32 P.S. § 2013, for a definition of municipality and the program regulation, 22 Pa. Code § 142.4, for information regarding eligibility. Municipal applicants may submit Keystone applications on behalf of supporting school districts for public libraries that are funded through their school districts.

Joint municipal-library applications are required. A joint application requires that both the library and municipal applicant information be completed.

The contact person should be the individual in the municipal office and in the library who is most knowledgeable about the application and available for questions and discussions about the grant. Put an asterisk (\*) next to the name of the primary contact person.

Contact addresses and e-mail—the municipal address listed will be used for payment unless another municipal address is also provided. An e-mail contact should be provided for both municipality and library. Project reminders will be sent to these e-mail addresses.

Any change in address or e-mail for Keystone recipients should be sent to Diana Megdad, Office of Commonwealth Libraries, Bureau of Library Development, 333 Market Street, Harrisburg, PA 17126-1745, Voice Telephone: (717) 787-3124, Text Telephone: (717) 787-3124, fax: (717) 787-2117 or e-mail: dmegdad@state.pa.us.

Library facility to benefit from the grant—in the case of library systems, the library facility may be different from headquarters. Similarly, in the case of a library with branches, the grant may be intended for a branch rather than the central library. If the facility to benefit is the same as the library applicant already listed, the word “same” may be written on the line.

Legislative information—provide the State Senatorial District Number and the State Senator’s name, and the State Representative District Number and the State Representative’s name for the district where the benefiting library is located.

Project cost—grant requested should be the total amount requested from the OCL. Matching funds may include in-kind contributions and some expenses made prior to the grant. See the program regulations for information about allowable matching funds. Keystone Fund grants require dollar for dollar matching funds. Total project costs should be the sum of the grant requested plus the matching funds.

Project summary—a short description rather than a lengthy justification is requested for this space. If you are reproducing the application form using word processing, be sure the project summary is on the front page. Be brief.

Project description—this section is a more detailed narrative explaining the need for the project and its expected impact on service delivery. Need for the project

should be stated in terms of library users wherever possible. The writer should explain how the project meets the priority and should describe planning that has taken place with the library board and staff, architect and other appropriate personnel. The use of quantifiable statistics to justify need or set targets for expected service impact will strengthen the narrative. Because this section addresses how the project will strengthen library service, the librarian or library system administrator should prepare the description. Create a timeline specifying the expected number of months required to complete the project. This timeline should consecutively list expected activities for each phase of the project. Describe whether the project could be completed without a Keystone Grant.

Building consultant's program statement—this section is optional for some mini-grant applications; however, the OCL reserves the right to require a library building consultant for mini-grants when it determines the situation is appropriate. This section is not optional for major construction/renovation projects under either priority. There may be isolated instances when it is not necessary to retain a building consultant. Call the OCL and get permission to delete this section of the application before assuming a library building consultant is not required. In certain cases, it may be possible for the consultant to be paid in part by the grant. Approval from the OCL is needed in those situations.

Budget—although the proposed budget is understood to be an estimate, make budget projections carefully. Project costs and budgets are considered when project applications are judged. In the submitted budget, list the cash and in-kind donations that will be used as matching funds and any nonmatching funds that will be used toward the project. List separately each large category of expense. Before completing this section, applicants are encouraged to review the criteria related to matching requirements and project cost.

Local economic conditions—the writer should explain how any economic indicators including personal income, unemployment, loss of major industry, loss of tax base, population decline or other factors are creating distress in the local economy.

Attachments—all attachments requested must be included with each copy of the application. Without these attachments, the application will be considered incomplete. Documents sent separately at a later time will not be considered.

Photos—photos may be enclosed in the grant package. Include captions and clear explanations. The application package should include good quality prints with the original; duplicates of lesser quality are acceptable for the additional four copies.

Letters of support—letters of community support may be added at the close of the application package.

**Assurances**

All grant applications must be accompanied by assurances. Keystone Fund municipal applicants must have an authorized certifying official from both the municipality and the library sign the State assurances. Applications from system member libraries must have a signature from a System Board Official designated to sign State forms.

**LETTER OF INTENT  
to apply for  
Keystone Recreation, Park and Conservation Fund  
Grant Program for Public Library Facilities**

This Letter of Intent is **due** at Commonwealth Libraries on **January 30, 2009**.

