

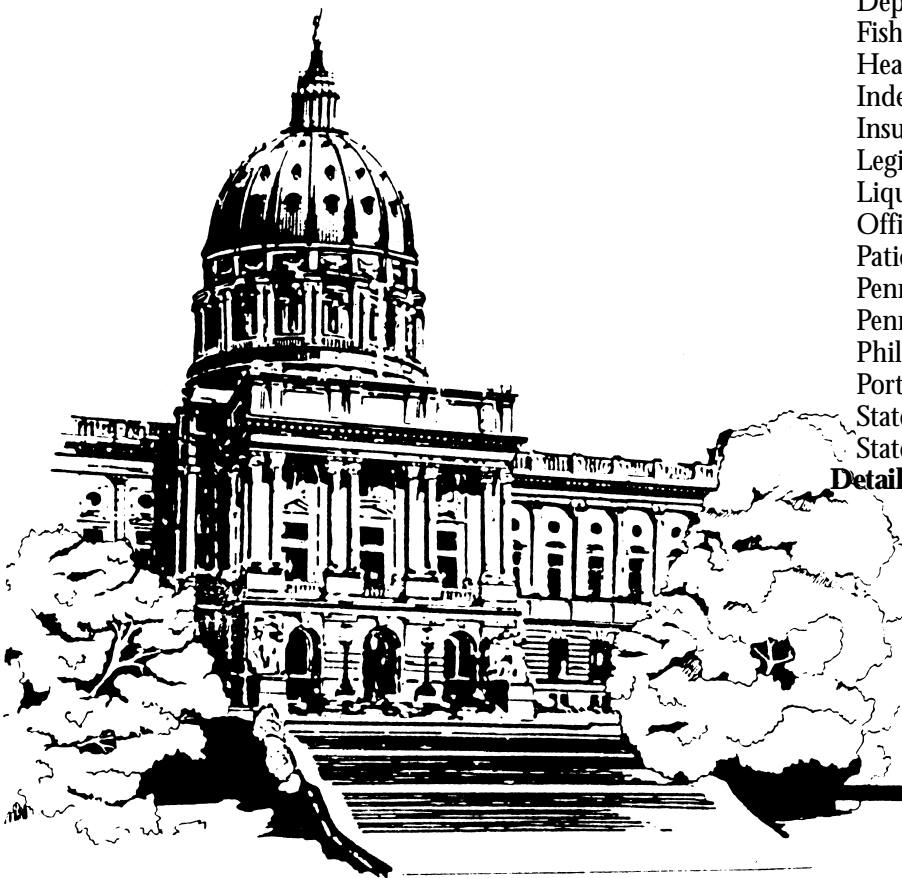
PENNSYLVANIA BULLETIN

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Agencies in this issue

The Courts
Department of Banking
Department of Community and Economic
Development
Department of Environmental Protection
Department of Health
Department of Revenue
Department of State
Fish and Boat Commission
Health Care Cost Containment Council
Independent Regulatory Review Commission
Insurance Department
Legislative Reference Bureau
Liquor Control Board
Office of Attorney General
Patient Safety Authority
Pennsylvania Industrial Development Authority
Pennsylvania Public Utility Commission
Philadelphia Regional Port Authority
Port of Pittsburgh Commission
State Board of Osteopathic Medicine
State Real Estate Commission

Detailed list of contents appears inside.



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**Latest Pennsylvania Code Reporter
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No. 395, October 2007

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CONTENTS

THE COURTS

JUDICIAL SYSTEM GENERAL PROVISIONS

Promulgation of consumer price index pursuant to 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4); no. 308 judicial administration; doc. no. 1 5594

Promulgation of financial regulations pursuant to 42 Pa.C.S. § 3502(a); no. 309 judicial administration; doc. no. 1 5593

LOCAL COURT RULES

Lehigh County

Advanced communication technology; central booking procedure; protection from abuse procedure; no. AD-16-2007 5594

Schuylkill County

Amended/adopted civil rules of procedure; no. S-2393 2007 5596

EXECUTIVE AGENCIES

DEPARTMENT OF BANKING

Notices

Actions on applications (2 documents) 5611, 5614

Election by Huntingdon Valley Bank to exercise conditional powers 5615

Maximum lawful rate of interest for residential mortgages for the month of November 2007 5615

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Statements of Policy

Pennsylvania Industrial Development Authority 5601

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

Applications, actions and special notices 5616

Beneficial use of waste foundry sand; notice of reissuance; general permit WMGR019 5671

Energy Use-Reduction Grant project 5671

Small Business Compliance Advisory Committee; meeting cancellation 5672

State Water Plan; Statewide Water Resources Committee; Critical Water Planning Area Subcommittee meeting 5672

DEPARTMENT OF HEALTH

Notices

Application for exception:

Canonsburg General Hospital 5672

DSI of Bucks County 5672

Easton Hospital 5673

Edgewood Surgical Hospital 5673

GSH Outpatient Surgery Center 5673

Geisinger Healthsouth Rehabilitation Hospital 5674

Geisinger Medical Center 5674

Gettysburg Hospital 5674

Huntingdon Valley Surgery Center 5674

Main Line Endoscopy Center, West 5675

Montgomery Hospital 5675

The Reading Hospital & Medical Center 5675

Sewickley Valley Hospital 5675

South Hills Endoscopy Center 5676

Surgery Center at Edgeworth Commons 5676

Surgery Center of Pennsylvania Hospital 5676

Zitelli and Brodland ASF Central 5677

Zitelli and Brodland ASF South 5677

Governor's Advisory Council on Physical Fitness and Sports Committee; meeting location change 5677

Long-term care nursing facilities; request for exception 5677

DEPARTMENT OF REVENUE

Notices

Pennsylvania Candy Cane Crossword instant lottery game 5678

Pennsylvania Frosty The Doughman instant lottery game 5680

Pennsylvania Holiday Bucks '07 instant lottery game 5683

Pennsylvania Merry Money '07 instant lottery game 5686

Pennsylvania Million Dollar Holiday Countdown instant lottery game 5687

Pennsylvania \$250,000 Santa's Surprise instant lottery game 5690

DEPARTMENT OF STATE

Notices

Request for proposal 5693

FISH AND BOAT COMMISSION

Notices

Additions to list of class A wild trout waters 5693

HEALTH CARE COST CONTAINMENT COUNCIL

Notices

Mandated benefits (3 documents) 5693, 5694, 5695

Request for proposal (2 documents) 5696

INDEPENDENT REGULATORY REVIEW COMMISSION

Notices

Notice of comments issued 5696

INSURANCE DEPARTMENT

Notices

Application and request for a certificate of authority 5699

Elizabeth Brackbill; prehearing 5700

Iain Fan, D. O.; prehearing 5700

Forestview Nursing Home; prehearing 5700

Hand microsurgery and reconstructive orthopedics (Caraballo); prehearing 5700

Hand microsurgery and reconstructive orthopedics (Zimm); prehearing 5701

Independence Blue Cross; Blue Cross Nongroup Special Care Hospital Program (13-P-07); rate filing 5701

Independence Blue Cross; community rated basic Blue Cross hospital adjustment (14-P-07); rate filing 5701

Now Available Online at <http://www.pabulletin.com>

Independence Blue Cross; nongroup basic Blue Cross rate adjustment filing no. 15-P-07; rate filing 5701
 John McInnes, M. D.; prehearing 5702
 Moss Elkins Park; prehearing 5702
 Review procedure hearings; cancellation or refusal of insurance 5703
 Review procedure hearings under the Unfair Insurance Practices Act (2 documents)..... 5704
 State Farm Fire and Casualty Company; private passenger automobile; rate revisions; rate filing 5704
 State Farm Mutual Automobile Insurance Company; private passenger automobile; rate revisions; rate filing 5704
 Sophia Vlahos; hearing 5704

LEGISLATIVE REFERENCE BUREAU

Notices

Documents filed but not published 5704

LIQUOR CONTROL BOARD

Notices

Expiration of leases 5705

OFFICE OF ATTORNEY GENERAL

Notices

Public meeting 5705

PATIENT SAFETY AUTHORITY

Notices

Public meeting 5705

PENNSYLVANIA INDUSTRIAL DEVELOPMENT AUTHORITY

Notices

Interest rates and participation rates 5705

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Proposed Rulemaking

Request for comments on revisions to the net metering and interconnection regulations at 52 Pa. Code Chapter 75 to conform with the language of Act 35 of 2007; doc. nos. M-00051865, L-00050174 and L-00050175..... 5597

Notices

Service of notice of motor carrier application 5707
 Sewage service 5707
 Tentative default order 5708
 Water service (2 documents) 5708

PHILADELPHIA REGIONAL PORT AUTHORITY

Notices

Request for bids 5709

PORT OF PITTSBURGH COMMISSION

Notices

Independent auditor's report 5709

STATE BOARD OF OSTEOPATHIC MEDICINE

Proposed Rulemaking

Prescriptive privileges for physician assistants..... 5598

STATE REAL ESTATE COMMISSION

Notices

Bureau of Professional and Occupational Affairs v. Kings Highway Realty, LLC, d/b/a Kings Highway Realty and William Sheeron; file nos. 03-56-06555 and 03-56-06412 5910
 Bureau of Professional and Occupational Affairs v. Richard Gray; file no. 05-56-05219 5910

READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2007.

1 Pa. Code (General Provisions)

Proposed Rules

301	1220
303	1220
305	1220
307	1220
309	1220
311	1220
311a	1220
313	1220
315	1220

4 Pa. Code (Administration)

Adopted Rules

7	3362
311	5376

Proposed Rules

250	4209
-----	------

Statements of Policy

9	27, 953, 1870, 3438, 4876, 5382
---	---------------------------------

7 Pa. Code (Agriculture)

Adopted Rules

11	4518
95	4518
123	4518
125	4518
128a	4518
130e	194

Proposed Rules

11	951
21	672
23	672
25	672
27	672
95	951
123	951
125	951
128a	951
139	2823

10 Pa. Code (Banks and Banking)

Proposed Rules

46	3416
----	------

12 Pa. Code (Commerce, Trade and Local Government)

Adopted Rules

145	1840
-----	------

Statements of Policy

73	5601
123	5266

22 Pa. Code (Education)

Adopted Rules

49	209, 5150
----	-----------

Proposed Rules

14	2961
16	4872
201	3423

211	3423
213	3423
215	3423

25 Pa. Code (Environmental Protection)

Adopted Rules

93	11
121	2365
123	883
126	209
127	2365
803	774
804	774
805	774
806	774
807	774
808	774
901	4620

Proposed Rules

83	4780
93	2190
109	4762, 5158
121	2063
127	1317
129	2063
130	5117, 5379
145	2063
209	4754
209a	4754
260a	3249
261a	3249
262a	3249
263a	3249
264a	3249
265a	3249
266a	3249
266b	3249
267a	3249
269a	3249
270a	3249
806	5531
808	5531
901	785, 3098, 4624, 5527
Unclassified	4871

Statements of Policy

83	2609
----	------

28 Pa. Code (Health and Safety)

Proposed Rules

611	4198, 4431, 4525
-----	------------------

Statements of Policy

931	953
-----	-----

31 Pa. Code (Insurance)

Adopted Rules

84a	1125
-----	------

Proposed Rules

133	1229
-----	------

34 Pa. Code (Labor and Industry)

Adopted Rules
 121 4181
 123 2804

Statements of Policy
 123 317
 231 4880

37 Pa. Code (Law)

Adopted Rules
 801 2511
 802 2511

Proposed Rules
 97 786

Statements of Policy
 200 1651, 2517
 411 1651

40 Pa. Code (Liquor)

Adopted Rules
 5 16
 11 16
 13 16
 17 16

Proposed Rules
 1 3418
 3 3418
 5 3418
 7 3418
 11 3418
 13 3418
 17 3418

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules
 7 20
 11 4055
 13 2412
 16 1644, 3230
 18 1644, 3230
 19 2606
 25 3230
 31 3240, 3365
 35 2291
 36 3367
 42 4519

Proposed Rules
 5 4627
 7 4628
 9 4625
 13 1867, 1868, 4643, 5257
 16 4647
 21 1035, 1980, 4649
 25 5598
 27 1036, 4652, 5260
 31 1038
 35 1499
 39 1494
 43b (correction) 2098
 47 5264

Statements of Policy
 43b 2608

52 Pa. Code (Public Utilities)

Adopted Rules
 54 4996
 57 4996

Proposed Rules
 64 1032
 75 5597
 Unclassified 1126, 2098

Statements of Policy
 69 (correction) 29, 1335, 5019, 5166

55 Pa. Code (Public Welfare)

Adopted Rules
 140 2180
 1163 4065
 1249 2185

Proposed Rules
 1150 1865
 1243 1865

Statements of Policy
 178 1043, 1046
 259 4881
 1101 1880
 1249 2215
 3270 5018
 3280 5018
 4300 2979

58 Pa. Code (Recreation)

Adopted Rules
 61 4752
 63 4621, 4869
 65 4870
 131 2947
 135 1309
 137 1310, 2948
 139 2949
 141 2955, 2956, 2957, 2958, 5255, 5377
 147 1310, 1311, 1312, 2959, 5255
 401 2808
 401a 2808
 403 2808
 403a 2808
 405 2808
 405a 2808
 407 2808
 407a 2808
 451 2686
 451a 2686
 461 3381
 461a 3381, 4068
 461b 3381
 463 3381
 463a 3382
 465 4068
 465a 4068
 465b 4068
 466 4068
 466a 4068
 466b 4068
 467 4068
 467a 4068
 471 2686
 471a 2686
 481 2688
 481a 2688
 491 4520

491a 4520
 492 4520
 Unclassified 2960

Proposed Rules

21 5379
 51 4431
 61 2692
 63 2196, 2694
 65 1218
 69 1218
 111 1220
 131 1325
 133 5164
 135 315
 137 1333
 139 1327
 141 1320, 1324, 2837, 2838
 147 211, 1333, 2695
 421a 2197
 423a 2197
 425a 2197
 427a 2197
 429a 2695
 431a 2197
 433a 2695
 435a 2695
 436a 2197
 437a 2695
 438a 2197
 439a 2197
 440a 2197
 441a 2695
 491a 23
 493a 2298
 494a 2298
 495a 2298
 497a 2298
 499a 2298
 501a 416
 503a 416
 511a 1490
 513a 1490

Statements of Policy

436a 2099
 436b 2099
 503b 5385

Temporary Rules

401 21, 1841, 1968
 405 1313, 1968
 421 1970
 423 1968, 1970
 425 21
 427 1970
 429 1862
 431 1970
 433 1841, 2292
 435 1841
 437 1841
 440 2292
 441 1841, 2296
 443 1841
 461 1968, 2292
 465 1978, 2292
 511 1314

61 Pa. Code (Revenue)

Adopted Rules

951 4195
 1001 3410

Proposed Rules

1001 1028

Statements of Policy

60 1048

67 Pa. Code (Transportation)

Adopted Rules

71 4621
 75 1487
 173 3242
 457 1650

201 Pa. Code (Judicial Administration)

Adopted Rules

5 2491
 19 929

204 Pa. Code (Judicial System General Provisions)

Adopted Rules

29 5593
 71 311, 3212
 81 3212
 83 1959, 3218
 211 5594

Proposed Rules

81 394
 83 394, 520, 2602

207 Pa. Code (Judicial Conduct)

Adopted Rules

1 752
 3 752
 117 1025, 1839

210 Pa. Code (Appellate Procedure)

Adopted Rules

1 521
 3 521
 9 521, 2492
 13 3222
 15 2492
 19 2405, 2408
 21 2409, 3222
 67 5374

225 Pa. Code (Rules of Evidence)

Adopted Rules

ART. I 2492
 ART. VI 5247

Proposed Rules

ART. IV 3223
 VIII 669

231 Pa. Code (Rules of Civil Procedure)

Adopted Rules

200 312, 3095, 4515
 400 1480
 1000 1411, 1480, 3225
 1700 1480
 1900 929
 1910 522, 2800
 1915 2602
 1920 1959

2200 1480
 3000 939, 1411
 4000 2178, 5374
 Part II 1759, 2575

Proposed Rules

200 1640, 2930
 1000 5248
 1300 1641
 1311 5250
 1910 1120, 2493, 5251
 1915 2493
 1920 2493
 3000 1641
 4000 7, 5252

234 Pa. Code (Rules of Criminal Procedure)

Adopted Rules

4 523, 752
 5 2496
 7 523
 8 1960
 10 312

Proposed Rules

1 2409, 4170
 2 1302
 3 4170
 5 1025, 1303, 2409, 4178
 6 4170

237 Pa. Code (Juvenile Rules)

Adopted Rules

1 1123, 1483, 4866
 2 1483
 3 1123, 4866
 5 2506, 4866
 6 1123
 8 1123, 1483
 11 1123

Proposed Rules

1 527, 1306
 3 527
 5 527
 6 3096
 11 943
 12 943
 13 943
 14 943
 15 943
 16 943
 17 943
 18 943

246 Pa. Code (Minor Court Civil Rules)

Adopted Rules

100 2092

249 Pa. Code (Philadelphia Rules)

Unclassified 2932

252 Pa. Code (Allegheny Rules)

Unclassified 2411, 2933

255 Pa. Code (Local Court Rules)

Unclassified 255, 400, 401, 404, 530, 670, 671, 761, 768, 770, 772, 773, 949, 950, 1026, 1124, 1215, 1216, 1414, 1642, 1962, 2094, 2095, 2096, 2289, 2509, 2510, 2681, 2684, 2800, 2802, 2803, 2939, 2940, 3227, 3228, 3229, 4430, 4517, 4617, 4618, 4750, 4975, 4985, 4986, 4988, 4995, 5253, 5524, 5594, 5596

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION [204 PA. CODE CH. 29]

Promulgation of Financial Regulations Pursuant to 42 Pa.C.S. § 3502(a); No. 309 Judicial Administration; Doc. No. 1

Order

Per Curiam:

And now, this 3rd day of October, 2007 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 following Financial Regulations. The fees outlined in the Financial Regulations are effective as of January 1, 2008.

To the extent that notice of proposed rule-making 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 immediately.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

CHAPTER 29. MISCELLANEOUS PROVISIONS

Subchapter K. COSTS, FINES AND FEES

TITLE 42. JUDICIARY AND JUDICIAL PROCEDURE

PART IV. FINANCIAL MATTERS

CHAPTER 17. GOVERNANCE OF THE SYSTEM

CHAPTER 35. BUDGET AND FINANCE

Subchapter A. General Provisions

The Pennsylvania Supreme Court, pursuant to Art. V, § 10 of the Pennsylvania Constitution, and 42 Pa.C.S. § 1721, has authorized the Court Administrator of Pennsylvania to promulgate regulations relating to the accounting methods to be utilized in connection with the collection of fees and costs charged and collected by prothonotaries, and clerks of courts of all courts of common pleas, or by any officials designated to perform the functions thereof, as well as by the minor judiciary, including magisterial district judges, Philadelphia Municipal Court and Philadelphia Traffic Court.

Under authority of said Administrative Order and pursuant to the authority vested in the governing authority under Section 3502(a) of the Judicial Code, 42 Pa.C.S. § 3502(a), the following regulations are adopted to implement Act 113 of 2001, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4)(as amended).

42 Pa.C.S. § 1725.1. Costs.

(a) *Civil cases.*—In calendar year 2008, the costs to be charged by magisterial district judges in every civil case, except as otherwise provided in this section, shall be as follows:

- (1) Actions involving \$500 or less \$44.00
- (2) Actions involving more than \$500 but not more than \$2,000 \$59.00
- (3) Actions involving more than \$2,000 but not more than \$4,000 \$73.50
- (4) Actions involving more than \$4,000 but not more than \$8,000 \$110.00
- (5) Landlord-tenant actions involving less than \$2,000 66.00
- (6) Landlord-tenant actions involving more than \$2,000 but not more than \$4,000 \$80.50
- (7) Landlord-tenant actions involving more than \$4,000 but not more than \$8,000 \$110.00
- (8) Order of execution \$33.00
- (9) Objection to levy \$15.00
- (10) Reinstatement of complaint \$7.50
- (11) Entering Transcript on Appeal or Certiorari \$4.00

Said costs shall not include, however, the cost of postage and registered mail which shall be borne by the plaintiff.