This **Letter of Intent** has been completed to inform Commonwealth Libraries that the municipality of \_\_\_\_\_ plans to apply for a Keystone

**Name of Municipality**  
grant in the amount of \_\_\_\_\_

**Estimated Dollar  
Amount of Request**

for the benefit of \_\_\_\_\_

**Name of Public Library**

**The estimated cost of the total project:**  
\_\_\_\_\_ **Estimated new square footage:** \_\_\_\_\_

**The proposed project summary:** \_\_\_\_\_

**Estimated time needed for project:** \_\_\_\_\_  
months

It is understood that a municipal or library representative, who will be completing the application, must have attended a Keystone workshop or webinar during this current round in order to proceed with an application. \*

**Name of attendee:** \_\_\_\_\_ **Title:** \_\_\_\_\_ **Date Attended:** \_\_\_\_\_

It is understood that a subsequent receipt of an 'Invitation to Proceed with Application' from Commonwealth Libraries, does not guarantee that the project will be funded.

Both the municipality, public library and District Consultant Librarian are aware of the intention of submitting an application and, if the library is part of a System, the Library System Board has approved the project:

<b>Municipality Contact</b>	<b>Library Contact</b>
Name: _____	Name: _____
Address: _____	Address: _____
E-mail address: _____	E-mail address: _____
Signature _____ Date _____	Signature _____ Date _____
<b>System Board Official</b>	<b>Date of Historical Review request:</b> _____
Name: _____	
Address: _____	
E-mail address: _____	<b>Name of District Consultant:</b> _____
Signature _____ Date _____	<b>Date Consultant was notified:</b> _____

\* If an outside grant writer is responsible for the application, the grant writer as well as a municipal or library representative, who will be responsible for implementing the project, must have also attended.

Please include name and title of additional attendees, and date of attendance, on the back of this page.

**Public Library Facilities Mini-GRANT Application  
For Requests up to \$75,000  
Keystone Recreation, Park and Conservation Fund—2009  
COVER SHEET**

COMMONWEALTH LIBRARIES USE  
ONLY—DATE RECEIVED

Project Application Priority (check only one)

- Project to make public library facility accessible to persons with disabilities. At least 70% of the construction costs of the project must be accessibility related to qualify for this priority.
- Non-routine maintenance of public library facility, particularly where the Lack of maintenance is impeding service to the general public, creating a public hazard or causing hazard to the library collection.
- Building addition or remodeling/renovations of existing building to demonstrably improve library service to the general public. Total project costs not to exceed \$200,000.

**MUNICIPAL APPLICANT**

Name  
 Address\*  
 City                                      Zip + 4  
 Contact Person:  
 Title:  
 Telephone:  
 FAX:  
 E-mail:  
 Federal Identification Number:  
 State Vendor ID#:  
 (each municipality has a vendor ID)

***Library Facility to benefit from the grant***

Name:  
 Current Address:  
 Proposed New Location:  
 Library's PA. Senatorial District Number:  
 Senator's Name:  
 Library's PA. Representative District Number:  
 Representative's Name:

**LIBRARY APPLICANT**

Name  
 Address\*  
 City                                      Zip + 4  
 Contact Person:  
 Title:  
 Telephone:  
 FAX:  
 E-mail:  
 Federal Identification Number:  
 District Center:  
 Library Applicant Service Area Population:

***Project Cost***

Grant Requested:    \$  
 Matching Funds:    \$  
 Total Project Cost:  \$ \_\_\_\_\_  
 Square footage at start:  
 Square footage at completion:  
 (complete even if project does not include expansion)

Building Consultant's Name:  
 Name of Architect:

***Project Summary*** (Using only the space provided below, summarize the grant request.)

\* This address will be used for payment unless another address is also provided.



**Public Library Facilities Major Construction Application  
For Requests up to \$500,000  
Keystone Recreation, Park and Conservation Fund—2009  
COVER SHEET**

COMMONWEALTH LIBRARIES USE  
ONLY—DATE RECEIVED

Project Application Priority (check only one)

- Major construction needed to make public library facility physically accessible to persons with disabilities. At least 70% of the construction costs of the project must be accessibility related to qualify for a grant in this priority.
- New building construction, additions or remodeling/renovations of existing building to demonstrably improve library service to the general public.
- Non-routine maintenance of public library facilities, particularly where lack of maintenance is impeding service to the general public, creating a public hazard or causing a hazard to the library collection.

**MUNICIPAL APPLICANT**

Name  
Address\*  
City                                  Zip + 4  
Contact Person:  
Title:  
Telephone:  
FAX:  
E-mail:  
Federal Identification Number:  
State Vendor ID#:  
(each municipality has a vendor ID)

**Library Facility to benefit from the grant**

Name:  
Current Address:  
  
Proposed New Location:  
  
Library's PA. Senatorial District Number:  
Senator's Name:

Library's PA. Representative District Number:  
Representative's Name:

**Project Summary** (Using only the space provided below, summarize the grant request.)

**LIBRARY APPLICANT**

Name  
Address\*  
City                                  Zip + 4  
Contact Person:  
Title:  
Telephone:  
FAX:  
E-mail:  
Federal Identification Number:  
District Center:  
Library Applicant Service Area Population:

**Project Cost**

Grant Requested:    \$  
Matching Funds:    \$  
Total Project Cost:  \$ \_\_\_\_\_  
  
Square footage at start:  
Square footage at completion:  
(complete even if project does not include expansion)

Building Consultant's Name:  
Name of Architect:

\* This address will be used for payment unless another address is also provided.

**Project Description**

Explain the need for the construction, renovation or rehabilitation project. Describe why a particular site or project was chosen and what alternatives were considered. Describe the expected impact of the project on service delivery. Specify the number of months required to complete the project. Provide the square footage before and after the project, unless it is not affected. If the library is in a shared facility, give the percentage used by the library. Additional pages may be necessary, but this section should not exceed three pages.

**Building Consultant's Program Statement**

\_\_\_\_\_
**Date of Program Statement** \_\_\_\_\_

A statement covering objectives, activities and physical requirements for the facility to be constructed, renovated or rehabilitated will be prepared by a library building consultant. Additional pages may be inserted as necessary.

**Budget**

**A. ESTIMATED EXPENDITURES**

Clearly identify the total estimated cost of the entire project, including both grant and local funds.

Table with 2 columns: CATEGORIES, \$ AMOUNT. Rows include Architect's Fee, Building Consultant's Fee, Site or Building Acquisition, General Construction (provide breakdown of costs), Other, and TOTAL \$.

**B. REVENUE**

List all sources of revenue. A line of credit is required for funds not on hand. Projects with total costs of \$200,000 or more may not submit a line of credit in excess of 50% of the total project contribution. Provide documentation in Attachment B.

Table with 2 columns: SOURCE OF FUNDS, \$ AMOUNT. Rows include Requested Keystone Grant, Cash on hand, and TOTAL \$.

\* The total for Revenue must equal the total for Estimated Expenditures for the entire project listed under the Budget and should include any in-kind donations that may be used. Please see Matching Requirements.

**Additional Budget Information**

The Budget portion of this application was prepared by:
Name \_\_\_\_\_
Title \_\_\_\_\_
Has this library received a prior Keystone Grant?
Yes \_\_\_\_\_ No \_\_\_\_\_
If yes, Keystone Grant Award Year \_\_\_\_\_ Amount of Grant \_\_\_\_\_
Purpose \_\_\_\_\_
Was the project successful? If not, explain. \_\_\_\_\_

Were funds returned? Yes \_\_\_\_\_ No \_\_\_\_\_

Library's Annual Operating Income \_\_\_\_\_

Did this library qualify for Equalization Aid with the FY 2006-07 State Aid to Public Libraries disbursement?
Yes \_\_\_\_\_ No \_\_\_\_\_

Does the sponsoring municipality provide an appropriation from its budget for support of the library?
Yes \_\_\_\_\_ No \_\_\_\_\_

Library's Annual Operating Expenditure \_\_\_\_\_

Number of FTEs \_\_\_\_\_

Upon completion of this project, will the number of FTEs need to increase to assure adequate patron service at the library? Yes \_\_\_\_\_ No \_\_\_\_\_

Upon completion of this project, will the operating costs of the library increase? Yes \_\_\_\_\_ No \_\_\_\_\_

If the answer to either or both questions is yes, explain how this increase will be funded.

**Local Economic Conditions**

(Explain any economic conditions that are creating financial distress in the local community. This section should not exceed two pages.)