(a.1) *Custody cases.*—In calendar year 2008, the cost (in addition to the cost provided by general rule) to be charged by the court of common pleas shall be as follows:

- (1) Custody cases, except as provided in section 1725(c)(2)(v) \$7.00

(b) *Criminal cases.*—In calendar year 2008, the costs to be charged by the minor judiciary or by the court of common pleas where appropriate in every criminal case, except as otherwise provided in this section, shall be as follows:

- (1) Summary conviction, except motor vehicle cases \$42.00
- (2) Summary conviction, motor vehicle cases, other than paragraph (3) \$33.00
- (3) Summary conviction, motor vehicle cases, hearing demanded \$40.00
- (4) Misdemeanor \$48.00
- (5) Felony \$55.00

Such costs shall not include, however, the cost of postage and registered mail which shall be paid by the defendant upon conviction.

(c) *Unclassified costs or charges.*—In calendar year 2008, the costs to be charged by the minor judiciary in the following instances not readily classifiable shall be as follows:

- (1) Entering transcript of judgment from another member of the minor judiciary \$7.50
- (2) Marrying each couple, making record thereof, and certificate to the parties \$37.00
- (3) Granting emergency relief pursuant to 23 Pa.C.S. Ch. 61 (relating to protection from abuse) \$15.00
- (4) Issuing a search warrant (except as provided in subsection (d)) \$15.00
- (5) Any other issuance not otherwise provided in this subsection \$15.00

42 Pa.C.S. § 3571.

In calendar year 2008, Commonwealth portion of fines, etc.

* * * * *

(2) Amounts payable to the Commonwealth:

- (i) Summary conviction, except motor vehicle cases \$14.70
- (ii) Summary conviction, motor vehicle cases other than subparagraph (iii) \$14.70
- (iii) Summary conviction, motor vehicle cases, hearing demanded \$14.70
- (iv) Misdemeanor \$19.20
- (v) Felony \$29.35
- (vi) Assumpsit or trespass involving:
 - (A) \$500 or less \$18.35
 - (B) More than \$500 but not more than \$2,000 \$29.50
 - (C) More than \$2,000 but not more than \$4,000 \$44.10
 - (D) More than \$4,000 but not more than \$8,000 \$73.35
- (vii) Landlord-tenant proceeding involving:
 - (A) \$2,000 or less \$29.30
 - (B) More than \$2,000 but not more than \$4,000 \$36.60
 - (C) More than \$4,000 but not more than \$8,000 \$51.30
- (viii) Objection to levy \$7.50
- (ix) Order of execution \$22.00
- (x) Issuing a search warrant (except as provided in section 1725.1(d)(relating to costs)) .. \$10.50
- (xi) Order of possession \$15.00
- (xii) Custody cases (except as provided in section 1725(c)(2)(v)) \$5.60

[Pa.B. Doc. No. 07-1894. Filed for public inspection October 19, 2007, 9:00 a.m.]

**PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS
[204 PA. CODE CH. 211]**

Promulgation of Consumer Price Index Pursuant to 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4); No. 308 Judicial Administration; Doc. No. 1

Order

Per Curiam:

And now, this 3rd day of October, 2007, 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 obtain and publish in the *Pennsylvania Bulletin* the percentage increase in the Consumer Price Index for calendar year 2006 as required by Act 113 of 2001, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended).

Annex A

**TITLE 204. JUDICIAL SYSTEM PROVISIONS
PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS
CHAPTER 211. CONSUMER PRICE INDEX**

§ 211.1. Consumer Price Index.

Pursuant to Article V, Section 10 of the Pennsylvania Constitution, and 42 Pa.C.S. § 1721, the Supreme Court

has authorized the Court Administrator of Pennsylvania to obtain and publish in the *Pennsylvania Bulletin* on or before November 30 the percentage increase in the Consumer Price Index for calendar year 2006 as required by Act 113 of 2001, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4)(as amended). See, No. 308 Judicial Administrative Docket No. 1.

The Court Administrator of Pennsylvania reports that the percentage increase in the Consumer Price Index, All Urban Consumers, U. S. City Average, for calendar year 2006 was 2.5% percent. (See, U. S. Department of Labor, Bureau of Labor Statistics, Series CUUROOOSAO, March 5, 2007.)

[Pa.B. Doc. No. 07-1895. Filed for public inspection October 19, 2007, 9:00 a.m.]

Title 255—LOCAL COURT RULES

LEHIGH COUNTY

Advanced Communication Technology; Central Booking Procedure; Protection from Abuse Procedure; No. AD-16-2007

Administrative Order

And Now, this 20th day of September, 2007, it is *Hereby Ordered*;

1. *Definitions*

a. Advanced Communication Technology is as defined at PA.R.Crim.P. 103

b. Advanced Communication Technology Site is as defined at PA.R.Crim. 103

2. *Central Booking Procedure*

a. The Court of Common Pleas of Lehigh County adopts a countywide Central Booking Center (CBC) Procedures plan as set forth herein.

b. The Central Booking Center (CBC) is to be located at the Lehigh County Prison.

c. The purpose of the CBC is to efficiently process defendants charged with criminal actions with the express intent of returning the arresting officer(s) to their shift in their communities. The processing shall include, but not be limited to, fingerprinting, photographing and determining prior records of defendants being processed. In addition the CBC will be the site from where video preliminary arraignments shall occur, utilizing advanced communication technology, unless exceptions exist which may include, but are not limited to, equipment malfunctions, network malfunctions and related technology problems.

d. Persons arrested with or without a warrant for a felony or misdemeanor, with an initial exception for charges of DUI which is to be phased in over a schedule which is presently undetermined, shall be taken to the CBC for processing prior to the preliminary arraignment. Defendants arrested and released pursuant to PA.R.Crim.P. 519 (B) shall be processed in accordance with paragraph "e" of this Order. If the person is released after the preliminary arraignment, the police, if requested, shall return the defendant to the community in which he was arrested.

e. When an issuing authority issues a summons rather than an arrest warrant, the issuing authority shall send the following notice with the summons:

NOTICE—CENTRAL BOOKING ACTION REQUIRED

You must report to the Central Booking Center at the Lehigh County Prison located at 38 North 4th Street, Allentown, PA 18101 for processing at *least* five (5) days prior to your preliminary hearing. You must bring a copy of your summons to the Central Booking Center (CBC). A failure to report to the Central Booking Center in a timely manner will cause your arrest and probable detention.

3. Video Preliminary Arraignment

a. Preliminary arraignments shall employ two-way simultaneous audio-visual communication pursuant to PA.R.Crim.P. 540 (A) and shall be conducted from the CBC.

4. Arrest Warrant and Search Warrant Procedure

a. Advanced Communication technology may be employed when the issuance of an arrest warrant, in accordance to PA.R.Crim.P. 513 (A), or search warrant, in accordance to PA.R.Crim. 203 (A), is requested.

5. Protection From Abuse—Emergency Relief

a. Proceedings for emergency relief by the minor judiciary pursuant to the Protection From Abuse Act may be conducted at the CBC utilizing simultaneous two-way audio-visual communication.

6. Procedures for Coordination between the District Courts and the CBC

a. see attached

7. Scheduling of Magisterial District Judges for Night Court and On-call Assignments

a. The Magisterial District Judge Administrator has the responsibility of developing the annual calendar for the Night Court, On-Call and Holiday coverage assignments. This calendar will continue to be prepared on an annual basis. The current calendar dated October 30, 2006 and effective January 1, 2007 through December 31, 2007, will remain in effect as related to, but not limited to, the issues of the schedule, jurisdiction and venue unless amended by the President Judge.

ALAN M. BLACK,
President Judge

MDJ Video Conferencing Procedures

After Regular Office Hours—Scheduled Night Court

The assigned Magisterial District Judge (MDJ) will be on call from the close of business till 8 p.m., and then in his/her office from 8 PM to 1 AM Monday through Friday, then on call from 1 AM to 8 AM for emergencies only.

The MDJ that is assigned to Central Court, Monday thru Friday, will first go to his/her office at 7:30 AM to process any arraignments that were held overnight after night court. Upon completion of the arraignments the MDJ will then proceed to Central Court.

1. Upon arrival at the Central Booking Center (CBC) and after the police officer and/or CBC officer has completed the preparation of all paperwork, including Livescan and CPIN, the CBC will contact the MDJ's office who is scheduled for Night Court.

2. The signed complaint and other appropriate paperwork will be faxed to the MDJ for his review and approval.

3. The CBC officer will have the defendant prepared to be on the video arraignment system.

4. The MDJ will start the video conferencing software.

5. The complaint is signed, sealed and given an OTN number when appropriate and faxes the complaint back to the affiant at the CBC.

6. The MDJ completes all requirements under Rule 540—Preliminary Arraignment.

7. The MDJ faxes a copy of the preliminary hearing notice to the CBC for the defendant.

8. The MDJ establishes bail.

9. If the defendant is committed the MDJ signs and seals the commitment and bail papers and faxes the paperwork to the CBC. The CBC makes a copy for the defendants and provides a copy to the defendant.

10. If the defendant is released on unsecured bail the MDJ signs the bail paperwork and faxes it to the CBC.

11. The CBC obtains the defendant's signature on the paperwork, makes a copy for the defendant.

12. The CBC returns all paperwork (hand delivered) to the Central Court office the morning of the next business day.

13. Central Court staff retains the paperwork for incarcerated defendants and returns, via mail, the paperwork to the Proper District Court for defendants released on unsecured bail.

Search Warrants

1. The police officer who prepared the affidavit signs and dates the paperwork either in person or on video in view of the MDJ.

2. The police officer faxes the affidavit to the MDJ.

3. MDJ reviews the affidavit and administers the oath to the police officer.

4. MDJ (if approved) signs, dates and seals the search warrant and faxes it back to the police officer.

Protection from Abuse (PFA) Emergency Orders

CBC obtains the name and phone number of the petitioner. Notifies the MDJ who will contact the petitioner and arrange for issuance of the PFA either at his or her own office or the CBC.

If performed at the CBC:

1. MDJ (if granted) completes the Petition for Emergency Relief and faxes it to the CBC officer.

2. Petitioner signs petition, and petition faxed back to MDJ.

3. MDJ signs, dates, and seals petition and faxes back to the CBC officer.

4. CBC officer makes a copy for the petitioner.

5. CBC officer makes a copy to serve on Defendant and faxes to the appropriate Police Department for service on Defendant.

Constables

All after hours constable work is to be taken to the scheduled Night Court MDJ's office during Night Court hours.

Operations on Weekends & Holidays

The assigned District Judge will call in to the CBC at approximately 8-9 AM, 4-5 PM and 10—11 PM to ascertain the status of arraignments. CBC will advise the MDJ

of the arraignments required and fax the appropriate paperwork to the MDJ's office. The MDJ will inform Central Booking if there is a need to interview any of the defendants prior to arraignment, and then conduct any interviews necessary. MDJ will then process the proper paperwork, proceed with the video arraignment and fax the appropriate paperwork to CBC. The MDJ will remain at his or her office till all pending arraignments are complete.

[Pa.B. Doc. No. 07-1896. Filed for public inspection October 19, 2007, 9:00 a.m.]

SCHUYLKILL COUNTY

Amended/Adopted Civil Rules of Procedure; No. S-2393 2007

Order of Court

And Now, this 3rd day of October, 2007 at 3:00 p.m., the Court hereby amends Schuylkill County Civil Rule of Procedure No. 1303(d) and adopts Schuylkill County Civil Rule of Procedure No. 252. The rules are amended/adopted for use in the Court of Common Pleas of Schuylkill County, Pennsylvania (21st Judicial District) and shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

The Prothonotary of Schuylkill County is Ordered and Directed to do the following:

- 1) File ten (10) certified copies of this Order and Rules with the Administrative Office of Pennsylvania Courts.
- 2) File two (2) certified copies of this Order and Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* together with a CD-ROM reflecting the text in the hard copy version.
- 3) File one (1) certified copy of this Order and Rules with the Pennsylvania Civil Procedural Rules Committee.
- 4) Forward one (1) copy to the Schuylkill County Law Library for publication in the *Schuylkill Legal Record*.
- 5) Keep continuously available for public inspection copies of this Order and Rule.

It is further *Ordered* that said rules as they existed prior to the amendment are hereby repealed and annulled on the effective date of said rules as amended, but no right acquired thereunder shall be disturbed.

By the Court

WILLIAM E. BALDWIN,
President Judge

SCHUYLKILL COUNTY CIVIL RULE OF PROCEDURE

RULE 1303—Hearing, Notice and Continuances

(d) At the time the moving party files an arbitration certificate of readiness specified in subsection (b), above, the moving party shall also file a Pre-Arbitration Memorandum which sets forth: (1) a narrative statement of the facts which will be offered into evidence by that party; (2)

a statement of legal theory upon which the cause of action or defense is predicated; (3) a complete list of witnesses to be called and the anticipated areas of each witness's testimony; (4) a complete list of exhibits to be presented; (5) a statement setting forth an itemized list of the damages that a party intends to claim and prove; (6) a rough sketch illustrating the incident giving rise to the cause of action (where appropriate); and (7) a statement of any unusual or intricate legal issues or claims together with a citation of legal authorities relied upon.

The non-moving party shall file its Pre-Arbitration Memorandum within twenty (20) days of receipt of the moving party's Memorandum. The non-moving party's Pre-Arbitration Memorandum shall contain the same seven topics as the moving party's Memorandum.

THE FAILURE OF THE MOVING PARTY TO FILE ITS PRE-ARBITRATION MEMORANDUM AT THE TIME AN ARBITRATION CERTIFICATE OF READINESS IS FILED SHALL RENDER THE CERTIFICATE OF READINESS A NULLITY. THE FAILURE OF THE NON-MOVING PARTY TO FILE ITS PRE-ARBITRATION MEMORANDUM MAY RESULT, AT THE DISCRETION OF THE ARBITRATION PANEL, IN THE EXCLUSION OF SOME OR ALL OF THE NON-MOVING PARTY'S EVIDENCE AT THE TIME OF THE ARBITRATION HEARING, TO THE EXTENT THAT THE MOVING PARTY CAN DEMONSTRATE PREJUDICE.

RULE 252—Requirements for Indexing an Action as a Lis Pendens

When a praecipe for a writ of summons, a complaint or a counterclaim is filed, the prothonotary shall index the action as a lis pendens against real property if, but only if, the party filing the praecipe, the complaint or the counterclaim, or his attorney:

- (1) files a separate praecipe describing real property by metes and bounds or a sufficient description to identify it, and the volume and page in the Recorder of Deeds Office of this county where recorded description of said property appears;
- (2) directs in said separate praecipe that the action shall be listed on a lis pendens against said real property; and
- (3) files with said separate praecipe a certification that said action;
 - (A) is a proceeding to revive and continue the lien of debts against a decedent's property, or
 - (B) is a proceeding conveying or vesting title to real property in this Commonwealth; or
 - (C) is a proceeding of which purchasers of the described real property should have constructive notice; and
- (4) Files with said separate praecipe a written verified statement, as verified is defined in Pa.R.C.P. 76, setting forth the basis and subject matter of the cause of action and that said action affects the title to the real property so described or of any interest in said real property.

[Pa.B. Doc. No. 07-1897. Filed for public inspection October 19, 2007, 9:00 a.m.]

PROPOSED RULEMAKING

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Request for Comments on Revisions to the Net Metering and Interconnection Regulations at 52 Pa. Code Chapter 75 to Conform with the Language of Act 35 of 2007; Doc. Nos. M-00051865, L-00050174 and L-00050175

On July 17, 2007, Governor Edward Rendell signed Act 35 of 2007 (Act 35) into law.¹ This Act 35 amended several sections of the Alternative Energy Portfolio Standards Act (AEPS) (73 P. S. §§ 1648.1—1648.8), including those relating to the definition of customer generators, the reconciliation mechanism for surplus energy supplied through net metering and the price to be paid for such surplus energy. Specifically, these changes included the following:

- Revising the definition of “customer generator” to increase the capacity limit on nonresidential projects from 1 to 3 megawatts generally, and from 2 to 5 megawatts for those projects that operate in parallel with the grid;
- Revising the definition of “net metering” to include a restriction on virtual meter aggregation; and
- Revising 73 P. S. § 1648.5 to require that customer-generators be compensated for excess generation on an annual basis at the “full retail value for all energy produced,” as opposed to the current monthly basis at the avoided wholesale cost rate.

The Commission previously promulgated regulations relating to net metering and interconnection at 52 Pa. Code Chapter 75 (relating to alternative energy portfolio standards), that became effective upon publication 36 Pa.B. 7562 (December 16, 2006). The enactment of Act 35 of 2007 requires corresponding changes to the following definitions contained in 52 Pa. Code § 75.1: “Act,” “Alternative energy credit,” “Customer-generator,” “Force majeure” and “Tier I alternative energy source.” Changes also are required for the definitions of “Net metering” and “Virtua” “metering aggregation” contained in 52 Pa. Code § 75.12 (relating to definitions). Also, Act 35’s amendment of section 5 of the AEPS, 71 P. S. § 1648.5, will require changes to 52 Pa. Code §§ 75.13(d) and (f) (relating to general provisions) and 75.12.

While a majority of the previously—referenced changes to the Commission’s regulations merely involve replacing existing language with language contained in Act 35, some of these changes raise new issues that had not been previously considered. Specifically, several issues are raised by Act 35’s requirement that “excess generation from net-metered customer-generators shall receive full retail value for all energy produced on an annual basis.” Some of the new issues raised that may require comment are as follows:

- What is the meaning of “full retail value for all energy produced”? Act 35 does not specifically define this term. The term could be interpreted as meaning the fully bundled retail rate for generation, transmission, distribution, and any applicable transition charges. Alternatively, given the Legislature’s use of the terms “excess genera-

tion” and “energy” it also could be interpreted as being limited to the generation component of the retail rate.

- What are the projected costs associated with these competing interpretations, that is, given a projected level of net metered generation (kwh), what are the projected costs to the remaining customers of an EDC if net-metered customer-generators receive x cents per kwh versus y cents per kwh?

- How should any residual stranded cost charges be treated in the annual reconciliation?

- Are there any additional issues to be addressed by moving the reconciliation of excess energy from a monthly to an annual basis?

- Act 35 does not define the phrase “annual basis.” Does this phrase mean a calendar year, fiscal year or does it correspond with the AEPS compliance period of June 1 through May 31?

- Should demand charges for distribution, transmission and generation services paid by net metered customers be adjusted? If so, should each component of the demand charge be adjusted to reflect the net flow of energy through a net meter? How should the adjustments be calculated?

- Should the Commission provide monthly credits for net metered accounts, and carry over monthly excess generation to the next billing month, with any remaining excess energy (where total annual generation of energy exceeds total annual usage) cashed out at the end of the year? Alternatively, do the metering regulations only provide for annual compensation for excess generation in any month?

By Secretarial Letter dated July 26, 2007, the Commission notified interested parties that the Commission will promptly begin the process of revising its net metering and interconnection regulations at 52 Pa. Code Chapter 75, to reflect the requirements of Act 35 of 2007. In the Secretarial Letter, the Commission indicated that, because Act 35 became effective immediately, its provisions must be given immediate effect while the rules are being revised. The Commission also concluded that all electric distribution companies must apply the new compensation standard for net metering customers beginning with the first full billing period after July 17, 2007, the effective date of Act 35.

Due to the fact that Act 35 became effective on July 17, 2007, that some EDCs have AEPS compliance requirements that must be met as of May 31, 2008, and that a majority of the required changes merely involve language changes to make the regulations consistent with Act 35, the Commission seeks to expedite the process for revising the existing net metering and interconnection regulations. The Commission seeks comments on how the Act 35 amendments to AEPS should be reflected in the Commission’s regulations at 52 Pa. Code Chapter 75.²

An original and 15 copies of any written comments referencing the docket numbers previously shall be submitted to the Pennsylvania Public Utility Commission, Attn.: Secretary, P. O. Box 3265, Harrisburg, PA 17105.

²Note that the comments requested in this secretarial letter are separate and apart from the comments requested in the September 13, 2007 secretarial letter regarding the rulemaking at Docket No. L-00060180. While both letters request comments regarding the effect the 2007 amendment to AEPS has on Commission regulations, the September 13th letter sought comments related to the proposed regulations published in the 36 Pa.B. 6289 (October 14, 2006). This letter seeks comments related to the Commission’s existing regulations in Chapter 75 of Title 52.

¹Act 35 is available through a link at the Commission’s AEPS web page at http://www.puc.state.pa.us/electric/electric_alt_energy.aspx.

Comments shall be submitted within 30 days of the publication of this Secretarial Letter in the *Pennsylvania Bulletin*. Reply comments may be filed 20 days thereafter.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1898. Filed for public inspection October 19, 2007, 9:00 a.m.]