**Attachments** (Attach the following documents, labeled as indicated.)

**Attachment A. Design Plan**

Provide a preliminary or schematic design plan for the project including front, rear and side elevations and floor plans for the area to be constructed, renovated or rehabilitated. Site plans should include property lines, adjacent streets, parking areas and sidewalks. Clearly delineate between existing and new construction for renovation/rehabilitation projects. An architect, registered to practice in Pennsylvania, should provide these drawings using standard architectural scales, preferably 1/4" = 1' or 1:48. When appropriate, a licensed professional engineer registered to practice in Pennsylvania, may prepare designs for some mechanical systems. For some non-routine maintenance mini-grant projects, a list of specifications prepared by an engineer may be substituted for drawings.

**Attachment B. Documentation of Local Matching Funds**

• Provide documented evidence—photocopies of bank statements, or confirmation of funds from financial institutions, that the local share is in hand. The application must show sufficient funds to match the grant, dollar for dollar. The applicant must also demonstrate the local match plus the grant is sufficient to complete the project. In some cases, this will indicate the local match exceeds the amount of the grant. Estimated capital campaign income and pledges of financial support will not be considered as part of the documentation.

• Projects with total costs of \$200,000 or more may not submit a line of credit in excess of 50% of the total project contribution. The total project contribution equals the cost of the project minus any anticipated Keystone funding.

• A copy of the library's latest year-end treasurer's report must also be included.

**Attachment C. Anticipated Yearly Budget**

Provide a copy of

- the library's latest yearly budget (income and expenses) as well as
- an anticipated yearly budget for the library to show how income and expenses will be impacted by the project in the year following completion of the project.

Any rent or mortgages paid by the library must be clearly identified.

Some examples of future line items that may be impacted are: personnel, utilities, insurance and routine maintenance fees and expenses. Include any mortgage or line of credit payments. New sources of income should also be listed. Remember that investment income will be impacted if investment funds are used for the project. A short narrative may accompany this attachment if needed for clarification.

Please note that libraries receiving \$50,000 or more in State funds are required to perform an audit. For more information, please see the Pennsylvania Code Title 22 Section 131.32(2). Capital expenditure projects and non-capital projects are treated differently in respect to local financial effort. Please see Pennsylvania Code Title 22 Section 131.51 and Section 131.60.

**Attachment D. Deed or Deed/Lease****If the Library Owns the Property**

- Attach a copy of a deed or other document to show the library owns the land upon which the building is to be constructed and/or owns the building that is to be renovated or rehabilitated.

**If the Municipality Owns the Property**

- Attach a copy of a deed or other document to show the municipality owns the land upon which the building is to be constructed and/or owns the building that is to be renovated or rehabilitated.
- Attach a copy of the municipal resolution or ordinance ensuring the undisturbed use of the facility as a public library for 50 years or the useful life of the project to be funded by the grant, whichever is shorter.

**If a Library Authority Owns the Property**

- Attach a copy of a deed or other document to show the authority owns the land upon which the building is to be constructed and/or owns the building that is to be renovated or rehabilitated.
- Attach a copy of a resolution or ordinance signed by all governing bodies of the authority ensuring the undisturbed use of the facility as a public library for 50 years or the useful life of the project to be funded by the grant, whichever is shorter.

**If the Library or Municipality has Other Interest in the Property**

**These arrangements will be looked at on a case by case basis. Please contact the Keystone advisor at Commonwealth Libraries to ensure that the necessary paperwork is submitted for your particular situation.**

In the case of a lease agreement, provide:

- a copy of the **lessor's deed**.
- documentation that is sufficient to show that the library shall have interest in the site, including right of access, that is sufficient to ensure the undisturbed use and possession of the facility as a public library for 50 years or the useful life of the project to be funded by the

grant, whichever is shorter. Such an **agreement with the lessor** should be made with the library or with the sponsoring municipality.

- if such a lease agreement (#2) is made with the sponsoring municipality and not the library, attach a copy of a **municipal resolution** or ordinance ensuring the undisturbed use of the facility as a public library for 50 years or the useful life of the project to be funded by the grant, whichever is shorter.

**Attachment E. Project Estimates**

New construction projects and renovation projects, with initial estimated project totals of over \$400,000 should provide a written estimate from a professional estimator. This estimator should not be the project architect or design team.

New construction projects and renovation projects, with project totals under \$400,000, should include a written estimate for each major item or each of the construction trades that will be involved with the project. These estimates may come from contractors experienced in those trades. If many trades are involved, a written estimate with construction breakdown may be provided by one contractor with familiarity in those trades.