STATE BOARD OF OSTEOPATHIC MEDICINE

[49 PA. CODE CH. 25]

Prescriptive Privileges for Physician Assistants

The State Board of Osteopathic Medicine (Board) proposes to adopt §§ 25.177 and 25.178 (relating to prescribing and dispensing drugs, pharmaceutical aids and devices; and medical records), to read as set forth in Annex A.

A. Effective Date

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

B. Statutory Authority

Section 10(h) and (p) of the Osteopathic Medical Practice Act (act) (63 P. S. § 271.10(h) and (p)) authorizes the Board to promulgate this rulemaking. Section 10(h) of the act provides the Board the general authority to "establish such rules and regulations, relating to physician assistants, as it deems necessary to protect the public and to implement the provisions of [the] act." Section 10(p) of the act requires the Board to work with the State Board of Pharmacy to "jointly develop regulations to permit a physician assistant to prescribe and dispense drugs at the direction of a licensed physician." This proposed rulemaking was jointly developed and approved by the Board and the State Board of Pharmacy at regularly scheduled public meetings.

C. Background and Purpose

Currently, physician assistants are permitted to prescribe and dispense drugs under the direction of a physician licensed by the Board in accordance with 49 Pa. Code § 18.158 (relating to prescribing and dispensing drugs, pharmaceutical aids and devices). At this time, however, physician assistants practicing under the direction of a physician licensed by the Board do not have prescriptive privileges. This situation has caused a great deal of confusion in health care settings. This proposed rulemaking is intended to resolve this confusion by permitting physician assistants who are practicing under the direction of an osteopathic physician to prescribe drugs in a manner similar to the practice of physician assistants under the direction of allopathic physicians.

D. Description of Proposed Regulations

Proposed § 25.177(a) would permit a supervising physician to delegate to the physician assistant the prescribing, dispensing and administering of drugs and therapeutic devices. Paragraph (2) would prohibit physician assistants from prescribing or dispensing Schedule I controlled substances. Paragraph (3) would allow them to prescribe or dispense Schedule II controlled drugs for initial therapy up to a 72-hour dose and requires that the

physician assistant notify the supervising physician within 24 hours from the issuance of the prescription. It would also allow a physician assistant to write a prescription for a Schedule II controlled substance for up to a 30-day supply if the patient was examined at the time of renewal and the patient's ongoing therapy was reviewed and approved by the supervising physician prior to the writing of the renewal. The prescription would have to clearly state on its face that it is for initial or ongoing therapy.

There are many physician and physician assistant specialties that deal with chronic pain management. In specialties such as oncology, surgery or anesthesiology, and in the family practice setting, physician assistants are an integral part of patient care. Managing the patients' pain in those settings often requires the ability to write prescriptions for Schedule II narcotics on both a short- and long-term basis. At times, patients may require ongoing therapy or need to renew prescriptions when the physician is not immediately available but the physician assistant is available. Also, there are many physician assistants that work in settings such as emergency rooms, walk-in clinics and industrial clinics. The inability to write a prescription for a Schedule II narcotic impedes the care of the patient in these settings. Allowing for a 72-hour supply of medicine until a physician sees that patient enhances the care rendered by the physician assistant.

Section 25.177(a)(4) would permit a physician assistant to prescribe or dispense only if the patient is under the care of the supervising physician and only in accordance with the supervising physician's instructions and written agreement. Section 25.177(a)(5) would permit a physician assistant to request, receive and sign for professional samples and distribute professional samples to patients. Section 25.177(a)(6) would require a physician assistant authorized to prescribe or dispense controlled substances to register with the Drug Enforcement Administration.

Section 25.177(b) would set forth provisions pertaining to prescription blanks and would prohibit a supervising physician from presigning prescription blanks. Section 25.177(c) would require the supervising physician to immediately advise the patient, notify the physician assistant and, in the case of a written or oral prescription, advise the pharmacy, if the physician assistant is prescribing or dispensing a drug inappropriately. In addition, the order to discontinue use of the drug or prescription would be required to be noted in the patient's medical record by the supervising physician.

Section 25.177(d) would set forth the requirements for recordkeeping relating to prescriptions written by physician assistants. In particular, a physician assistant would be required to keep a copy of the prescription and number of refills in a file; and the physician assistant would be required to record the physician assistant's name, name of the medication, amount and dose of medication dispensed and date of medication dispensed in the patient's medical records. The physician assistant would be required to report, orally or in writing, to the supervising physician within 36 hours, a drug prescribed or medication dispensed by the physician assistant while the supervising physician was not physically present, and the basis for each decision to prescribe or dispense in accordance with the written agreement. Paragraph (4) would require that the supervising physician countersign the

patient record at least weekly. Paragraph (5) would require that a physician assistant comply with these regulations and Department of Health regulations relating to prescribing, administering, dispensing, packaging and labeling of drugs.

Section 25.178 would require that the supervising physician timely review, at least weekly, the medical records prepared by the physician assistant to ensure that the existing requirements pertaining to medical records have been satisfied.

E. *Input from the Regulated Community*

The Board solicited input from the Pennsylvania Society of Physician Assistants and the Pennsylvania Osteopathic Medical Association. In addition, as required by section 10(p) of the Osteopathic Medical Practice Act, the proposed rulemaking was reviewed and approved by the State Board of Pharmacy.

F. *Fiscal Impact and Paperwork Requirements*

The proposed rulemaking would have no adverse fiscal impact on the Commonwealth or its political subdivisions and would impose no additional paperwork requirements on the Commonwealth or the public sector.

G. *Sunset Date*

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

H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 10, 2007, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

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

I. *Public Comment*

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Beth Michlovitz, Board Counsel, State Board of Osteopathic Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of the proposed rulemaking in the *Pennsylvania Bulletin*.

CHARLES P. FASANO, D. O.,
Chairperson

Fiscal Note: 16A-5318. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 25. STATE BOARD OF OSTEOPATHIC MEDICINE

Subchapter C. PHYSICIAN ASSISTANT PROVISIONS

PHYSICIAN ASSISTANT UTILIZATION

§ 25.177. Prescribing and dispensing drugs, pharmaceutical aids and devices.

(a) *Prescribing, dispensing and administration of drugs.*

(1) The supervising physician may delegate to the physician assistant the prescribing, dispensing and administering of drugs and therapeutic devices.

(2) A physician assistant may not prescribe or dispense Schedule I controlled substances as defined by section 4 of The Controlled Substances, Drug, Device and Cosmetic Act (35 P. S. § 780-104).

(3) A physician assistant may prescribe a Schedule II controlled substance for initial therapy, up to a 72-hour dose. The physician assistant shall notify the supervising physician of the prescription as soon as possible, but in no event longer than 24 hours from the issuance of the prescription. A physician assistant may write a prescription for a Schedule II controlled substance for up to a 30-day supply if the patient was examined at the time of renewal and the patient's ongoing therapy was reviewed and approved by the supervising physician prior to the writing of the renewal. The prescription must clearly state on its face that it is for initial or ongoing therapy.

(4) A physician assistant may only prescribe or dispense a drug for a patient who is under the care of the physician responsible for the supervision of the physician assistant and only in accordance with the supervising physician's instructions and written agreement.

(5) A physician assistant may request, receive and sign for professional samples and may distribute professional samples to patients.

(6) A physician assistant authorized to prescribe or dispense, or both, controlled substances shall register with the Drug Enforcement Administration (DEA).

(b) *Prescription blanks.* The requirements for prescription blanks are as follows:

(1) Prescription blanks must bear the license number of the physician assistant and the name of the physician assistant in printed format at the heading of the blank. The supervising physician's name and license number must also be printed or preprinted on the prescription.

(2) The signature of a physician assistant must be followed by the initials "PA-C" or similar designation to identify the signer as a physician assistant. When appropriate, the physician assistant's DEA registration number must appear on the prescription.

(3) The supervising physician is prohibited from presigning prescription blanks.

(4) The physician assistant may use a prescription blank generated by a hospital provided the information in paragraph (1) appears on the blank.

(c) *Inappropriate prescription.* The supervising physician shall immediately advise the patient, notify the physician assistant and, in the case of a written or oral prescription, advise the pharmacy if the physician assistant is prescribing or dispensing a drug inappropriately. The supervising physician shall advise the patient and notify the physician assistant to discontinue using the drug and, in the case of a written or oral prescription, notify the pharmacy to discontinue the prescription. The order to discontinue use of the drug or prescription shall be noted in the patient's medical record by the supervising physician.

(d) *Recordkeeping requirements.* Recordkeeping requirements are as follows:

(1) When prescribing a drug, the physician assistant shall keep a copy of the prescription, including the number of refills, in a ready reference file, or record the name, amount, directions for use and doses of the drug prescribed, the number of refills, the date of the prescription and the physician assistant's name in the patient's medical records.

(2) When dispensing a drug, the physician assistant shall record the physician assistant's name, the name of the medication dispensed, the amount of medication dispensed, the dose of the medication dispensed and the date dispensed in the patient's medical records.

(3) The physician assistant shall report, orally or in writing, to the supervising physician within 36 hours, a

drug prescribed or medication dispensed by the physician assistant while the supervising physician was not physically present, and the basis for each decision to prescribe or dispense in accordance with the written agreement.

(4) The supervising physician shall countersign the patient record at least weekly in accordance with § 25.178 (relating to medical records).

(5) The physician assistant and the supervising physician shall provide immediate access to the written agreement to anyone seeking to confirm the physician assistant's authority to prescribe or dispense a drug. The written agreement must list the categories of drugs which the physician assistant is not permitted to prescribe.

(e) *Compliance with regulations relating to prescribing, administering, dispensing, packaging and labeling of drugs.* A physician assistant shall comply with this section and with the regulations of the Department of Health in 28 Pa. Code §§ 25.51—25.58 and 25.91—25.95 (relating to prescriptions; and labeling of drugs, devices and cosmetics).

§ 25.178. Medical records.

The supervising physician shall timely review, at least weekly, the medical records prepared by the physician assistant to ensure that the requirements of § 25.213 (relating to medical records) have been satisfied.

[Pa.B. Doc. No. 07-1899. Filed for public inspection October 19, 2007, 9:00 a.m.]

STATEMENTS OF POLICY

Title 12—COMMERCE, TRADE AND LOCAL GOVERNMENT

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

[12 PA. CODE CH. 73]

Pennsylvania Industrial Development Authority

The Department of Community and Economic Development (Department) amends 12 Pa. Code Chapter 73, Subchapter B (relating to statement of policy) to read as set forth in Annex A. The statement of policy is amended under the authority of section 9 of the Pennsylvania Industrial Development Authority Act (73 P. S. §§ 301—314).

Background

The Pennsylvania Industrial Development Authority (PIDA) is engaged in a program of providing assistance to finance the establishment of industrial development projects throughout this Commonwealth. The PIDA's assistance is provided in the form of low-interest loans to industrial development agencies, which are local non-profit corporations existing throughout this Commonwealth.

This amended statement of policy sets forth the policy adopted by the Board of Directors of the PIDA at its public meeting held September 14, 2005.

Amendments

Section 73.101 (relating to definitions) is amended to add, subtract and modify definitions.

Section 73.111 (relating to industrial enterprises) is amended to update the minimum project size and job requirements for industrial enterprises and to allow industrial enterprises are either a for-profit or nonprofit entity.

Section 73.112 is deleted and reserved.

Section 73.112a (relating to agricultural enterprises) is added.

Section 73.113 is deleted and reserved.

Section 73.113a (relating to KIZ projects) is added.

Section 73.121 (relating to general) is amended to modify advanced technology company criteria.

Section 73.122 is deleted and reserved. See § 73.121.

Section 73.123 is deleted and reserved. See § 73.121.

Section 73.131 (relating to industrial development projects) is amended to clarify the financial analysis requirements.

Section 73.132 (relating to industrial parks and multiple-tenancy building projects) is amended to clarify the financial analysis requirements in industrial park projects or multiple-tenancy projects where no investor-developer is involved.

Section 73.141 (relating to general) is amended to modify engineering requirements to conform with the adoption of the Statewide Uniform Construction Code

and to provide that PIDA may retain 10% of its loan until a certificate of occupancy is issued by the appropriate building code office.

Section 73.142 is deleted and reserved. See § 73.141

Section 73.143 is deleted and reserved. See § 73.141.

Section 73.144 (relating to costs) is amended to modify the list of items that may be questionable for PIDA financing.

Section 73.145 is deleted and reserved. See § 73.141.

Section 73.146 is deleted and reserved. See § 73.141.

Section 73.147 (relating to checklist of requirements for a complete and comprehensive industrial appraisal) is amended to reflect the requirement of one independent appraisal.

Section 73.151 is deleted and reserved.

Section 73.152 is deleted and reserved.

Section 73.153 is deleted and reserved.

Section 73.162 (relating to criteria) is amended to clarify the criteria that will be evaluated to determine if a valid explanation exists for failure to meet employment requirements.

Section 73.163 (relating to levying of penalties) is amended to add a penalty scale.

Section 73.164 is deleted and reserved.

Section 73.165 is deleted and reserved.

Section 73.192 (relating to financial considerations for stock purchase acquisition of assets) is amended to require the submission of financial statements and appraisals and to clarify the valuation of the remaining assets.

Section 73.201 (relating to environmental site assessment) is amended to reflect changes in terminology, to reflect the liability insurance requirement to protect PIDA from consultant negligence or misfeasance and to show that the Phase 1 Environmental Site Assessment should be done in accordance with the ASTM International E1527-00 Standard Practice for Environmental Site Assessments: Phase 1 Environmental Site Assessment Process.

Section 73.212 is deleted and reserved.

Section 73.213 is deleted and reserved.

Section 73.214 is deleted and reserved.

Section 73.215 is deleted and reserved.

Section 73.302 is deleted and reserved.

Section 73.303 (relating to payment of interest only; commencement of amortization) is amended to clarify that payment of interest only and delay in the commencement of amortization are options open only to construction projects.

Section 73.304 is deleted and reserved.

Section 73.305 is deleted and reserved.

Section 73.307 is deleted and reserved.

Section 73.308 (relating to loan terms: industrial parks and multiple-tenancy building projects) is amended to reflect changes in loan terms for industrial park loans.

Section 73.310 (relating to investor-developers) is amended to require the guaranty of the industrial occupant in single-tenant and multi-occupancy projects where the investor-developer will be the responsible purchaser of the project only on a case-by-case basis if the investor-developer is not sufficiently credit-worthy or other circumstances suggest that such a guaranty is appropriate.

Section 73.311 (relating to subleasing) is amended to reflect changes in subleasing square footage requirements.

Section 73.312 (relating to related parties) is amended to show that PIDA will not generally participate in a project if persons having a significant ownership in the party selling an asset will also have an ownership interest in the party buying the asset.

Section 73.313 (relating to the loss sharing agreement) is amended to reflect that the loss sharing agreement would apply to industrial part or multitenancy projects if an investor-developer is involved in the project.

Fiscal Impact

The amended statement of policy is expected to have a positive fiscal impact on the Commonwealth because of the removal of the engineering requirements and the elimination of PIDA's consulting engineers. The statement of policy is not expected to have a fiscal impact on the political subdivisions of this Commonwealth or the public.

Paperwork Requirements

Additional paperwork requirements are not imposed as a result of the amended statement of policy.

Contact Person

For further information regarding the amended statement of policy, contact Timothy Anstine, Deputy Chief Counsel, Office of Chief Counsel, Department of Community and Economic Development, Commonwealth Keystone Building, 400 North Street, Fourth Floor, Harrisburg, PA 17120-0225, (717) 783-8452.

Findings

The Department finds that:

(1) Delay in implementing the statement of policy will have a serious adverse impact on the public interest.

Order

The Department, acting under the authorizing statute, orders that:

(a) The statement of policy of the Department, 12 Pa. Code Chapter 73, is amended by amending §§ 73.101, 73.111, 73.121, 73.131, 73.132, 73.141, 73.144, 73.147, 73.161—73.163, 73.191, 73.192, 73.201, 73.211, 73.301, 73.303, 73.306 and 73.308—73.313; by deleting §§ 73.112, 73.113, 73.122, 73.123, 73.142, 73.143, 73.145, 73.146, 73.151—73.153, 73.164, 73.165, 73.212—73.215, 73.302, 73.304, 73.305 and 73.307; and by adding §§ 73.112a and 73.113a to read as set forth in Annex A.

(b) The Secretary of Community and Economic Development shall submit this order and Annex A to the Office of General Counsel for approval as to form and legality as required by law.

(c) The Secretary of Community and Economic Development shall certify this order and Annex A and deposit the same with the Legislative Reference Bureau as required by law.

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

DENNIS YABLONSKY,
Secretary

Fiscal Note: 4-89. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 12. COMMERCE, TRADE AND LOCAL GOVERNMENT

PART III. BUSINESS FINANCING

Subpart C. LOANS

CHAPTER 73. PENNSYLVANIA INDUSTRIAL DEVELOPMENT AUTHORITY

Subchapter B. STATEMENT OF POLICY

GENERAL PROVISIONS

§ 73.101. Definitions.

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

Act—The Pennsylvania Industrial Development Authority Act (73 P. S. §§ 301—314).

Beneficial owner—A person or entity other than an industrial occupant, who has acquired or will acquire title to an industrial development project or multiple-tenancy building project from an industrial development agency, and who has leased or will lease the industrial development project or multiple-tenancy building project to an industrial occupant or occupants.

Industrial development agency or agency—A nonprofit corporation to which PIDA is empowered to make loans.

Industrial occupant—An enterprise which occupies and operates an industrial development project or multiple-tenancy building project. An industrial occupant may also acquire title to an industrial development project.

Investor-developer—A beneficial owner which has no significant ownership interest in the industrial occupant.

KIZ—Keystone Innovation Zone.

PIDA—The Pennsylvania Industrial Development Authority.

Project—

(i) A land, site, structure, facility or undertaking for which PIDA is empowered to make loans.

(ii) The term includes an industrial development project, an industrial park project or a multiple-tenancy building project, as defined in the act.

PROJECT ELIGIBILITY

§ 73.111. Industrial enterprises.

The following criteria are used as guidelines by PIDA in determining whether a particular business is eligible to receive funding as an industrial enterprise. PIDA may relax or waive the criteria when justified by the circumstances of a particular project.

(1) The act provides that, to be an eligible industrial enterprise, the enterprise must, by virtue of its size, require substantial capital and create substantial employment opportunities. Except as set forth in this section, PIDA will consider these requirements to be satisfied if the project cost is at least \$200,000 and the industrial

enterprise provides at least 25 full-time jobs (either retained or newly created) within 3 years after the PIDA loan closes.

(2) Each industrial enterprise that will be a tenant of a multiple-tenancy building project will not be required to satisfy the employment requirement and capital requirement that would be required in a single-occupant project, as long as all of the PIDA-eligible enterprises in the building will provide an aggregate of at least 25 full-time jobs and the total project cost of the building is at least \$200,000.

(3) An industrial enterprise may be either a for-profit or nonprofit entity.

(4) Warehouses, terminal facilities, office buildings utilized as National or regional headquarters and computer or clerical operations centers may be considered industrial enterprises regardless of the nature of the underlying enterprise. Warehouse and terminal facilities will be considered only if they are designed to serve retail or wholesale operations or other business operations. National and regional headquarters, computer operations centers and clerical operations centers must generally meet heightened criteria. These criteria are more fully defined as follows:

(i) A National headquarters is a building which houses, among other things, the executive offices of a single company or group of companies, such as a conglomerate, and which meets the following criteria:

(A) The total project cost exceeds \$1.5 million.

(B) At least 125 full-time jobs, both preexisting and newly created, will exist at the project site within 3 years after the PIDA loan closes.

(C) The company has at least two regional offices which report to this facility.

(ii) A regional headquarters is a building which houses, among other things, the branch executive offices of a National company and which meets the following criteria:

(A) The total project cost exceeds \$1.5 million.

(B) At least 125 full-time jobs, both preexisting and newly created, will exist at the project site within 3 years after the PIDA loan closes.

(C) The office serves at least two states.

(D) Two or more offices report to this regional headquarters, which in turn reports directly to the National headquarters.

(iii) A computer operations center is a building which is designed or adapted for, and which houses information technology operations of a company or group of related companies. The computer operations may be either a support service for the company's primary business activities or may be the primary business activity of a company that contracts to provide information technology services to others, and meets the following criteria:

(A) The total project cost exceeds \$1.5 million.

(B) At least 125 full-time jobs, both preexisting and newly created, will exist at the project site within 3 years after the PIDA loan closes.

(iv) A clerical operations center is a building which houses the clerical functions of a company and meets the following criteria:

(A) The total project cost exceeds \$1.5 million.

(B) At least 125 full-time jobs, both preexisting and newly created, in a number determined by PIDA will exist at the project site within 3 years after the PIDA loan closes.

§ 73.112. (Reserved).

§ 73.112a. Agricultural enterprises.

The act provides that, to be an eligible agricultural enterprise, the enterprise must, by virtue of its size, require substantial capital and create substantial employment opportunities. The following criteria are used as guidelines by PIDA in determining whether a particular business is eligible to receive funding as an agricultural enterprise. PIDA may relax or waive the criteria when justified by the circumstances of a particular project.

(1) For agricultural enterprises which are involved in the management and use of a normal agricultural operation for the production of a farm commodity, such as the production, harvesting or preparation for market of poultry, livestock and their products (including bee products), agricultural crops, timber, horticultural crops (including flowers, fruits, vegetables and shrubs), and aquaculture crops (including fish and plants grown in water), PIDA will consider these requirements to be satisfied if the project cost is at least \$200,000 and the agricultural enterprise has at least \$100,000 in annual gross sales.

(2) For agricultural enterprises which are engaged in either the manufacture, development or preparation for sale of one or more farm commodities which adds value to those commodities, or the conversion of a farm product into a marketable form, including, but not limited to, livestock by slaughtering, fruits and vegetables by canning and freezing and forest products by secondary processing, PIDA will consider these requirements to be satisfied if the project cost is at least \$200,000 and the agricultural enterprise provides at least 25 full-time jobs (either retained or newly created) within 3 years after the PIDA loan closes.

(3) An agricultural enterprise may be either a for-profit or nonprofit entity.

§ 73.113. (Reserved).

§ 73.113a. KIZ projects.

(a) The KIZ Program was established under 37 Pa.C.S. Chapter 12 (relating to Keystone Innovation Zones) and the PIDA Board was authorized to provide loans for projects in which at least one Keystone Innovation Zone company or "KIZ company" will be located. A "Keystone Innovation Zone Company" is defined in 37 Pa.C.S. § 3702 (relating to definitions) as a for-profit business entity which is all of the following:

(1) Located within a KIZ.

(2) Has been in operation for less than 8 years.

(3) Falls within one of the targeted industry segments adopted by the Keystone Innovation Zone Partnership in its strategic plan.

(b) If the structure is intended to accommodate more than one KIZ company, at least 80% of the space in the structure must be leased to KIZ companies.

(c) The provisions of 37 Pa.C.S. Chapter 12 authorize the PIDA Board to establish the maximum loan participation rate to be applied to KIZ company projects. In the interest of promoting eligible KIZ company projects, the PIDA will consider loans of up to 75% of the cost of eligible KIZ company projects.

(d) Except as provided above with respect to the loan participation rate and the eligibility of KIZ companies (which might not otherwise be eligible for PIDA financing), all other terms of the act and this subchapter apply to KIZ company projects.

ADVANCED TECHNOLOGY PROJECTS

§ 73.121. General.

As set forth in § 73.13 (relating to interest rates), PIDA may provide special interest rates for projects designated as advanced technology. A company will be deemed to qualify as "advanced technology" if it meets one of the following criteria:

(1) The company falls within one of the Standard Industry Codes described as "high tech" as described by the American Electronics Association in its publication "Cybernation," as those codes are further augmented by the Wharton Economic Forecasting Associates Group.

(2) The company is able to respond satisfactorily to the questions contained on PIDA's technology review form, as follows:

Question # 1: To your knowledge, do any other companies in this industry, either domestic or foreign, have access to this technology or its equivalent? Yes _____ No _____

Question # 2: Does the technology or industrial process in question represent a significant improvement over the existing technology and/or industrial process currently in general use within the industry? Yes _____ No _____ If yes, please elaborate on what advantages this technology or process will provide.

Question # 3: What year was this technology first introduced to your industry? _____

Question # 4: Does the company hold or maintain:

Patents for the technology or process in question? Yes _____ No _____

License(s) for the technology or its underlying intellectual property? Yes _____ No _____

Trade secrets covering the technology in question? Yes _____ No _____

Question # 5: Does the applicant have an internal engineering department? Yes _____ No _____

If yes, what percent of the company's operating budget is dedicated to this department?

Question # 6: Does the applicant company have any existing relationship with consultants, external research organizations, universities or other entities to provide or introduce new intellectual property or technology to the company? Yes _____ No _____ If yes, please describe.

Question # 7: Has the company invested in technology within the past 12 months, or is the company proposing to invest in technology within the next 12 months that has advanced or will advance the state of the art for the industry? Yes _____ No _____ If yes, please elaborate on how the state of the art for the industry was or will be advanced by the technology and what the potential effects on the company will be.

Question # 8: Does the applicant have an R & D department? Yes _____ No _____ If yes, what percent of the company's operating budget is dedicated to this department?

§ 73.122. (Reserved).

§ 73.123. (Reserved).

FINANCIAL CONSIDERATIONS

§ 73.131. Industrial development projects.

(a) The act requires that an industrial development project be sold or leased to a responsible buyer or responsible tenant. The PIDA interprets this statutory requirement to mean not only the financial ability to repay the PIDA's loan, but also the financial ability to repay all working capital and equipment financing necessary for the establishment and operation of a complete project. The analysis described in this section would be the same whether the responsible buyer is a beneficial owner related to the industrial occupant or an unrelated investor-developer.

(b) The application for an industrial development project must include financial statements of the proposed responsible buyer or tenant, parent company and proposed guarantors, if any, for the latest 3 years of operations, prepared by an independent certified public accountant. Complete financial statements include the independent accountants' report and all notes to the financial statements. When required by PIDA, personal financial statements of investor-stockholders may be prepared by a certified public accountant or by the individuals themselves on bank forms acceptable to PIDA and signed and dated. The personal financial statements must state all assets and direct liabilities on the face thereof, and include appropriate footnotes concerning the existence of contingent liabilities, or, in the alternative, specifically indicate that none exists to the best of the preparer's knowledge. PIDA may request additional financial information it deems appropriate in support of financial statements furnished with an application. A conference at the PIDA office in Harrisburg may be requested to develop adequate information for a complete presentation of pertinent aspects of the financial situation of a responsible buyer or tenant to PIDA. Generally, representatives of PIDA and its independent financial consultant will meet with representatives of the industrial development agency and management of the responsible buyer or tenant to discuss the financial statements of the responsible buyer or tenant, management background and experience, industrial products, operations and other project details.

(c) The establishment of a new entity as the responsible buyer or tenant will necessitate the submission of other financial information. In this event, PIDA may require the personal financial statements of the major investors. PIDA will require pro forma balance sheets and projected income statements and cash flows of the new entity for at least the first 3 full years of proposed operations, ideally prepared by an independent certified public accountant, although plain paper statements are also acceptable. These projections must include footnotes which disclose, among other things, the methods of accounting to be used, proposed sources of financing—both debt and equity—interest rate and terms of proposed financing, and all significant assumptions regarding projected income and expenses, including projected quantities, prices, customers and market areas, number of employees, labor rates, pension and fringe benefits and administrative and other operating expenses.

(d) The requirements in subsection (c) for projected financial statements may not be necessary in the case of a new entity being formed by a parent company whose

acceptable, historical financial statements are submitted to PIDA and whose guaranty is to be relied on for repayment of the PIDA loan.

(e) The financial analysis which PIDA causes to be made to assist it in its determination as to whether there is a responsible buyer or tenant is a broad based analysis of the complete operations of the entity, including the proposed financing of the project. Each application is analyzed on a case by case basis. In determining whether there is a responsible buyer or tenant, PIDA will consider the following financial aspects:

- (1) Form and content of financial statements, whether audited, reviewed or compiled.
- (2) Equity of the responsible buyer or tenant and guarantors, if any, in relation to the total project cost.
- (3) Income in relation to the total project cost.
- (4) Extraordinary items of income and expenses reflected in the statements of income.
- (5) Cash flow in relation to project debt service.
- (6) Current working capital ratio.
- (7) Total debt to equity ratio.
- (8) Trends of sales and net income.
- (9) Contingent liabilities.
- (10) Financial ability to adequately finance the working capital and equipment requirements of the industrial development project.
- (11) Industry factors relevant to a particular industrial development project.

(f) PIDA may require additional security for its loan to establish the project as creditworthy. Kinds of additional security that may be requested include a participating first lien mortgage on the proposed project; guaranties of the repayment of a PIDA loan by principal shareholders or other interested parties, the parent, subsidiaries or affiliated corporations of the respective responsible buyers or tenants; subordination of debt of the respective responsible buyers or tenants to the repayment of a PIDA loan; assignments of life insurance on the lives of the principals of the respective responsible buyer or tenant; assignments of agreements of lease, sublease or installment sale; additional collateral liens on other real estate owned by the respective responsible buyers or tenants or guarantors; a letter of credit; limitations on the purchase of Treasury stock, payment of dividends and payment of salaries of officers of the respective responsible buyers or tenants; additional equity participation in the proposed project resulting in a reduced participation by the first mortgage lender or PIDA; additional equity investment in the responsible buyer or tenant by outside investors; in rare cases, a collateral lien on machinery and equipment; and a reduction of the size and scope of the project which will reduce the total amount of the debt incurred by the respective buyer or tenant and also reduce the amount of a PIDA loan requested.

(g) Additional security requested by PIDA will be determined on a case-by-case basis and will depend on the financial strength reflected in the proposed responsible buyer's or tenant's financial statements. The specific additional collateral requested will depend on the availability of the items of security in each specific case.

§ 73.132. Industrial parks and multiple-tenancy building projects.

(a) With respect to an industrial park project or a multiple-tenancy project when no investor-developer is

involved, the limited financial requirements of the act reduce the financial analysis involved. By their nature, these projects are more speculative and require the application of different criteria. The financial strength of an industrial development agency may or may not be a primary factor respecting PIDA's proposed participation in either an industrial park or multiple-tenancy building project. Among other things, PIDA considers the industrial development agency's past record in developing other similar projects, the scope and completeness of the proposed project, evidence of satisfactory sources of financing for the entire industrial park or multiple-tenancy building project, proposed equity participation therein, any proposed governmental participation in the project, evidence of the demand for industrial park land or multiple-tenancy building space in the area of this Commonwealth in which the project is to be located, and the satisfactory projection of sufficient revenue generated by the project to repay the loan.

(b) When an investor-developer will be the owner of the proposed industrial park or multiple-tenancy building project, the financial analysis of the investor-developer will be similar to the financial analysis of a responsible buyer as described in § 73.131 (relating to industrial development projects).

ENGINEERING GUIDELINES

§ 73.141. General.

(a) PIDA will expect and require the industrial development corporation (IDC) or the private borrower, or both, to engage professionals that are needed to assure that the project is completed in accordance with applicable laws and acceptable building standards. PIDA will expect and require that the IDC or the private borrower, or both, to provide to PIDA information that may be needed by PIDA to assure that the project complies with the act and that the PIDA loan is adequately documented and secured.

(b) PIDA may retain 10% of its loan until a certificate of occupancy is issued by the appropriate building code official for the project.

§ 73.142. (Reserved).

§ 73.143. (Reserved).

§ 73.144. Costs.

This section sets forth a comprehensive tabulation of items which may be questionable for PIDA financing, together with conditions for or limitations of eligibility used by PIDA in its project review. For ease of tabulations, items are arranged according to the 16-division grouping of the Construction Specification Institute (CSI) format for building specifications, commonly referred to as the Uniform Construction Index.

(1) *General requirements.* PIDA will examine unit costs and cost per square foot of building for each project. To establish a uniform standard, "unit cost" refers to unit acquisition cost or unit construction cost, and does not include items such as land, site work, interest, and the like. PIDA will require additional justification if the unit cost appears excessive.

(2) *Site work.*

(i) *Site utilities.* Offsite utilities are generally not eligible. Requests for inclusion of offsite utility costs are subject to special review.

(ii) *Railroad work.* Offsite rail sidings are not generally eligible.

(3) *Concrete.* There are no requirements in this category.

(4) *Masonry.* There are no requirements in this category.

(5) *Thermal and moisture protection.* Roofing bond or warranty, or lack thereof, will affect the term of a PIDA mortgage.

(6) *Doors and windows.* There are no requirements in this category.

(7) *Finishes.* There are no requirements in this category.

(8) *Specialties.*

(i) *Identifying devices.* Directories, bulletin boards and directional signs are eligible. Commemorative plaques and identification signs will be questioned.

(ii) *Lockers.* Lockers are not eligible.

(iii) *Scales.* Scales are not eligible.

(iv) *Storage shelving and racks.* Storage shelving is generally not eligible. Incidental shelving in utility rooms, janitor's closets, and the like is eligible. Combination storage rack-structural frame systems, if an integral and nonremovable part of the structure and necessary for a particular building to function may be included.

(9) *Equipment.* As a general rule, "equipment" as it relates to the owner's or tenant's particular operation is an ineligible item, and will be excluded from the project for PIDA loan purposes. Certain types of equipment, however, may be "built in" and be necessary for a particular building to function, and may therefore be included. Portable equipment is ineligible.

(i) *Built-in maintenance equipment.* It would be possible to justify a powered window-washing system in a multistory research and development facility.

(ii) *Food service equipment.* Kitchenette units, residential type kitchen appliances and bar units are ineligible.

(iii) *Pollution control equipment.*

(A) Pollution control equipment related to a manufacturing process, even if required by a Federal, Commonwealth or local regulatory agency is ineligible.

(B) Pollution control equipment related to the operation and maintenance of a building which is required by a Federal, Commonwealth or local regulatory agency will be eligible.

(iv) *Laboratory equipment.* Built-in casework, counters and the like may be eligible in a research facility.

(v) *Parking equipment.* Depending upon the location, parking control equipment may be a desirable, if not required, feature of off-street parking areas, and thus will be eligible.

(vi) *Waste handling equipment.* Built-in rubbish chutes and waste compactors are eligible. Packaged or built-in incinerators are eligible.

(vii) *Loading dock equipment.* Dock levelers or platforms, seals and bumpers are eligible.

(viii) *Material storage silos.* Material storage silos are eligible. Mechanical material conveying systems are ineligible. See paragraphs (11)(v) and (12).

(10) *Furnishings.* Unless otherwise specifically permitted, furnishings, furniture and accessories are ineligible.

(i) *Cabinet and storage.* Incidental built-in storage shelving is eligible.

(ii) *Rugs and mats.* Loose rugs indicate a finished floor underneath, and are therefore ineligible. Recessed entry mats are eligible.

(iii) *Seating.* Bolted-down auditorium type seating is eligible in a research and development facility.

(11) *Special construction.*

(i) *Air-supported structures.* The life of these structures in relation to the term of the PIDA mortgage is questionable, and, although their eligibility will be determined on a case by case basis their use is discouraged.

(ii) *Special purpose rooms.*

(A) Hot and cold rooms are eligible.

(B) Laboratories with pressurization or climate control, or both, are eligible.

(iii) *Incinerators.* Incinerators are eligible.

(iv) *Insulated rooms.* Walk-in coolers and freezers, as well as the necessary chilling equipment, are an acceptable part of a food-processing or storage facility.

(v) *Prefabricated buildings.*

(A) Preengineered metal buildings are eligible. The gauge of roof and sidewall panels, as well as the durability of finish coatings, will affect the term of a PIDA mortgage.

(B) Prefabricated refrigerated buildings are eligible to the extent that they are a necessary part of the owner/tenant's operation.

(C) Prefabricated security control shelters are eligible, inasmuch as they merely replace structures of conventional construction.

(D) Storage silos, insofar as they replace normal building areas that would otherwise be devoted to storage use, are eligible. If they are portable or easily detachable, however, they are ineligible.

(12) *Conveying systems.*

(i) *Dumbwaiters.* Dumbwaiters are generally eligible.

(ii) *Elevators.* Elevators are eligible.

(iii) *Hoists and cranes.* Hoists and cranes are not eligible. The crane-ways are eligible inasmuch as they are part of the structural frame of the building.

(iv) *Lifts.* A man-lift would generally be eligible. Garage, platform and sidewalk-type lifts are not eligible.

(v) *Material handling systems.* Unusual justifications would have to be provided for material handling systems to be eligible. All components, with the exception of floor pits and trenches, are classed as equipment and, therefore, not eligible. Vacuum piping for the handling of bulk materials is not eligible.

(13) *Mechanical.*

(i) *Pumps and compressors.* Air compressors and associated piping are considered equipment and, as such, their cost excluded for PIDA loan purposes.

(ii) *Water supply and treatment.* Costs in connection with a domestic water system are eligible. Costs in connection with a strictly process water system are not eligible. A combination system is fully eligible if 25% or less is used for process purposes. If over 25% is devoted to process, the eligible cost will be determined by prorating the cost of the system in proportion to the domestic/process ratio.

(iii) *Wastewater disposal and treatment.*

(A) Sewage ejectors and lift stations, as they relate to a sanitary sewage disposal system, are eligible.

(B) Industrial waste disposal systems are not eligible. A combination system is fully eligible if 25% or less is used for industrial waste disposal. If over 25%, the eligible cost will be determined by prorating the cost in proportion to the sanitary/industrial waste ratio.

(iv) *Water coolers.* Freestanding or loose water coolers are considered equipment, and their cost will be ineligible. Built-in or permanent water coolers and drinking fountains are eligible.

(v) *Fire protection.* Items of fire protection are eligible, with the exception of portable hand-held fire extinguishers. These are equipment and, although required by the Department of Labor and Industry, are ineligible for PIDA loan purposes.

(vi) *Boilers.* Domestic heat boilers are eligible. Strictly process heat boilers are not eligible. The entire cost will be eligible if 25% or less of a combined system capacity is used for process purposes. If over 25% of the system's capacity is used for process purposes, the eligible cost will be determined by prorating the boiler's cost in proportion to the domestic/process ratio.

(vii) *Refrigeration.* See paragraph (11)(ii) and (iv). Any required piping, as well as compressors, condensers, chillers and evaporators necessary to utilize the required cold storage areas are eligible.

(viii) *Commercial ice making equipment.* Unless commercial ice making equipment is a byproduct of room refrigeration equipment, it will be considered equipment and is, therefore, not eligible.

(ix) *Packaged heating and cooling.*

(A) Room type, window or thru-the-wall air conditioners are eligible in offices, are not an acceptable means of cooling plant areas.

(B) Computer air conditioning package units, separate and apart from central building air conditioning systems, which are directly involved in the cooling of computers and computer components on a year-round basis, are ineligible for PIDA loan purposes.

(x) *Humidity control.* Humidity control is generally an acceptable addition to computer rooms, special purpose rooms and critical assembly areas.

(xi) *Special ductwork systems and equipment.* Sawdust collection systems, including ductwork, blower and collection hopper are considered industrial equipment and are not eligible.

(14) *Electrical.*

(i) *Conductors.* Direct and final electrical hookups to manufacturing machinery or process equipment should be part of the machinery installation, and are ineligible.

(ii) *Computer power distribution modules.* Computer power distribution modules which offer total flexibility in locating and relocating mainframe and peripheral computer components will be excluded for PIDA loan purposes.

(iii) *Electrical service.* Costs attributable to special power requirements for manufacturing or process equipment are ineligible.

(iv) *Uninterruptible power supply.* Uninterruptible power supply systems including diesel or gas driven generators, rectifiers, inverters, banks of storage batteries, and the like, which are utilized for any purpose other

than to power emergency lights, security systems and fire detection and protection systems, are ineligible for PIDA loan purposes.

(v) *Communications.* Communication devices and public address systems are not eligible. Closed-circuit television and other types of security systems are considered equipment and are ineligible.

§ 73.145. (Reserved).

§ 73.146. (Reserved).

§ 73.147. Checklist of requirements for a complete and comprehensive industrial appraisal.

(a) One independent appraisal by a member of the American Institute of Real Estate Appraisers or by a Pennsylvania-certified appraiser of an acquisition project is required. The appraisal should be of the "as is" property, and should not presume improvements thereto.

(b) Each appraisal must contain the customary certification, limiting conditions, appraiser's qualifications and an appraisal brief.

(c) The complexity of the appraisal depends on the size, value and complexity of the property.

§ 73.151. (Reserved).

§ 73.152. (Reserved).

§ 73.153. (Reserved).

PENALTIES

§ 73.161. General.