All estimates should be on the letterhead of the estimator and should provide the date of the estimate with a statement that the estimate takes into consideration that the project may not begin until 2010 and that prevailing wage will apply if the total project is \$25,000 or more.

**Attachment F. Zoning Approval**

Provide a copy of zoning approval and certification that states that:

- the proposed construction or renovation complies with local zoning ordinances.
- the proposed project is in compliance with Act 2000 - 68, a land use amendment to the Pennsylvania Municipalities Planning Code. (This statement may be in the approval or in an additional document attached to the approval).

**Attachment G. Environmental Impact**

Attach a statement of environmental impact. This is required even if there will be no impact. The statement should be on agency letterhead with the name and signature of the person making the statement. A registered engineer's assessment is necessary for all new construction projects.

**Attachment H. Historical Commission Review**

Submit a copy of a letter from the Pennsylvania Historical and Museum Commission indicating the project has been reviewed consistent with the Environmental Rights amendment, Article 1, Section 27 of the Pennsylvania Constitution, and the Pennsylvania History Code, 37 Pa. Cons. Stat. Section 507 et seq. [1988]. Contact the Bureau for Historic Preservation, 400 North Street, Commonwealth Keystone Building 2nd Floor, Harrisburg, PA 17120-0093. Phone (717) 783-8946. Please allow sufficient time for the Bureau to respond to your request for this approval. The Commission may request additional information, pictures, etc. before granting approval.

**Attachment I. Flood Hazard**

Provide a narrative evaluation of flood hazard potential to the site. This evaluation may come from the U.S. Army Corps of Engineers. Include a copy of the FIA Flood Hazard Boundary Map prepared by the Department of

Housing and Urban Development, Federal Insurance Administration, indicating the location of the library site on the map.

**Attachment J. Letter to Proceed**

Include a copy of the Letter to Proceed that was received from Commonwealth Libraries.

**STATE ASSURANCES**

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for a Keystone Recreation, Park and Conservation Fund library grant, and the institutional, managerial and financial capability (including funds sufficient to pay the non-state share of project costs) to ensure planning, management and completion of the project described in this application.

2. Has duly adopted or passed by its governing body as an official act, resolution, motion or similar action authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the persons identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

3. Will give the Commonwealth of Pennsylvania, through any authorized representative, access to and the right to examine all records, books, papers or documents related to the assistance, and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

4. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the Pennsylvania Department of Education, Commonwealth Libraries.

5. Has a formal, legal relationship with the public library that the project will benefit, either by that public library being a department or unit of local government or through a contract describing mutual obligations and responsibilities.

6. Will comply with the requirements of the Pennsylvania Department of Education, Commonwealth Libraries with regard to the drafting, review and approval of construction plans and specifications.

7. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the completed work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or state.

8. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency. Will begin work within 90 days of contract approval and complete work within 12 to 16 months.

9. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

10. Assures sufficient funds will be available for effective operation and maintenance of the state-aided public library or state-aided public library system.

11. Assures the public library will provide basic library service free of charge without discrimination to all residents of the library's service area.

12. Will comply with the Pennsylvania Flood Plain Management Act 166 (32 P. S. §§ 679.101—679.601) and the regulations issued pursuant thereto (Title 12, Chapter 113).

13. Will comply with the Steel Products Procurement Act of March 3, 1978, (P. L. 6, No. 3, § 1, 73 P. S. § 1881 et. seq.).

14. Will comply with the Trade Practices Act (71 P. S. § 773.101 et seq.).

15. Will comply with the Public Works Contractor's Bond Law of 1967 (8 P. S. § 191 et seq.) if the amount of the contract exceeds \$5,000.

16. Will comply with the Commonwealth Procurement Code (62 Pa.C.S. § 101 et seq.).

17. Will comply with the latest Pennsylvania Prevailing Wage Act requirements if the cost of the total project is in excess of \$25,000.

18. Will include provisions to ensure compliance with the Steel Products Procurement Act (73 P. S. § 1881 et seq.), the Trade Practices Act (71 P. S. § 773.101 et seq.), the Public Works Contractor's Bond Law of 1967 (8 P. S. § 191 et seq.), the Commonwealth Procurement Code (62 P. S. § 101 et seq.), the Pennsylvania Prevailing Wage Act (43P. S. § 165-1 et seq.), the Minority and Women Business Enterprise (Executive Order 1996-8), and the Agricultural Land Preservation Policy (Executive Order 2003-2) in all contracts and subcontracts for construction, reconstruction, alteration, repair, improvement or maintenance of the public library building.