The purpose of the interest rate penalty is to insure that PIDA's funds are being properly utilized for employment creation purposes. If a project is not creating jobs, PIDA's funds would be better directed to those businesses which would comply with the objectives of PIDA's program. Actual employment creation is one measure of the program's success. Failure to meet employment projections may be the direct result of factors beyond a business's control. There are varying degrees of success in reaching employment projection goals; some firms have exceeded their projections, others have failed to achieve even 50% of their projections. Therefore, the criteria in § 73.162 (relating to criteria) have been devised to provide a framework which will assist PIDA in evaluating each project on a consistent basis and imposing penalties at its discretion. Consistent application of these evaluation criteria will guide the imposition of penalties.

§ 73.162. Criteria.

The following four criteria will be evaluated to determine if a valid explanation exists for failure to meet employment projections. Individually, each would require a "yes or no" decision by PIDA. If PIDA determines that the company has a valid explanation for any one of the following reasons, no penalty will be imposed. The criteria are:

(1) *Natural disaster.* Although occurring infrequently, this is the most clear-cut of the evaluation criteria. A company will not be held responsible for attaining employment projections if a natural disaster such as a fire, flood or tornado strikes the business.

(2) *Industry trends.* By examining sales and revenue figures for the industry in question, explanations have been given for declining industries which have been unable to produce their employment projections. Several points should be considered:

(i) When examining industry trends, only the years following occupancy of the project will be considered.

(ii) Often, crucial data is unavailable. For example, data may be available for the 2 digit Standard Industry Code (SIC) codes only, rather than for the more specific 4 digit code.

(iii) Many companies produce or manufacture under several SIC codes. One industry classification may be doing well, while three other minor industries in which the company is classified may be in decline. An evaluation of the major SIC and industry trends must be made relevant to other activities undertaken by the company, and a determination reached that the company is primarily in one or more industries which are declining. An industry is considered in decline when that industry—measured by the appropriate three digit SIC code—experiences employment declines of 10% or more over any 12-month period.

(3) *Labor force.* Another explanation for failure to meet job projections has been the lack of an available labor pool. While in some cases justified, this explanation will be further investigated, taking the following into consideration:

(i) Unemployment rate of the county in which the project is located does not in itself signify the absence of available labor, particularly for low skilled jobs; however, if the company requires skilled workers, or those with scarce skills, this could be a sound explanation. The Pennsylvania Occupational Information Coordinating Committee's data base is consulted for labor supply in specific skills on a geographic basis.

(ii) A determination shall be made that the business is not experiencing a labor shortfall because of the wages it offers. In this instance, the burden of proof should be on the company to demonstrate that it pays employees the average wage based on the industry-wide average for a particular region. Staff research utilizing average wage data supplied by the Department of Labor and Industry will be used to determine the validity of this explanation.

(4) *Loss of major supplier/market.* In some instances, the failure of a loan recipient to meet employment projections is the result of a plant closing or major layoff of a major supplier or customer, which directly affects the ability of the industrial occupant to maintain its level of business activity. Therefore, if the loss of a customer or supplier represents 25% or more of the sales of the industrial occupant or 25% or more of its purchases of materials or finished products from a supplier, this criterion will be considered valid. In this case, as in paragraph (3), the burden lies with the industrial development agency or private company to demonstrate validating proof of this criterion.

§ 73.163. Levying of penalties.

If PIDA determines that the failure to meet employment projections is warranted by one of the explanatory criteria in § 73.162 (relating to criteria), a penalty will not be levied. If the failure is not warranted, the following penalty scale criteria will be applied to determine the level of penalty to be imposed:

<i>If Job Creation % is:</i>	<i>Penalty Interest Rate Increment</i>
100	0.00%
>95	0.33%
>90	0.67%
>85	1.00%

<i>If Job Creation % is:</i>	<i>Penalty Interest Rate Increment</i>
>80	1.33%
>75	1.67%
>70	2.00%
>65	2.33%
>60	2.67%
>55	3.00%
>50	3.33%
>45	3.67%
>40	4.00%
>35	4.33%
>30	4.67%
<30	5.00%

<i>If Job Retention % is:</i>	<i>Penalty Interest Rate Increment</i>
100	0.00%
>95	1.00%
>90	2.00%
<90	3.00%

(1) In addition to an interest rate penalty which may be imposed, PIDA may refuse to approve new loans for a company which fails to meet its employment projections if the failure is not warranted by one of the criteria listed in this section.

(2) Several options remain available to PIDA. For example, PIDA may choose to delay a penalty, conduct periodic reviews to remove an imposed penalty, or waive a penalty after it is imposed, depending on extenuating circumstances. The levying of interest rate penalties is at the sole discretion of PIDA.

§ 73.164. (Reserved).

§ 73.165. (Reserved).

ACQUISITION OF PROJECT PROPERTY THROUGH STOCK PURCHASE

§ 73.191. Eligibility; acquisition through stock purchase.

An application to finance the acquisition of a project property through a stock purchase may be eligible for financing by PIDA.

§ 73.192. Financial considerations for stock purchase acquisition of assets.

(a) If an application is submitted to PIDA to finance the acquisition of a project property through a stock purchase, the following procedures will be followed by PIDA:

(1) PIDA will require the submission of:

(i) Financial statements, in form satisfactory to PIDA, prepared by an independent certified public accounting firm for both the acquiring company and the company being purchased.

(ii) Appraisals or other documentation acceptable to PIDA showing the fair market value of the land, buildings, equipment, machinery and similar immovable assets as of the time of the application.

(2) PIDA will review the valuation made by the applicant and its independent certified public accounting firm of the assets and the projected allocation of the total price to be paid, based on the information submitted and the review of the information by PIDA staff persons and PIDA's independent financial consultant. Allocation should be made as follows:

(i) First, to inventories, to be valued at net realizable value.

(ii) Second, to accounts receivable, to be valued at net realizable value.

(iii) Third, to remaining assets. Utilizing fair market value, the balance of the purchase price shall be allocated among the remaining assets on a pro rata basis. PIDA will finance the acquisition of the project property based on the cost as determined by this allocation not to exceed the fair market value, or 80% of the appraised fair market value of the project property, whichever is greater.

(3) PIDA may engage the services of independent appraisers to determine the fair market value of land, buildings, equipment, machinery or other immovable assets.

(b) An application for financing of a stock purchase acquisition of assets should also meet other requirements imposed by PIDA and the act on applications for financing generally.

(c) Prior to closing a PIDA loan to finance the acquisition of a project through a stock purchase, the applicant should submit a certification from an independent certified public accounting firm as to the actual allocation made. A material change in the actual allocation from the projected allocation may result in PIDA withdrawing or reducing its loan offer.

(d) The substantial capital and substantial employment opportunities requirements established for certain projects will be applicable to stock purchase acquisitions of assets.

ENVIRONMENTAL SITE ASSESSMENT

§ 73.201. Environmental site assessment.

(a) Prior to loan closing and unless specifically waived by PIDA, PIDA requires a completed Phase I environmental site assessment report relating to the site of the industrial development project performed by an independent qualified environmental professional.

(b) The contract between the applicant or industrial occupant and the environmental consultant may be reviewed by PIDA to insure that the contract is in form and substance satisfactory to PIDA. The contract should provide expressly that PIDA is an intended third-party beneficiary of the contract and expressly permit PIDA to rely on the report and findings of the environmental audit in determining whether to close its loan. The contract should provide for a limit of liability for the consultant against losses arising from the consultant's negligence or misfeasance of no less than 10% of the total eligible project cost or \$50,000, whichever is greater. The environmental consultant shall provide proof of professional liability insurance in amounts no less than the required limit of liability.

(c) The scope of work of the Phase I environmental assessment must be in accordance with the ASTM International E1527-00 Standard Practice for Environmental Site Assessments: Phase 1 Environmental Site Assessment Process.

(d) The applicant or industrial occupant may be required to demonstrate its use of best efforts to provide the consultant with information and materials needed to complete its work, including, without limitation, negotiation of contractual provisions requiring the seller of the particular project to furnish information to the applicant or industrial occupant and the consultant, to cooperate

with the proposed audit and to permit access to the project site for purposes of inspection.

(e) After reviewing the Phase I report, PIDA may determine that additional environmental testing or remediation of contamination, or both, is required prior to closing the loan.

JOB RETENTION PROJECTS

§ 73.211. General.

Although PIDA has focused on encouraging new job creation, a need exists to provide financing to industrial development projects which retain quality jobs. If Pennsylvania's economy is to rival the economies of the world's industrialized countries, PIDA must react to the need to make existing Pennsylvania jobs more secure. Even when quality businesses are not creating jobs, their efforts to maintain and improve their competitive edge are essential to Pennsylvania's business vitality. In response to this need, PIDA will finance job retention projects.

§ 73.212. (Reserved).

§ 73.213. (Reserved).

§ 73.214. (Reserved).

§ 73.215. (Reserved).

MISCELLANEOUS

§ 73.301. Removal.

One of the statutory loan application requirements is evidence that the establishment of a project will not cause the removal of a facility from one area of the Commonwealth to another. Because there is no statutory definition of the word "area," PIDA examines the facts attendant to each application to make a reasonable determination respecting a possible removal question. The use of county boundary lines is a convenient beginning point, but is not necessarily determinative in a given situation.

§ 73.302. (Reserved).

§ 73.303. Payment of interest only; commencement of amortization.

For construction projects, the PIDA commitment and loan documents generally provide for the payment of "interest only" during construction or through a date reasonably certain as approved by the PIDA, whichever occurs first. The PIDA's cash flow situation and disbursement restrictions will always affect the "interest only" and "commencement of amortization" provisions.

§ 73.304. (Reserved).

§ 73.305. (Reserved).

§ 73.306. Closing requirements.

Documentation and other requirements for the closing of PIDA's loans must be in form and substance satisfactory to counsel for PIDA. PIDA's counsel may require documentation as may be reasonably necessary to insure that PIDA's loan is properly secured.

§ 73.307. (Reserved).

§ 73.308. Loan terms: industrial parks and multiple-tenancy building projects.

The terms of industrial park loans and multiple-tenancy building project loans are generally as follows:

(1) Industrial park loan terms are 15 years. No principal will be required to be paid during the first 5 years. Interest on the loan for the first 2 years will be deferred and paid in a lump sum at the end of the first 2 years.

Interest for the 3rd, 4th and 5th years will be paid monthly. Amortization of principal and interest will be paid on a regular monthly basis in the 6th—15th year. In addition, a portion of sales proceeds or rentals derived from a conveyance or lease of any portion of the industrial park shall be paid to PIDA and applied as a prepayment of PIDA's loan.

(2) Multiple-tenancy building project loan terms are 15 years. Interest only will be paid monthly for the first 2 years. Amortization of principal and interest will be paid on a regular monthly basis in the 3rd—15th year.

§ 73.309. Commencement and refinancing.

A project may only be financed by PIDA if the project is commenced after PIDA approves either assistance for the project or the commencement of the project. For this purpose, commencement includes taking title to project property, and actual commencement of construction. PIDA will not refinance assets owned by a beneficial owner or industrial occupant or an affiliate of a beneficial owner or industrial occupant before PIDA approves either assistance for the project or commencement of the project. Assets leased by a beneficial owner or industrial occupant or an affiliate of either may be eligible for financing if there is no equity build up in those assets for the benefit of the beneficial owner, industrial occupant or affiliate during the term of the lease. PIDA's loan may be used to replace interim or construction financing that was put in place after PIDA approved assistance for the project or the commencement of the project.

§ 73.310. Investor-developers.

PIDA will participate in projects in which the project will be purchased or conveyed by the industrial development corporation to an investor-developer. The guaranty of the industrial occupant will not be an automatic requirement in single-tenant and multi-occupancy projects where an investor-developer will be the responsible purchaser of the project, but would instead only be required on a case-by-case basis if the investor-developer is not sufficiently credit-worthy in its own right, or other circumstances (such as the relationship between the investor-developer and the industrial occupant) suggest that such a guaranty is appropriate.

§ 73.311. Subleasing.

(a) *Industrial development projects:*

(1) No portion of the project may be leased to unrelated third parties without the prior written consent of PIDA and the following apply:

(i) When subleasing to an eligible activity, such as manufacturing and industrial, the leased space may not exceed 49% of the total square footage.

(ii) When subleasing to an ineligible activity, such as commercial, the leased space may not exceed 15% of the total square footage.

(2) The total square footage to be subleased may not exceed 49%.

(3) If PIDA consents to the lease, the lessor may be required to pay or cause to be paid to PIDA as a prepayment on the loan a portion of the gross rentals.

(b) *Multiple-tenancy building projects and industrial park projects:*

(1) No portion of the project may be used for an ineligible activity, such as commercial, service or retail, without the prior written consent of PIDA. If the industrial development agency or investor-developer is leasing to a private firm that is providing support services, such as accounting, legal and general office services to most of the eligible tenants or occupants, a lease of up to 20% of the total square footage may be approved by PIDA. If the industrial development agency or investor-developer is leasing to a nonrelated ineligible activity, a lease of no more than 15% of the total square footage may be approved by PIDA.

(2) Leases for eligible activities including, without limitation, manufacturing, industrial, and the like shall continue to be at the discretion of the industrial development agency or investor-developer.

§ 73.312. Related parties.

PIDA will not generally participate in a project if persons having a significant ownership interest in the party selling an asset or assets, either individually or in the aggregate, will also have an ownership interest in the party buying the asset or assets. See also § 73.309 (relating to commencement and refinancing).

§ 73.313. Loss sharing agreement.

Following certification of an industrial development agency by the PIDA, the PDIA may enter into an agreement with the agency for the sharing of losses between the PDIA and the agency on industrial development projects. A loss sharing agreement entered into would:

(1) Be subject to the approval of the PIDA's counsel.

(2) Not apply to industrial park or multitenancy projects, unless an investor-developer is involved in the project.

(3) Not apply in the event of losses caused by or attributable to the agency.

[Pa.B. Doc. No. 07-1900. Filed for public inspection October 19, 2007, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending October 2, 2007.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
9-27-07	Susquehanna Bancshares, Inc., Lititz, to acquire 100% of the voting shares of Community Banks, Inc., Harrisburg	Lititz	Approved
10-1-07	Harleysville National Corporation, Harleysville, to acquire 100% of East Penn Financial Corporation, Emmaus, and so indirectly acquire East Penn Bank, Emmaus, which will be merged with and into The Harleysville National Bank and Trust Company, Harleysville (a wholly-owned subsidiary of Harleysville National Corporation).	Harleysville	Approved

Mutual Holding Company Reorganization

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-1-07	North Penn Bank Scranton Lackawanna County	Scranton	Effective

North Penn Bank (the Bank) has reorganized from a mutual holding company structure to a stock holding company structure. To effect the reorganization, the Bank created three interim Federal savings banks, which were merged with and into the Bank effective October 1, 2007. The resulting structure is a stock Federal thrift holding company, New North Penn Bancorp, Inc., which owns all of the shares of the Bank.

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-20-07	Federated Investors Trust Company of PA, Pittsburgh, and Federated Investors Trust Company, Sicklerville, NJ Surviving Institution— Federated Investors Trust Company of PA, Pittsburgh	Pittsburgh	Filed
9-27-07	Merger will complete the conversion from a New Jersey State-chartered institution to a Pennsylvania State-chartered trust company. Elderton State Bank, Elderton, and Elderton Interim Bank, Elderton Surviving Institution— Elderton State Bank, Elderton	Elderton	Approved
9-27-07	Merger is in conjunction with the reorganization of Elderton State Bank to create a bank holding company structure. Elderton State Bank will become the wholly-owned subsidiary of Keystrong Financial, Inc., a new holding company in formation. Susquehanna Bank PA, Lititz, and CommunityBanks, Millersburg Surviving Institution— Susquehanna Bank PA, Lititz	Lititz	Approved

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-1-07	Susquehanna Bank PA Lititz Lancaster County	Lititz	Approved
	Purchase of assets/assumption of liabilities of four branch offices of Susquehanna Bank DV, Bryn Mawr, located at:		
	2228 State Hill Road Wyomissing Berks County	4930 5th Street Highway Temple Berks County	
	4915 Perkiomen Avenue Reading Berks County	46 West Main Street Fleetwood Berks County	

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-10-07	Mid Penn Bank Millersburg Dauphin County	2101 Market Street Camp Hill Cumberland County	Opened
10-1-07	First Commonwealth Bank Indiana Indiana County	5853 Forbes Avenue Pittsburgh Allegheny County	Approved
10-2-07	Mifflinburg Bank and Trust Company Mifflinburg Union County	214 Vine Street New Berlin Union County	Approved

Branch Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-27-07	Susquehanna Bank PA Lititz Lancaster County	<i>Into:</i> 4930 5th Street Highway Temple Berks County <i>From:</i> 5318 Allentown Pike Temple Berks County	Approved
	(Branch consolidation pending the proposed merger of CommunityBanks, Millersburg, with and into Susquehanna Bank PA, Lititz, and the proposed purchase of assets/assumption of liabilities of the surviving branch from Susquehanna Bank DV, Bryn Mawr)		
9-27-07	Susquehanna Bank PA Lititz Lancaster County	<i>Into:</i> 3199 Cape Horn Road Red Lion York County <i>From:</i> 3090 Cape Horn Road Red Lion York County	Approved
	(Branch consolidation pending the proposed merger of CommunityBanks, Millersburg, with and into Susquehanna Bank PA, Lititz)		
9-27-07	Susquehanna Bank PA Lititz Lancaster County	<i>Into:</i> 1205 Carlisle Road York York County <i>From:</i> 2170 White Street York York County	Approved
	(Branch consolidation pending the proposed merger of CommunityBanks, Millersburg, with and into Susquehanna Bank PA, Lititz)		
9-27-07	Susquehanna Bank PA Lititz Lancaster County	<i>Into:</i> 200 Willow Valley Lakes Drive Willow Street Lancaster County <i>From:</i> 90 Willow Valley Lakes Drive Willow Street Lancaster County	Approved
	(Branch consolidation pending the proposed merger of CommunityBanks, Millersburg, with and into Susquehanna Bank PA, Lititz)		

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-27-07	Susquehanna Bank PA Lititz Lancaster County	<i>Into:</i> 1 Market Way East York York County <i>From:</i> 16 North George Street York York County	Approved
	(Branch consolidation pending the proposed merger of CommunityBanks, Millersburg, with and into Susquehanna Bank PA, Lititz)		
10-2-07	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>Into:</i> 338 West DeKalb Pike King of Prussia Montgomery County <i>From:</i> 608 DeKalb Pike King of Prussia Montgomery County	Approved
10-2-07	S & T Bank Indiana Indiana County	<i>Into:</i> 3884 Route 30E Latrobe Westmoreland County <i>From:</i> 100 Colony Lane Latrobe Westmoreland County	Approved

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-27-07	Susquehanna Bank PA Lititz Lancaster County	2228 State Hill Road Wyomissing Berks County	Approved
	(Branch discontinuance pending the proposed purchase of assets/assumption of liabilities of the branch from Susquehanna Bank DV, Bryn Mawr)		
9-27-07	Susquehanna Bank PA Lititz Lancaster County	10 South Main Street Spring Grove York County	Approved
9-27-07	Susquehanna Bank PA Lititz Lancaster County	2894 North Susquehanna Trail Shamokin Dam Snyder County	Approved
9-27-07	Susquehanna Bank PA Lititz Lancaster County	128 Toddy Drive East Earl Lancaster County	Approved
9-27-07	Susquehanna Bank PA Lititz Lancaster County	55 Wetzel Drive Hanover York County	Approved
	(Branch discontinuance pending the proposed merger of CommunityBanks, Millersburg, with and into Susquehanna Bank PA, Lititz)		
9-27-07	Susquehanna Bank PA Lititz Lancaster County	1 East Harrisburg Street Dillsburg York County	Approved
	(Branch discontinuance pending the proposed merger of CommunityBanks, Millersburg, with and into Susquehanna Bank PA, Lititz)		
10-2-07	S & T Bank Indiana Indiana County	Delmont Wal-Mart 6700 Hollywood Boulevard Delmont Westmoreland County	Approved

Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
10-1-07	North Penn Bank Scranton Lackawanna County	Amendment to Article X of the Articles of Incorporation provides for establishing and maintaining a liquidation account for the benefit of the bank's savings account holders.	Approved and Effective

NOTICES

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

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

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 07-1901. Filed for public inspection October 19, 2007, 9:00 a.m.]

Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the Act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending October 9, 2007.

BANKING INSTITUTIONS

Voluntary Dissolutions

<i>Date</i>	<i>Name of Bank</i>	<i>Action</i>
10-5-07	Lebanon Valley Farmers Bank Lebanon Lebanon County	Certificate of Election to Dissolve filed with Department of State. Bank shall cease to do business.

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-8-07	Elderton State Bank, Elderton, and Elderton Interim Bank, Elderton Surviving Institution— Elderton State Bank, Elderton	Elderton	Effective

Merger is in conjunction with the reorganization of Elderton State Bank to create a bank holding company structure. Elderton State Bank is now the wholly-owned subsidiary of Keystrong Financial, Inc., Elderton, a newly formed holding company.

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-1-07	Mercer County State Bank Sandy Lake Mercer County	712 West Main Street Grove City Mercer County	Opened
10-5-07	Susquehanna Bank DV Bryn Mawr Montgomery County	2 Aquarium Drive Camden Camden County, NJ	Opened

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-26-07	Northwest Savings Bank Warren Warren County	<i>To:</i> 1918 Minno Drive Lower Yoder Township Johnstown Cambria County <i>From:</i> 1740 Lyter Drive Johnstown Cambria County	Filed

Branch Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-1-07	Brentwood Bank Bethel Park Allegheny County	<i>Into:</i> 3635 Brownsville Road Pittsburgh Allegheny County <i>From:</i> 3730 Brownsville Road Pittsburgh Allegheny County	Effective
10-2-07	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	<i>Into:</i> 3220 Route 38 Mount Laurel Burlington County, NJ <i>From:</i> 3113 Route 38 Mount Laurel Burlington County, NJ	Filed

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-6-07	Royal Bank America Narberth Montgomery County Branch office discontinued due to purchase of assets/assumption of liabilities by Wilshire State Bank, Los Angeles, CA.	215 Main Street Fort Lee Bergen County, NJ	Closed
9-28-07	Republic First Bank Philadelphia Philadelphia County	1800 Lombard Street Philadelphia Philadelphia County	Closed
10-2-07	Fulton Bank Lancaster Lancaster County	2901 Horseshoe Pike Campbelltown Lebanon County	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

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

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 07-1902. Filed for public inspection October 19, 2007, 9:00 a.m.]

Election by Huntingdon Valley Bank to Exercise Conditional Powers

Effective on the date of this publication in the *Pennsylvania Bulletin*, under an election by Huntingdon Valley Bank, authorized by section 513(b) of the Banking Code of 1965 (code) (7 P. S. § 513(b)), Huntingdon Valley Bank is hereby granted the following conditional powers as described in sections 504(b)(xiii) and 506(a)(iv)(B) and (vi) of the code (7 P. S. §§ 504(b)(xiii) and 506(a)(iv)(B) and (vi)) to be exercised only with the prior written approval of the Department of Banking.

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 07-1903. Filed for public inspection October 19, 2007, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of November 2007

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of November 2007 is 7 1/4%.

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

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

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 4.68 to which was added 2.50 percentage points for a total of 7.18 that by law is rounded off to the nearest quarter at 7 1/4%.

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 07-1904. Filed for public inspection October 19, 2007, 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 EPA Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0062936 (Industrial Waste)	Lehighon Water Authority Box 29 Municipal Building Lehighon, PA 18235	Franklin Township Carbon County	Long Run 2B	Y
PA0062103 (Sewage)	Spring Brook Township Sewer Authority P. O. Box 1100 Moscow, PA 18444	Roaring Brook Township Lackawanna County	Green Run 5A	Y

Draft permit includes Chesapeake Bay Strategy nutrient monitoring (Phase V system).

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0062944	Robert B. Barker and Charles L. Rice Single-Family Residence 618 Quaker Plain Road Bangor, PA 18013	Upper Mt. Bethel Township Northampton County	UNT to Martins Creek 1F	Y
PA0062243	Borough of Nesquehoning 114 West Catawissa Street Nesquehoning, PA 18240-1511	Nesquehoning Borough Carbon County	Nesquehoning Creek 2B	Y
PA0062154 (Sewage)	Mountain View School District R. R. 1 Box 339A Kingsley, PA 18826-9778	Harford Township Susquehanna County	Millard Creek 04F	Y

Draft permit contains Chesapeake Bay Nutrient Monitoring Requirements

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0010251 (IW)	United States Army Carlisle Barracks 330 Engineer Avenue Carlisle, PA 17013-5020	Cumberland County North Middleton Township	LeTort Spring Run 7-B	Y
PA0046680 (IW)	Republic Services of PA, LLC Modern Landfill 4400 Mt. Pisgah Road York, PA 17406	York County Windsor and Lower Windsor Townships	Kreutz Creek 7-I	Y
PAS803501 (Stormwater)	Susquehanna Area Regional Airport Authority Harrisburg International Airport One Terminal Drive Suite 300 Middletown, PA 17057	Dauphin County Lower Swatara Township	Susquehanna River	Y
PA0260878 (GWCU)	Pennsylvania State University Mont Alto Campus 101P Office of Physical Plant University Park, PA 16802-1118	Franklin County Mont Alto Borough	Drainage swale to the West Branch Antietam Creek 13-C	Y
PA0082279 (SEW)	Spring Creek Joint Sewer Authority P. O. Box 373 Three Springs, PA 17264	Huntingdon County Clay Township	Three Springs Creek 12-C	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0088765 (SEW)	Nelson and Margaret Wenger Millbrook Manor Mobile Home Park 100 East Queen Street Stevens, PA 17578	Lancaster County West Cocalico Township	UNT Indian River 7-J	Y
PA0083674 (SEW)	Rainworth, Inc. "Former" Lincoln Log Restaurant 1979 Biglerville Road Gettysburg, PA 17325	Adams County Straban Township	UNT White Run 13-D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0027677 IW	United States Department of the Interior U.S.G.S. Northern Appalachian Research Laboratory 176 Straight Run Road Wellsboro, PA 16901	Shippen Township Tioga County	Marsh Creek 9A	Y

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

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

PA0058548, Sewage, SIC 4952, **The Keelersville Club**, 2522 Ridge Road, Perkasio, PA 18944. This existing facility is located in East Rockhill Township, **Bucks County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge treated effluent from the Keelersville Club STP.

The receiving stream, a UNT to Three Mile Run, is in the State Water Plan Watershed 2D and is classified for: TSF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for North Penn and North Wales Water Authority Forest Park System is located on the Delaware River and is approximately 12.8 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.001 mgd.

<i>Parameters</i>	<i>Mass (lbs/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			10		20
Total Suspended Solids			10		20
Ammonia as N					
(5-1 to 10-31)			1.5		3.0
(11-1 to 4-30)			3.0		6.0
Fecal Coliform (Col/100 ml)			50		1,000
Dissolved Oxygen			6.0, I-minimum		
pH (Standard Units)			6.0, I-minimum		9.0
(Nitrite + Nitrate) as N			10.0		20.0
Total Phosphorus as P:					
(Issuance through Year 1)			1.0		2.0
(Year 2 through expiration)			0.5		1.0

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

1. Notification of Designation of Responsible Operator.
2. Abandon STP when Public Sewers Become Available.
3. Remedial Measures if Public Nuisance.
4. No Stormwater to Sewers.
5. Necessary Property Rights.
6. Small Stream Discharge.
7. Proper Sludge Disposal.
8. Twice per Month Sampling.
9. Change of Ownership.
10. Instantaneous Maximum Limits.
11. Operator Training.

- 12. Fecal Coliform Reporting.
- 13. Operations and Maintenance Plan.
- 14. Laboratory Certification.

The EPA waiver is not in effect.

PA0244074, Sewage, **Little Washington Wastewater Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489. This facility is located in Worcester Township, **Montgomery County**.

Description of Proposed Activity: Amendment of an NPDES permit to discharge treated sewage from a facility known as Stony Creek Farms WWTF. The facility is located near Township Line and North Wales Roads. This amendment is for an increase of the permitted flow from 42,863-gpd to 45,000-gpd.

The receiving stream, Stony Creek, is in the State Water Plan Watershed 3F and is classified for: TSF, MF. The nearest downstream public water supply intake for City of Norristown is located on Schuylkill River at Norristown, PA.

The proposed effluent limits for Outfall 001 are based on a design flow of 45,000 gpd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum mg/l</i>
CBOD ₅	10			20
Total Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	3.0			6.0
Nitrite + Nitrate an N	Monitor and Report			Monitor and Report
Phosphorus, Total	0.5			1.0
Fecal Coliform		50/100 ml as a Geometric Mean		
pH		Between 6.0 and 9.0 Standard Units at all times		
Dissolved Oxygen		Minimum of 6 mg/l at all times		
Temperature (° F)				Monitor and Report

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

- 1. Notification of Responsible Operator.
- 2. Average Weekly Definition.
- 3. Remedial Measures.
- 4. No Stormwater.
- 5. Necessary Property Rights.
- 6. Small Stream Discharge.
- 7. Sewage Sludge Disposal.
- 8. Submit Data for TMDL/WLA Analysis.
- 9. I-Max Limits.
- 10. No Discharge Report.
- 11. 2/Month Monitoring.
- 12. UV Disinfection.
- 13. Laboratory Certification.

PA0026298, Sewage, SIC 4952, **Whitemarsh Township**, 616 Germantown Pike, Lafayette Hill, PA 19444-1821. This existing facility is located in Whitemarsh Township, **Montgomery County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge treated sewage effluent from the Whitemarsh STP.

The receiving stream, the Schuylkill River, is in the State Water Plan Watershed 3F and is classified for: WWF, MF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the Philadelphia Water Department is located on the Schuylkill River and is approximately 6.6 miles below the point of discharge.

The proposed effluent limits for Outfall 002 are based on a design flow of 2.0 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40		50
Total Suspended Solids	30	45		60
Ammonia as N	20			40
Fecal Coliform (Col/100 ml)	200 (Geometric Mean)			1,000
Dissolved Oxygen	5.0 Instantaneous Minimum			
pH (Standard Units)	6.0 Instantaneous Minimum			9.0
Total Residual Chlorine	0.5			1.3

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

- 1. Notification of Designation of Responsible Operator.
- 2. Definition of Average Weekly.
- 3. Remedial Measures if Public Nuisance.

4. No Stormwater to Sewers.
5. Necessary Property Rights.
6. Change of Ownership.
7. Chlorine Minimization.
8. Proper Sludge Disposal.
9. TMDL/WLA Analysis.
10. WETT at Renewal.
11. Instantaneous Maximum Limits.
12. Fecal Coliform Reporting.
13. Operator Training.
14. Laboratory Certification.
15. Operations and Maintenance Plan.
16. Condition for Schuylkill River PCB TMDL.

NPDES Permit No. PA0042021, Sewage, SIC 4952, **Milford-Trumbauersville Area Sewer Authority Wastewater Treatment Plant**, 1825 Rosenberger Road, P. O. Box 126, Spinnerstown, PA 18968. This proposed facility is located in Milford Township, **Bucks County**.

Description of Activity: Renewal of sewage treatment plant's NPDES permit to discharge effluent to Unami Creek.

The receiving water, Unami Creek, is in the State Water Plan Watershed 3E—Perkiomen and is classified for: HQ-TSF. The nearest downstream public water supply intake is located on the Schuylkill River and is approximately 18 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on an approved annual average flow of 0.8 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅				
(5-1 to 10-31)	10	15		20
(11-1 to 4-30)	20	30		40
Total Suspended Solids	20	30		40
Ammonia as N				
(5-1 to 10-31)	2.3	3.5		4.6
(11-1 to 4-30)	6.9	10.4		13.8
Phosphorus as P	1.0	1.5		2.0
Copper, Total				
(Issuance through end of year 2)	Monitor and Report			Monitor and Report
(Year 3 through expiration)	0.012			0.019
Total Residual Chlorine	0.04			0.13
Fecal Coliform	200 #/100 ml (as Geometric Mean)			1,000 #/100 ml
Dissolved Oxygen	6.0 (Minimum)			
pH (Standard Units)	6.0 (Minimum)			9.0 (Maximum)

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

1. Small Stream Discharge.
2. Proper Sludge Disposal.
3. Certified Operator.
4. No Stormwater into Sanitary Sewers.
5. Operations and Maintenance Plan.
6. No Chlorine Impact to Receiving Stream.

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

Application No. PA 0260975, Sewage, **Richmond Township (Virginville WWTP)**, 11 Kehl Drive, Fleetwood, PA 19522. This facility is located in Richmond Township, **Berks County**.

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

The receiving stream, Sacony Creek, is in Watershed 3-B, and classified for TSF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Reading Area Water Authority is located on the Maiden Creek, approximately 8 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.023 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N	20		40
Total Phosphorus	Monitor and Report		
Total Residual Chlorine	0.5		1.67

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

TMDL Requirements

	<i>Concentration (mg/l) Monthly Average</i>	<i>Monthly</i>	<i>Mass (lbs) Annual</i>
Total Nitrogen	Report	Report	1,716
Total Phosphorus	Report	Report	57.23

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

The EPA waiver is not in effect.

Application No. PA 0021776, Sewage, **Fairfield Municipal Authority**, 180 Water Street Extended, P. O. Box 705, Fairfield, PA 17320. This facility is located in Hamiltonban Township, **Adams County**.

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

The receiving stream, Spring Run Creek, is in Watershed 13-D, and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Frederick, Maryland is located on the Monocacy River, approximately 37 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.175 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	2.5		5.0
(11-1 to 4-30)	7.5		15
Total Residual Chlorine	0.2		0.7
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 effluent limits for Outfall 001 for a design flow of 0.300 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	15	22	30
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	1.8		3.6
(11-1 to 4-30)	5.4		10.8
Dissolved Oxygen			Minimum of 5.0 at all times
pH			From 6.0 to 9.0 inclusive
Fecal Coliform			
(5-1 to 9-30)			200/100 ml as a Geometric Average
(10-1 to 4-30)			2,000/100 ml as a Geometric Average

Chesapeake Bay Requirements

	<i>Concentration (mg/l) Monthly Average</i>	<i>Monthly</i>	<i>Mass (lbs) Annual</i>
Ammonia-N	Report	Report	Report
Kjeldahl-N	Report	Report	XXX
Nitrate-Nitrite as N	Report	Report	XXX
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen	XXX	Report	7,306
Net Total Phosphorus	XXX	Report	974

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

The EPA waiver is in effect.

Application No. PA 0260975, Sewage, **Richmond Township (Virginville WWTP)**, 11 Kehl Drive, Fleetwood, PA 19522. This facility is located in Richmond Township, **Berks County**.

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

The receiving stream, Sacony Creek, is in Watershed 3-B, and classified for TSF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Reading Area Water Authority is located on the Maiden Creek, approximately 8 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.023 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N	20		40
Total Phosphorus	Monitor and Report		
Total Residual Chlorine	0.5		1.67
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		
Fecal Coliform	200/100 ml as a Geometric Average		
(5-1 to 9-30)	2,000/100 ml as a Geometric Average		
(10-1 to 4-30)			
<i>TMDL Requirements</i>			
	<i>Concentration (mg/l)</i>	<i>Mass (lbs)</i>	
	<i>Monthly Average</i>	<i>Monthly</i>	<i>Annual</i>
Total Nitrogen	Report	Report	1,716
Total Phosphorus	Report	Report	57.23

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

The EPA waiver is not in effect.

Application No. PA 0086134, Sewage, **Jeffrey Lapp**, 906 Huffs Church Road, Alburtis, PA 18011. This facility is located in District Township, **Berks County**.

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

The receiving stream, West Branch Perkiomen Creek, is in Watershed 3-E, and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for PSC Water Company is located on the Perkiomen Creek, approximately 21 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0008 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
Total Suspended Solids	30		60
NH ₃ -N	20		40
Total Residual Chlorine	0.5		1.6
pH	From 6.0 to 9.0 inclusive		
Fecal Coliform	200/100 ml as a Geometric Average		
(5-1 to 9-30)	2,000/100 ml as a Geometric Average		
(10-1 to 4-30)			

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

The EPA waiver is not in effect.

Application No. PA 0260797, Sewage, **Clappertown Christian Missionary and Alliance Church**, R. D. 2, Box 119, Williamsburg, PA 16693. This facility is located in Huston Township, **Blair County**.

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

The receiving stream, UNT Piney Creek, is in Watershed 11-A, and classified for HQ-CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Newport Borough Water Authority is located on the Juniata River, approximately 119 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0005 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	20
Total Suspended Solids	20	40
NH ₃ -N		
(5-1 to 10-31)	5	10
(11-1 to 4-30)	15	30
Total Residual Chlorine	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	

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

The EPA waiver is in effect.

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

NPDES Permit No. PA0025933, Sewerage (4952), **South Creek Township**, P. O. Box 60, Gillett, PA 16925-0060.

The proposed action is for the issuance of an NPDES permit authorizing the discharge of treated sewage from the proposed South Creek Township WWTP to the South Creek in South Creek Township, **Bradford County**. This receiving stream is classified for CWF, aquatic life, water supply and recreation.

Facility Standard Industrial Classification (SIC): #4952 (Sewerage Systems)

For the purpose of evaluating effluent requirements for Total Dissolved Solids, NO₂-NO₃ (Nitrate-Nitrite), fluoride, phenolics, sulfates and chlorides, the existing downstream potable water supply considered during the evaluation is the New York border approximately 6 river miles downstream from the discharge.

The proposed effluent limits for Outfall (numbered) 001, based on a design flow of 0.075 mgd are:

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	40		50
Total Suspended Solids	30	45		60
NH ₃ -N	12			24
Total Chlorine Residual	0.5			1.6
Fecal Coliforms				
(5-1 to 9-30)	200 col/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000 col/100 ml as a Geometric Mean			
pH	Within the range of 6.0 to 9.0			
Dissolved Oxygen	Minimum of 4 mg/l			

The Chesapeake Bay Tributary Strategy Nutrient Requirements:

<i>Parameter</i>	<i>Concentration (mg/l)</i>		<i>Mass (lbs)</i>
	<i>Monthly Average</i>	<i>Monthly Load</i>	<i>Annual Load</i>
Ammonia-N	Report	Report	Report**
Kjeldahl-N	Report	Report	
Nitrate-Nitrate as N	Report	Report	
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen		Report	6,075*
Net Total Phosphorus		Report	230*

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

* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin immediately. Since these reporting requirements are annual loads, the reporting on the compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary.

** Total Annual Ammonia Load required to be reported on Supplemental DMR.

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

1. Submittal of Discharge Monitoring Reports (DMRs).
2. Proper disposal of sludge and wastes.

The EPA waiver is in effect.

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

PA0095265, Industrial Waste, SIC 4941, **Heilwood Water Treatment Plant**, Indiana County Municipal Services Authority, 827 Water Street, Indiana, PA 15701-1755.

This application is for issuance of an NPDES permit to discharge treated process water from Heilwood Water Treatment Plant in Pine Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, UNT to Yellow Creek, classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Central Indiana County Water Authority, located on Yellow Creek at Center Township, Indiana County, approximately 13 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.002 mgd.

Parameter	Mass (lbs/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
TSS			30		60
Total Iron			2		4
Aluminum			4		8
Manganese			1		2
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

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

PA0030104, Sewage, **Frenchcreek Township**, 4507 Georgetown Road, Franklin, PA 16323. This proposed facility is located in Polk Borough, **Venango County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Emlenton Water Company intake located on the Allegheny River and is approximately 12 miles below the point of discharge.

The receiving stream, the Little Sandy Creek, is in Watershed 16-G and classified for: CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.45 mgd.

Parameter	Loadings			Concentration	
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow (mgd)	XX	XX			
CBOD ₅					
(5-1 to 10-31)	56.3	75.1	15	20	30
(11-1 to 4-30)	94	150	25	40	50
Total Suspended Solids	112.6	169	30	45	60
NH ₃ -N					
(5-1 to 10-31)	7.5		2		4
(11-1 to 4-30)	22.5		6		12
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			
Dissolved Oxygen		Minimum of 6 mg/l at all times			
Ultraviolet Light Intensity	Monitor and Report the average percent intensity from the UV intensity meter for each bank of modules on the monthly DMRs.				
pH	6.0 to 9.0 Standard Units at all times				

XX—Monitor and report on monthly DMRs.

The EPA waiver is in effect.

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

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

WQM Permit No. 667S060, Amendment 07-1, Sewerage, **Yellow Breeches Education Center**, 15 Oak Park Avenue, Carlisle, PA 17013. This proposed facility is located in West Hanover Township, **Dauphin County**.

Description of Proposed Action/Activity: Application for authorization for the proposed conversion of the holding tank to pre-equalization tank with duplex grinder pumps and control panel at the Fishing Creek School.