19. Will meet the minimum LEED standards for any new construction and ensure that all new lighting projects install high-efficiency lighting systems with advanced lighting controls and all new Heating Ventilation Cooling and Air Conditioning systems incorporate a programmable thermostat. (LEED is an abbreviation for "Leadership in Energy & Environmental Design" LEED is a third-party certification program and the nationally accepted benchmark for the design, construction and operation of high performance green buildings. (New construction projects do not need to be LEED certified but they must meet LEED's minimum standards).

**Authorized Signature Page**

**For the Municipality:**

\_\_\_\_\_  
Signature of Authorized Certifying Municipal Official Title

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Official Name of Municipality Date Signed

**For the Library:**

\_\_\_\_\_  
Signature of Certifying Library Board Official Title

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Official Name of the Library Date Signed

**For the Library System:**

\_\_\_\_\_  
Signature of System Board Official Title

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Official Name of Library System Date Signed

**Keystone Application Checklist**

\_\_\_\_\_  
Name of Municipality Name of Library

**Cover Page**

- Major Project Grant
- Mini Project Grant

**State Assurances**

- Signatures
- Dates

**Letters**

- Letter of Transmittal from District Library Center
- Letter of Transmittal from District Consultant
- Letter from System Administrator (if system member)
- Letter from Library Director

**Narratives**

- Project Description
- Library Building Consultant's Program Statement (assume required unless notified otherwise)
- Budget with Breakdown of Income and Specific Costs for Project
- Local Economic Conditions
- Timeline

**Attachments A through J must be submitted by ALL applicants, regardless of project size**

**Attachment A.** To be Completed by Architect or Engineer

- Building Design/Layout or List of Specifications

**Attachment B.**

- Documentation of Local Matching Funds
- Library's Most Recent Year-end Treasurer's Report (for Library Facility or Branch that will Benefit)

**Attachment C.**

- Anticipated Yearly Budget
- Library's latest Yearly Budget
- Anticipated Yearly Budget for year after project is completed

**Attachment D.**

Documentation of Title or Interest

If Municipality Holds Title:

- Copy of Deed Attached AND
- Copy of Municipal Resolution Ensuring Undisturbed Use of the Facility as a Public Library for 50 Years or the Useful Life of the Project

If Library Holds the Title:

- Copy of Deed Attached

If Library has Other Interest in the Property:

(Neither Library nor Municipality Own the Property)

- Copy of Deed to Property AND
- Copy of Library's 50 Year Lease to the Property

If Municipality has Other Interest in the Property:

(Neither Municipality nor Library Own the Property)

- Copy of Deed to Property AND
- Copy of Municipality's 50 Year Lease to the Property AND
- Copy of Municipal Resolution Ensuring Undisturbed Use of the Facility as a Public Library for 50 Years or the Useful Life of the Project

Is This a Shared Facility? \_\_\_\_\_

If Yes, please state Percentage of Facility to be Used by Library: \_\_\_\_\_

**Attachment E.** (Dated and on Letterhead with Statement that Consideration Given to Starting Date and that Prevailing Wage May Apply if Total Project is Over \$25,000).

- Project Estimates

**Attachment F.** To be Completed by Municipality where Project Facility is Located

- Zoning Approval/Certification that Proposed Project Complies with Local Zoning Ordinances
- Statement that Proposed Project is in Compliance with Act 2000-68

**Attachment G.** Statement must be on Letterhead of the Agency Making the Statement

- Environmental Impact Assessment (if New Construction, this must be from a Registered Engineer)

**Attachment H.**

Historical Commission Review and Approval

- PHMC Approval is Attached

**Attachment I.** Obtained from Army Corp of Engineers or Municipality where

- Project Facility is Located
- Flood Hazard Evaluation Narrative
- Flood Hazard Boundary Map

**Attachment J.**

- Letter to Proceed is Attached
- Additional Letters of Support for the Project**
- Copy of this Completed Checklist**

**Submissions**

- An Original and Four Copies to Office of Commonwealth Libraries (address page 3) (Date Sent: \_\_\_\_\_)
- A Copy Sent to District Library Consultant (Date Sent: \_\_\_\_\_)

[Pa.B. Doc. No. 09-2141. Filed for public inspection November 13, 2009, 9:00 a.m.]