WQM Permit No. 2107408, Sewerage, **Newville Borough Water and Sewer Authority**, 99 Cove Alley, Newville, PA 17241. This proposed facility is located in Newville Borough and North Newton Township, **Cumberland County**.

Description of Proposed Action/Activity: Application for the expansion/improvements at their wastewater treatment plant.

WQM Permit No. 0107203, Amendment, Industrial Waste, **Motts, Inc.**, Cadbury Schweppes Americas Beverages, P. O. Box 68, 45 Aspers North Road, Aspers, PA 17304. This proposed facility is located in Menallen Township, **Adams County**.

Description of Proposed Action/Activity: Application for upgrading their sludge processing.

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

WQM Permit No. 4907403, Sewerage 4952, **Northumberland Sewer Authority**, 100 Water Street, P. O. Box 325, Northumberland, PA 17857. This proposed facility is located in Northumberland Borough, **Northumberland County**.

Description of Proposed Action/Activity: The applicant proposes the modification of the existing Queen Street Pump Station to accommodate additional wet weather flows and the elimination of a bypass to the Susquehanna River. Also, approximately 1,000 linear feet of 16" force main will be installed from the Queen Street Pump Station to the Authority's wastewater treatment plant to accommodate the additional flows.

WQM Permit No. 4907402, Sewerage 4952, **Milton Regional Sewer Authority**, P. O. Box 433, Milton, PA 17847. This proposed facility is located in Milton Borough and West Chillisquaque Township, **Northumberland County**.

Description of Proposed Action/Activity: The applicant proposes the construction of a wastewater pumping station and associated force main to convey noncontact cooling water from ConAgra Foods to the Milton Regional Sewer Authority wastewater treatment facility for treatment and discharge.

WQM Permit No. 1407408, Sewerage, **Pennsylvania State University**, 101P Physical Plant Building, University Park, PA 16802. This proposed facility is located in State College Borough, College and Patton Townships, **Centre County**.

Description of Proposed Action/Activity: This permit is to consolidate and clarify numerous permits issued since the initial construction of the treatment facilities. No significant changes are proposed to the existing permit conditions.

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

WQM Permit No. 6302401-A1, **Peters Township Sanitary Authority**, 3244 Washington Road, McMurray, PA 15317. This existing facility is located in Peters Township, **Washington County**.

Description of Proposed Action/Activity: Application for replacement of interceptor sewer.

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10G373R	Three Tun Developers 415 Three Tun Road Malvern, PA 19355	Chester	East Whiteland Township	UNT Little Valley Creek EV
PAI011507043	Wawa, Inc. 260 Baltimore Pike Wawa, PA 19063	Chester	Westtown Township	Chester Creek TSF, MF Ridley Creek HQ-TSF
PAI015107004	HSP Gaming, LP 1600 Arch Street Suite 300 Philadelphia, PA 19103	Philadelphia	City of Philadelphia	Delaware River WWF-MF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025207004	John Dziedzina 223 Chamonix Drive Saint Davids, PA 19087	Pike	Lackawaxen Township	Lords Creek HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024807013	Lowe's Home Centers, Inc. 1605 Curtis Bridge Road REEC Dock Wilkesboro, NC 28697	Northampton	Plainfield and Bushkill Townships	Bushkill Creek HQ-CWF Little Bushkill Creek HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032107003	Robert Miller Kabro of Middlesex, LLC 24 Buckingham Way Freehold, NJ 07728	Cumberland	Middlesex Township	Letort Spring Run HQ-CWF

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

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

PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

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

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

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office

listed before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Application No. 0907513, Public Water Supply.

Applicant	Aqua Pennsylvania, Inc.
Township	Middletown
County	Montgomery
Responsible Official	Karl Kyriss 762 West Lancaster Avenue Bryn Mawr, PA 19010
Type of Facility	PWS
Consulting Engineer	CET Engineering Services 1240 North Mountain Road Harrisburg, PA 17112-1788
Application Received Date	July 16, 2007
Description of Action	Installation of the Aries Managed Air System.

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

Application No. 6407502, Public Water Supply.

Applicant	Indian Rocks P.O.A.
	Salem Township Wayne County

Responsible Official Jane Hancock, Community Manager
Indian Rocks P.O.A.
P. O. Box 540
Greentown, PA 18426
(570) 689-7582

Type of Facility Community Water System

Consulting Engineer Bryan R. Fisk, P. E.
R.K.R. Hess Associates
310 Spruce Street
Suite 202
Scranton, PA 18503
(570) 342-9411

Application Received Date August 28, 2007

Description of Action Application for construction of a water storage tank and two pump stations.

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

Permit No. 3607512, Public Water Supply.

Applicant **David L. Fite Reality, LTD**

Municipality Providence Township

County **Lancaster**

Responsible Official David L. Fite Reality, LTD,
President
103 Fite Way
Suite D
Quarryville, PA 17566-9394

Type of Facility Public Water Supply

Consulting Engineer Charles A. Kehew II, P. E.
James R. Holley & Assoc., Inc.
18 South George Street
York, PA 17401

Application Received: June 28, 2007

Description of Action This project is for a new water system to serve a proposed development. The water system will consist of one well, disinfection, 6,000-gallon underground concrete tank, booster pumps and 4-inch distribution system.

Permit No. 0107511, Public Water Supply.

Applicant **Crazy Horse Steakhouse**

Municipality New Oxford Borough

County **Adams**

Responsible Official Crazy Horse Steakhouse, Owner
6465 York Road
New Oxford, PA 17350

Type of Facility Public Water Supply

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

Application Received: September 20, 2007

Description of Action Installation of VOC treatment for tetrachloroethylene (PCE).

Application No. 0707504 MA, Minor Amendment, Public Water Supply.

Applicant **Spring Cove School District**

Municipality Freedom Township

County **Blair**

Responsible Official Mark Fluke
1100 East Main Street
Roaring Spring, PA 06673

Type of Facility Public Water Supply

Consulting Engineer Daniel J. Carbaugh, P. E.
Keller Engineers, Inc.
420 Allegheny Street
Hollidaysburg, PA 16648

Application Received: August 31, 2007

Description of Action Permit application is for the installation of corrosion control treatment to address the lead action level exceedence. Treatment will consist of a chemical feed system to inject a phosphate compound.

Permit No. 2807502, Public Water Supply.

Applicant **Budget Inn Chambersburg**

Municipality Guilford Township

County **Franklin**

Responsible Official Budget Inn Chambersburg,
Owner
2347 Molly Pitcher Highway
South
Chambersburg, PA 17301

Type of Facility Public Water Supply

Consulting Engineer Janet R. McNally, P. E.
William F. Hill & Assoc., Inc.
207 Baltimore Street
Gettysburg, PA 17325

Application Received: July 5, 2007

Description of Action Application is for the installation of a NSF 53 filtration facility to treat the sources of supply that have been declared "groundwater under the direct influence of surface water." Treatment will also include disinfection by means of chlorination.

Permit No. 5007506, Public Water Supply.

Applicant **Kinkora Pythian Home Corporation**

Municipality Penn Township

County **Perry**

Responsible Official Kinkora Pythian Home Corporation, Administrator
25 Cove Road
Duncannon, PA 17020

Type of Facility Public Water Supply

Consulting Engineer Max E. Stoner, P. E.
Glance Associates, Inc.
3705 Trindle Road
Camp Hill, PA 17011

Application Received: September 18, 2007

Permit No. 0107511, Public Water Supply.
 Applicant **Crazy Horse Steakhouse**
 Municipality Berwick Township
 County **Adams**
 Responsible Official Crazy Horse Steakhouse, Owner
 6465 York Road
 New Oxford, PA 17350
 Type of Facility Public Water Supply
 Consulting Engineer George W. Ruby, P. E.
 Ruby Engineering
 3605 Island Club Drive
 North Port, FL 34288-6611
 Application Received: September 20, 2007
 Description of Action Installation of VOC treatment
 for tetrachloroethylene (PCE).

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

Permit No. 1707503—Construction, Public Water Supply.

Applicant **Clearfield Municipal Authority**
 Township or Borough Lawrence Township
 County **Clearfield**
 Responsible Official Jeffrey S. Williams, Authority Member
 Clearfield Municipal Authority
 107 East Market Street
 Clearfield, PA 16830
 Type of Facility Public Water Supply—Construction
 Consulting Engineer Mark V. Glenn, P.E., President
 Gwin, Dobson & Forman, Inc.
 3121 Fairway Drive
 Altoona, PA 16602
 Permit Application Date October 5, 2007
 Description of Action Construction of a new microfiltration membrane water treatment facility and appurtenances. The Authority's Moose Creek water treatment facility will utilize chemical injection, inline direct filtration utilizing the latest membrane microfiltration technology and disinfection.

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

Application No. 2007506, Public Water Supply.
 Applicant **Country Acres Mobile Home Park**
 Township or Borough East Mead Township
Crawford County
 Responsible Official Robert L. and Wanda S. Braymer, Owners

Consulting Engineer Steven R. Halmi, P. E.
 Deiss & Halmi Engineering
 105 Meadville Street
 Edinboro, PA 16412
 Application Received Date September 28, 2007
 Description of Action Modification of treatment to remove iron, manganese and arsenic by manganese greensand filtration and discontinuing sequestration for iron and manganese.

Application No. 6207504, Public Water Supply.
 Applicant **Clarendon Water Company**
 Township or Borough Clarendon Borough
Warren County
 Responsible Official Thomas E. Eaton, Partner
 Consulting Engineer Catherine Lee, Project Manager
 Stone Consulting & Design, Inc.
 324 Pennsylvania Avenue West
 P. O. Box 306
 Warren, PA 16365
 Application Received Date October 4, 2007
 Description of Action Addition of equipment to existing system for the removal of arsenic.

MINOR AMENDMENT

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

Application No. Minor Amendment, Public Water Supply.
 Applicant **Morea Citizens Water Co.**
 Mahanoy Township
Schuylkill County
 Responsible Official Joseph Dower, Chairperson
 P. O. Box 268
 Mahanoy City, PA 17948
 Type of Facility Community Water System
 Consulting Engineer Michael J. Peleschak, P. E.
 Alfred Benesch & Company
 400 One Norwegian Plaza
 Pottsville, PA 17901
 (570) 622-4055
 Application Received Date September 12, 2007
 Description of Action Application for addition of polyphosphate for sequestering iron and manganese.

WATER ALLOCATIONS

Applications received under the Act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth

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

WA 25-63C, Water Allocations. **Erie City Water Authority d/b/a Erie Water Works**, Erie Water Works, 240 West 12th Street, Erie, PA 16501-1706, City of Erie, **Erie**

County. The permittee has submitted a permit application for the expansion of its service area to include McKean Township and McKean Borough in Erie County.

Biosolids Individual Permits (PABIG and PABIS)

The following parties have applied for either an Individual Site Permit (PABIS) or an Individual Generator Permit (PABIG) for beneficial use of sewage sludge (biosolids) by land application. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to land apply biosolids subject to certain requirements set forth in the permit.

Persons wishing to comment on the proposed permit are invited to submit a statement to the responsible Department Regional Office noted above the application within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determination regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement of a comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 30-day comment period, the Water Management Regional Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, comments received and other information are on file and may be inspected and arrangements made for copying at the responsible Department Regional Office indicated above the application.

Persons with a disability that require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

PABIG 9901. Edward J. Patten Water Reclamation Facility, Middlesex County Utilities Authority, P. O. Box 159, Main Street Extension, Sayreville, NJ has applied to have their biosolids approved for beneficial use by land application.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release

of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

US Steel Fairless Works 71-Acre Parcel, Falls Township, **Bucks County.** Jeffery Smith, P. G., Langan Engineering and Environmental Services, Inc. on behalf of Kathleen Mayher, United States Steel Corp., 600 Grant Street, Pittsburgh, PA 15219 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of chlorinated solvents. The future use of the site will remain the same.

Funk Residence, West Brandywine Township, **Chester County.** Dean Druckenmiller, Synergy Environmental, Inc., 155 Railroad Plaza, Royersford, PA 19468 on behalf of Walter Funk, 103 Barons Hill Road, Brandamore, PA 19316 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted by release of No. 2 fuel oil. The proposed future use of the property will not deviate from current use, which is private residence.

Upper Merion Middle School, Upper Merion Township, **Montgomery County**. Daniel Lewis, Spotts, Stevens and McCoy, Inc., 1047 North Park Road, Reading, PA 19610 on behalf of Frederick Remelius, Upper Merion Area School District, 435 Crossfield Road, King of Prussia, PA 19406 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of No. 2 fuel oil. The future use of the site will be a baseball athletic field to be utilized by the recently constructed Upper Merion Middle School located adjacent to the site. A summary of the Notice of Intent to Remediate was reported to have been published in the *Times Herald* on September 8, 2007.

DryJet Services, LLC, Hatboro Borough, **Montgomery County**. Jim Galasso, GJA, Construction, Inc., P. O. Box 1118, Glenside, PA 19038 on behalf of has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with No. 2 fuel oil. The future use of the site is a parking lot and warehouse.

Kemblesville Elementary School, Franklin Township, **Chester County**. Clorece Kulp, DelVal Soil and Environmental Consultants, Inc., 4050 Skyron Drive, Suite A-1, Doylestown, PA 18902 on behalf of Donna Archer, Avon Grove Foundation, 110 East State Road, West Grove, PA 19390 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with No. 2 fuel oil. The future plans are for continued use as a school.

600-18 North 34th Street, 3406-12 and 3424-32 Mt. Vernon Street, 3403-13 Haverford Avenue, City of Philadelphia, **Philadelphia County**, Emily Cleaver Kleinfelder, 800 East Washington Street, Philadelphia, PA 19380 on behalf of Craig Pierre, Presby's Inspired Life, 2000 Joshua Road, Lafayette Hill, PA 19444, Jim Long, TN Ward Co., 129 Coulter Avenue, P. O. Box 191, Ardmore, PA 191003 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with Pah's and lead. The intended use of the site is for senior living faculty.

Penflex Inc., East Whiteland Township, **Chester County**. Dennis Libenson, 500 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of Ray Brown, 271 LP and 1404 Thrush Lane, West Chester, PA 19382 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with chlorinated solvents. The future use of the site will continue to be utilized as a nonresidential commercial site.

Nueva Esperanza, City of Philadelphia, **Philadelphia County**, Jason Plucinski, React Environmental Professional Services Group, 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19140, Jenny Reynolds, React Environmental Professional Services Group, 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19140 on behalf of Arthur Haywood, Nueva Esperanza, 4261 North 5th Street, Philadelphia, PA 19140 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with chlorinated solvents. The future use of the site use will not change from its current use, a charter school.

USPS Eastwick VMF, City of Philadelphia, **Philadelphia County**, Raymond Scheinfeld, Weston Solutions, Inc., 1400 Weston Way, West Chester, PA 19380 on behalf of Paul Purcell, US Postal Services, 4301 Wilson Boulevard, Suite 300, Arlington, VA 22203 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted with inorganics. The future use of the site will remain the same.

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

Future Goggle Works Apartments, City of Reading, **Berks County**, Synergy Environmental, Inc., 155 Railroad Plaza, Suite 1, Royersford, PA 19468, on behalf of City of Reading Community and Economic Development, 815 Washington Street, Reading, PA 19601, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with benzene, lead and mercury from historical industrial use of the site. The future use of the site is an apartment complex. The applicant is seeking to remediate to the Site-Specific Standard.

Harman Stove Company, Jackson Township, **Dauphin County**, GeoServices, Ltd., 1525 Cedar Cliff Drive, Camp Hill, PA 17011, on behalf of Harman Stove Company, 352 Mountain House Road, Halifax, PA 17032, submitted a Notice of Intent to Remediate site soils contaminated with paint waste and xylene released when a 55-gallon drum was punctured. The site is and will remain a stove manufacturing facility. The applicant is seeking to remediate to the Statewide Health Standard.

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

Crossett Trucking Clearfield Release, Pine Township, **Clearfield County**, Letterle & Associates, LLC, 191 Howard Street, Franklin, PA 16823 on behalf of Crossett Inc., P. O. Box 946, Warren, PA 16365 has submitted a Notice of Intent to Remediate soil and groundwater near the intersection of Route 153 (Department of Transportation Ramp H) contaminated with diesel fuel. The applicant proposes to remediate the site to meet the Statewide Health Standard. The current use of the property (Ramp H and S.B. Elliott State Park) is not intended to change.

Susquehanna Trailways Route 15S. Accident Cleanup Site, East Buffalo Township, **Union County**, Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Susquehanna Trailways, P. O. Box U, Avis, PA 17721 has submitted a Notice of Intent to remediate site soil contaminated with diesel fuel along the roadway as a result of a fire involving the bus. The applicant proposes to remediate the site to meet the Statewide Health Standard. The area will continue to be used for both vehicle and pedestrian traffic.

DETERMINATION FOR APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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

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

General Permit Application No. WMGR028SW001. The Lane Construction Corporation, 965 East Main Street, Meriden, CT 06450. McKees Rocks Asphalt Plant, Foot of Robb Streets, McKees Rocks, PA 15136. An application of Determination of Applicability for the general permit for beneficial use of asphalt plant residues, was received in the Regional Office on October 1, 2007.

General Permit Application No. WMGR038SW008. Liberty Tire Services of Ohio, LLC, 100 Talbot Avenue, Braddock, PA 15104. Braddock Tire Processing Facility, Woodlawn Avenue between 9th and 11th Streets, Braddock, PA 15104. An application of Determination of Applicability for the general permit for storage/transfer/culling/processing beneficial use of waste tires, tire derived material and tire derived fuel, was received in the Regional Office on October 1, 2007.

Comments concerning the application should be directed to David Eberle, Facilities Manager, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Persons interested in obtaining more information about the general permit application may contact the Department of Environmental Protection (Department) Southwest Regional Office at (412) 442-4000. TDD users may contact the Department through the Pennsylvania 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

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

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

Permit Application No. 301254. Clean Earth of Southeastern Pennsylvania, Inc., 7 Steel Road East, Morrisville, PA 19067-0847, Falls Township, **Bucks County**. The application is requesting authorization to accept material from generators with soils that exceed certain of the plant's current acceptance limits established in the CESP facility's Waste Analysis Plan. The application was received by the Southeast Regional Office on September 27, 2007.

Permit Application No. 301077. Clean Harbors PPM, LLC, 4105 Whitaker Avenue, Philadelphia, PA 19124, City of Philadelphia, **Philadelphia County**. This application was received for renewal of the solid waste permit the referenced residual waste transfer facility. The application was received by Southeast Regional Office on September 6, 2007.

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

Permit Application No. 100933. Alliance Sanitary Landfill, Alliance Sanitary Landfill, Inc., 398 South Keyser Avenue, Taylor, PA 18517. A Major Permit Modification for a Permit Renewal of this municipal waste landfill located in Taylor and Ransom Townships, **Lackawanna County**. The application was received in the Regional Office on July 26, 2007; and as of September 10, 2007, it was found to be administratively complete.

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

Permit ID No. 101534. Laurel Highlands Landfill, Inc., 260 Laurel Ridge Road, Johnstown, PA 15909. Laurel Highlands Landfill, Inc., 260 Laurel Ridge Road, Johnstown, PA 15909. Application for the permit renewal

of a municipal waste landfill in Jackson Township, **Cambria County** was received in the Regional Office on October 5, 2007.

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

Permit Application No. 301315. PPL Montour, LLC, 18 McMichael Road, Washingtonville, PA 17884, for Ash Basin 1, located in Derry Township, **Montour County**. The permit renewal application was deemed complete by the Williamsport Regional Office on September 28, 2007.

Comments concerning the application should be directed to David W. Garg, Facilities Manager, Waste Management Program, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the general permit application may contact the Williamsport Regional Office, (570) 327-3740. TDD users may contact the Department of Environmental Protection through the Pennsylvania 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.

RESIDUAL WASTE GENERAL PERMITS

Applications 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.

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

General Permit Application No. WMGR028-SE001A. Allan A. Myers, 1805 Berks Road, P. O. Box 98, Worcester, PA 19490. This determination of applicability application is to apply for the beneficial use of baghouse fines from Devault Asphalt Plant located in Charlestown Township, **Chester County**, PA. The application was received in the SERO on September 18, 2007.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

PLAN APPROVALS

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

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

54-302-074: Guilford Mills Inc.—Gold Mills, LLC (P. O. Box 19366, Greensboro, NC 27419-9366) for construction of a new steam boiler and modification of an existing boiler to fire on landfill gas/No. 6 oil at their facility in Pine Grove Borough, Schuylkill County.

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

25-066G: Accuride Corp. (1015 East 12th Street, Erie, PA 16503) for submittal of a plan approval for installation of two new aluminum wheel pressing lines and a Venturi Scrubber for emission controls at the Erie Facility in the City of Erie, **Erie County**.

25-951B: Patriot Forge—Bay City Division (1802 Cranberry Street, Erie, PA 16502) for installation of a Fabric Filter Dust Collector at their facility in the City of Erie, **Erie County**.

62-032C: Ellwood National Forge—Warren Division (One Front Street, Irvine, PA 16329) for installation of a Turbine Shaft Shotblaster and Paint Booth at their facility in the City of Warren, **Warren County**. This is a Title V facility.

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

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

09-0197: Osstem, Inc. (One Ben Fairless Drive, Fairless Hills, PA 19030) for installation of a vacuum degreaser (Batch Vapor Cleaning Machine) to be used in conjunction with the cleaning of metal dental work, such as braces and appliances in Falls Township, **Bucks County**. Potential emissions of VOCs are projected to be less than 0.3 tpy. These emissions will be controlled through the use a vacuum system that will keep the cleaning machine operating below atmospheric pressure during all stages of its operation. 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, Ronald Davis, New Source Review Chief, (717) 705-4702.

01-05016J: ISP Minerals, Inc. (P. O. Box O, 1455 Old Waynesboro Road, Blue Ridge Summit, PA 17214-0914) for installation of a new baghouse in Hamiltonban Township, **Adams County**. Existing sources will be controlled by the use of a new fabric filter baghouse, in addition to existing fabric filter baghouses. There will be no increase in actual emissions of PM and there will be no change to other emissions. This plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

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

24-016E: Keystone Powdered Metal Corp. (251 State Street, Saint Marys, PA 15857) for permanent operation of a Powdered Metal Tempering Furnace with associated control device in the City of Saint Marys, **Elk County**.

Under 25 Pa. Code §§ 127.44(a) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a Plan Approval for their plant in the City of Saint Marys, Elk County. This plan approval will authorize the applicant to permanently operate a Powdered Metal Tempering Furnace with associated control device. The plan approval will subsequently be incorporated into a State-only Operating Permit at a later date.

Based on the information provided by the applicant and the Department's own analysis the NOx and PM emissions from the process will be less than 1 tpy each.

Anyone wishing to provide the Department with additional information they believe should be considered may submit the information to the address shown. Comments must be received, by the Department, within 30 days of the last day of publication. Written comments should include the following:

1. Name, address and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. 24-016E.

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

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to John F. Guth, Regional Air Quality Manager, Department of Environmental Protection, Northeast Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6940.

25-029A: Erie Coke Corp. (Foot of East Avenue, Erie, PA 16512-6180) for installation of a replacement absorber that is part of the coke gas desulfurization system in Erie City, **Erie County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. This 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. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source:

- Subject to 25 Pa. Code § 123.13 for PM emissions.
- Subject to 25 Pa. Code § 123.23 for Sulfur Compound emissions.
- NOx emissions from the Battery Underfire Operation System shall not exceed the following:
 - 19.9 lbs/hr.
 - 87.16 tpy based on a 12-month consecutive period.
 1. 21.8 tons/quarter.
- b. The permittee shall perform a stack test for NOx emissions on an annual schedule (once per calendar year). The stack test shall be performed in accordance with 25 Pa. Code Chapter 139. If, after three consecutive annual tests, emission data consistently show compliance with the NOx limits, the testing frequency may be altered as determined by the Department of Environmental Protection (Department).
- c. The permittee shall test, monthly, the coke oven gas for sulfur content as prescribed in 25 Pa. Code Chapter 139.
- d. The permittee shall maintain monthly records of the NOx emissions. The emissions shall be determined by emission results from the most recent stack test performed and operating hours.
- e. The permittee shall maintain onsite a record of the NOx emissions of the Coke Oven Battery Underfire based on 12-month rolling totals.
- f. The permittee shall maintain a record of the daily pressure drop and liquid flow rate readings of the scrubber.

g. The permittee shall maintain a record of all preventive maintenance inspections of the control device. The records of the maintenance inspections shall include, at a minimum, the dates of the inspections, any problems or

defects identified, any actions taken to correct the problems or defects and any routine maintenance performed.

- The source shall be operated and maintained in accordance with good heating practices, the manufacturer's specifications and good air pollution control practices.
- Scrubber Operational Requirements for Control Device C805A:
 - The permittee shall operate the control device at all times that the source is in operation.
 - The permittee shall install and maintain a manometer and a rotometer, or similar devices, to monitor the pressure drop and liquid flow rate of the scrubber.
 - The permittee shall conduct a daily observation of the pressure drop and liquid flow rate of the scrubber.
 - The permittee shall conduct a weekly preventive maintenance inspection of the control device. Stack (S805A) Emission Observation Work Practices:

• Upon observing visible emissions from the Coke Oven Battery Stack (S805A), the permittee shall perform the following actions:

- Record the date and time of the visible emission observation and the results of all subsequent investigations and corrective actions on the Stack Emission Observation form. A copy of the Stack Emission Observation Form is included as Appendix A to this permit. The Stack Emission Observation form may be changed by the permittee at any time with the Department's prior approval.
- Investigate the cause of the visible emission and identify the coke oven believed to be the source of any observed visible emission from the Coke Oven Battery Stack. This investigation must include a visible observation and determination of the operational condition of the coke oven believed to be the source of the visible emissions prior to the next charge of that oven.
- Identify any needed repairs and/or maintenance activities needed to a coke oven identified under paragraph (a)(2), above, prior to the next charge of the coke oven. These repairs shall include, but not be limited to: spray patching, gunnite patching, ceramic welding, dusting and/or jamb repairs.

• The permittee shall prioritize, promptly schedule and perform all coke oven repairs and/or maintenance activities recommended previously. If any of the repairs identified cannot be completed within 5 days of the initial determination that a repair is needed, the permittee will immediately notify the Department of the delayed repair, the reason for the delayed repair and the planned date by which the repair will be completed.

43-142A: Salem Tube, Inc. (951 Fourth Street, Greenville, PA 16125) for installation of a new vacuum degreasing line at their facility in Pymatuning Township, **Mercer County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a plan approval for installation of a new vacuum degreasing line at their facility in Pymatuning Township, Mercer County. The facility currently has a Title V Permit No. 43-00142 that was issued October 17, 2006. This 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.

As a general summary, the following requirements are applicable to:

1. (a) The permittee shall install and operate the system as described in the plan approval submitted by Salem Tube to the Department dated May 8, 2007.

(b) The permittee shall operate and maintain the degreasing system in accordance with the manufacturer's specifications and good air pollution control practices. A copy of the manufacturer's specifications shall be kept on site.

2. The permittee may not permit to emit TCE or VOC from the degreaser more than 1Kg/m²/month (based on solvent interface area) calculated in a 3 month rolling average, and 1 ton of TCE or VOC in any consecutive 12-month rolling period.

3. Four infrared spectral photometers will be installed and operated to continuously measure solvent concentrations. They will be located:

(a) At the cleaning chamber to allow the automatic door to release only when TCE levels are below 1g/cubic meter.

(b) After the regenerable activated carbon filter to indicate TCE levels and near breakthrough.

(c) After the nonregenerable activated carbon barrel filter.

(d) In the workplace around the Vacuum Cleaning and Degreasing System.

4. The maximum TCE concentration measured by the infrared spectral photometers located after the regenerable activated carbon filter, after the nonregenerable activated carbon barrel filter and in the workplace around the Vacuum Cleaning and Degreasing System shall be determined within 30 days of issuance of the plan approval, and shall be indicated to the Department in writing along with calculations that show that this concentration will insure compliance with the emission limit. The maximum TCE concentrations shall become the standard operating parameter for the control device and shall be made part of the facility operating permit.

5. The vapor degreaser shall be operated in accordance with the following requirements:

(a) Do not degrease porous or absorbent materials, such as cloth, leather, wood or rope.

(b) Do not dispose of waste solvent or transfer it to another party such that greater than 20% of the waste by weight will evaporate into the atmosphere; store waste solvent only in closed containers.

(c) The entire cleaning and degreasing operation is conducted under negative pressure.

(d) Enclosed design in which the cover or door opens only when the dry part is actually entering or exiting the degreaser.

(e) A permanent, conspicuous label summarizing the operating procedures.

6. A person may not cause or permit the operation of a source subject to § 127.11 (relating to plan approval requirements), unless the source and air cleaning devices identified in the application for the plan approval and the plan approval issued to the source, are operated and maintained in accordance with specifications in the application and conditions in the plan approval issued by the Department. A person may not cause or permit the

operation of an air contamination source subject to this chapter in a manner inconsistent with good operating practices.

7. The owner or operator of an affected source subject to the provisions of this part shall maintain relevant records for such source of—

(a) The occurrence and duration of each startup, shutdown or malfunction of operation (that is, process equipment);

(b) The occurrence and duration of each malfunction of the air pollution control equipment;

(c) All maintenance performed on the air pollution control equipment;

(d) Actions taken during periods of startup, shutdown and malfunction (including corrective actions to restore malfunctioning process and air pollution control equipment to its normal or usual manner of operation) when such actions are different from the procedures specified in the affected source's startup, shutdown and malfunction plan.

(e) All information necessary to demonstrate conformance with the affected source's startup, shutdown and malfunction plan and all actions taken during periods of startup, shutdown and malfunction (including corrective actions to restore malfunctioning process and air pollution control equipment to its normal or usual manner of operation) are consistent with the procedures specified in such plan. (The information needed to demonstrate conformance with the startup, shutdown and malfunction plan may be recorded using a "checklist," or some other effective form of recordkeeping, in order to minimize the recordkeeping burden for conforming events.)

8. Operation and maintenance requirements.

(a)(i) At all times, including periods of startup, shutdown and malfunction, owners or operators shall operate and maintain any affected source, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions at least to the levels required by all relevant standards.

(ii) Malfunctions shall be corrected as soon as practicable after their occurrence in accordance with the startup, shutdown and malfunction plan required in paragraph (3) of this section.

(iii) Operation and maintenance requirements established under section 112 of the Act are enforceable independent of emissions limitations or other requirements in relevant standards.

(b) Determination of whether acceptable operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures (including the startup, shutdown and malfunction plan required in paragraph (3) of this section), review of operation and maintenance records and inspection of the source.

9. Startup, Shutdown and Malfunction Plan: The owner or operator of an affected source shall develop and implement a written startup, shutdown and malfunction plan that describes, in detail, procedures for operating and maintaining the source during periods of startup, shutdown and malfunction and a program of corrective action for malfunctioning process and air pollution control equipment used to comply with the relevant standard. This plan shall be developed by the owner or operator by

the source's compliance date for that relevant standard. The plan shall be incorporated by reference into the source's Title V permit.

Copies of the application, Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at 230 Chestnut Street, Meadville, PA 16335.

Persons wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. The Department will consider any written comments received within 30 days of the publication of this notice. Each written comment must contain the following:

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

Identification of the proposed permit (No. 40-142A).

A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Cary Cooper, P. E., New Source Review, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6940.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should by contacting Cary Cooper, P. E., or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

If a plan approval has not undergone the previous public notice process, the change to an operating permit must be treated as a significant modification. In these situations the Department should follow the procedures described in §§ 127.421 to 127.431 for State-only operating permits or §§ 127.521 to 127.524 for Title V operating permits.

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, Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.

09-00015: Rohm and Haas Co. (Route 413 and 13, P. O. Box 219, Bristol, PA 19007) for an administrative amendment to the Title V Operating Permit at their facility in Bristol Township, **Bucks County**. The facility is a diverse chemical manufacturing plant with a variety of continuous and batch type processes. The amended Title V operating permit will contain additional monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

The following conditions that have been addressed in the amended Title V Permit, as outlined as follows:

(1) The name of the facility in Owner Information section of the title/cover page has been changed from Rohm & Haas Chemicals, LLC to Rohm & Haas Company.

(2) Section D, Sources 034, 035, 037 and 039—Removed source testing requirements and included additional requirements to ensure compliance with the pollutant emission limits.

(3) The permit map in Sections A and D for the Source Group 518 (Polymer Area Sources) has been revised to remove the control device Source C18 (Regenerative Thermal Oxidizer).

(4) The Shipping Department has been removed as a source in the Source Group 518, Section D, Condition No. 001(iii).

(5) Section D, Source C09, Condition No. 008(b) and Source C18, Condition No. 016(b)—Revised this condition to establish a 15 minute period for the inlet and the combustion chambers temperatures, respectively, from which a departure would be considered an excursion.

(6) Section D, Source C18, Condition No. 017(a) which established values for the inlet and exit gas temperature ranges for the RTO has been omitted.

(7) Section C, Condition No. 019—Included notation to clarify that the nonreportable "cold stack" events are exempted from the report of accumulated data of excursions as required by Source C09, Condition No. 014(a) or Source C18, Condition No. 023(a).

15-00019: McAvoy Vitrified Brick Co. (75 McAvoy Lane, Phoenixville, PA 19640) for renewal of Title V Operating Permit Number, 15-00091 in Schuylkill Township, **Chester County**. The original Title V operating permit was issued on June 4, 2002, and became effective on July 1, 2002. The facility's major emission points include brick kilns, drying ovens and a crusher. The renewed Title V operating permit will contain sufficient monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements. No sources at this facility are subject to CAM (40 CFR Part 64).

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, Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.

46-00147: Chemalloy Co., Inc. (P. O. Box 350, Bryn Mawr, PA 19010-0350) for renewal of a State-only, Natural Minor Operating Permit in Plymouth Township, **Montgomery County**. The facility operates a metallic alloys milling and grinding facility. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

46-00186: Tri-Valley Crematory (667 Harleysville Pike, Franconia, PA) for operation of a human crematory in Franconia Township, **Montgomery County**. The permit is for a non-Title V (State-only) facility. No changes

have taken place since the permit was last issued in August 2002. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

23-00031: Mercy Fitzgerald Hospital (1500 Lansdowne Avenue, Darby, PA 19023) for operation of a hospital in Darby Borough, **Delaware County**. The permit is for a non-Title V (State-only) facility. The hospital has the potential to emit 24.9 tpy of NO_x. There have been no changes since the permit was last issued on October 1, 2002. The permit 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, Ronald Davis, New Source Review Chief, (717) 705-4702.

21-03051: Valley Quarries, Inc. (P. O. Box J, Chambersburg, PA 17201) for operation of their sand plant at their existing quarry in Southampton Township, **Cumberland County**. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

31-03032: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) for operation of a stationary limestone crushing plant in Morris Township, **Huntingdon County**. The State-only facility-wide operating permit will contain emission limits along with monitoring, recordkeeping and reporting conditions to ensure the facility complies with the applicable air quality requirements. The limestone crushing equipment is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

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

10-00270: Lectromat, Inc. (P. O. Box 608, 108 Fey Lane, Mars, PA 16046) for re-issuance of a Natural Minor Operating Permit. This facility operates a process that coats or laminates fabric substrates with resins in Adams Township, **Butler County**. The primary emission sources include two combustion space heaters, two horizontal laminator/coater units and two vertical coating towers.

62-00149: Interlectric Corp., Inc. (1401 Lexington Avenue, Warren, PA 16365) for re-issuance of a Synthetic Minor Permit to operate an electric lamp bulb and tube manufacturing company in the City of Warren, **Warren County**. The significant sources included: 1) Miscellaneous natural gas fired sources; 2) Flow application coating process; and 3) Coating mixing room. The facility has taken a limitation on the facilities potential to emit VOC not more than 49.9 tpy to qualify as synthetic minor status.

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 (52

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

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

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

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

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

Coal Applications Received

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

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

¹ The parameter is applicable at all times.

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

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

56050102 and NPDES No. PA0249751. Sherpa Mining Contractors, Inc., 337 Benny Road, Hooversville, PA 15936, revision of an existing bituminous surface auger, blasting mine in Shade Township, **Somerset County**, affecting 63.3 acres. Receiving streams: UNT to Oven Run and UNT to Stonycreek River classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Hooversville Borough Municipal Authority. The application includes a request to remove Middle Kittanning coal and existing coal refuse for reprocessing and redisposal. The application also includes a road variance request along the northern side of SR 1012. The road variance begins at a point 1,000 feet east of the intersection of SR 1012 and Township Route T-706 and continues in a westerly direction a distance of 1,630 feet. Application received September 28, 2007.

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

26020103 and NPDES Permit No. PA0250163. Stash Mining Co., P. O. Box 20, Waltersburg, PA 15488. Renewal application for reclamation only of an existing bituminous surface mine, located in Menallen Township, **Fayette County**, affecting 27.7 acres. Receiving stream: Redstone Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received September 28, 2007.

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

10870106 and NPDES Permit No. PA0108081. Quality Aggregates, Inc., 200 Neville Road, Neville Island,

PA 15225. Renewal of an existing bituminous surface strip and limestone removal operation in Marion Township, **Butler County** affecting 107.5 acres. Receiving streams: UNTs to Blacks Creek, Blacks and Slippery Rock Creeks, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received October 1, 2007.

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

17010115 and NPDES No. PA0243183. King Coal Sales, Inc., P. O. Box 712, Philipsburg, PA 16866, permit renewal for the continued operation and restoration of a bituminous surface mine in Morris and Boggs Townships, **Clearfield County**, affecting 190.1 acres. Receiving streams: Emigh Run to Moshannon Creek to West Branch Susquehanna, classified for the following uses: CWF, WWF. There are no potable water supply intakes within 10 miles downstream. Application received September 27, 2007.

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

49070102. Luke Shingara Coal, 297 East Ridge Road, Sunbury, PA 17801, commencement, operation and restoration of an anthracite surface mine operation in Zerbe Township, **Northumberland County** affecting 15 acres, receiving stream: Zerbe Run, classified for the following use: CWF. Application received October 1, 2007.

54070202. Coaldale Energy, LLC, 401 Edgewater Place, Suite 120, Wakefield, MA 01880, commencement, operation and restoration of an anthracite coal refuse reprocessing operation in Coaldale Borough, **Schuylkill County** affecting 70.0 acres, receiving stream: Panther Creek, classified for the following use: CWF. Application received October 1, 2007.

Noncoal Applications Received

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

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

* The parameter is applicable at all times.

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

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

56070802. Durst Stone, 323 Broadway Street, Meyersdale, PA 15552, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Addison Township, **Somerset County**, affecting 1.5 acres, receiving streams: UNT to Whites Creek. Application received September 26, 2007.

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

37070302 and NPDES Permit No. PA0258423. Quality Aggregates, Inc., 200 Neville Road, Neville Island, PA 15225. Commencement, operation and restoration of a Vanport limestone operation in Slippery Rock Township, **Lawrence County**, affecting 101.0 acres. This operation also includes incidental coal removal of the Lower Kittanning coal seam. Receiving streams: Three UNTs to Slippery Rock Creek and Slippery Rock Creek, classified for the following use: CWF. The first downstream potable water supply intakes from the point of discharge are Camp Allegheny, Inc. and Ellwood City, Lawrence County. Application received September 26, 2007.

20070302. W. L. Dunn Construction Co., 180 North Franklin Street, Cochran, PA 16314. Commencement, operation and restoration of a sand and gravel operation in East Mead Township, **Crawford County** affecting 48.0 acres. Receiving stream: Little Sugar Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received September 25, 2007.

37930305 and NPDES Permit No. PA0211745. Three Rivers Aggregates, P. O. Box 6090, Falmouth, VA 22403-6090. Revision to an existing sand and gravel operation in Plain Grove Township, **Lawrence County** affecting 127.0 acres. Receiving streams: UNT to Taylor Run and Taylor Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Revision to increase the maximum depth of mining. Application received October 2, 2007.

1992804. McKissick Trucking, P. O. Box 62, Venus, PA 16364. Final bond release of a small noncoal mining operation in Pinegrove Township, **Venango County**. Restoration of 2.0 acres completed. Receiving streams: Prairie Run. Application received August 20, 2007. Final bond release approved September 17, 2007.

42060804. Laurence T. Coole, 567 Bryant Hollow Road, Coudersport, PA 16915. Final bond release for a small noncoal mining operation in Annin Township, **McKean County**. Restoration of 1.0 acre completed. Receiving stream: Two Mile Creek. Application received August 23, 2007. Final bond release approved September 19, 2007.

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

58900303C4 and NPDES Permit No. PA0595004. Cecil Kilmer, R. R. 1, Box 1130, Nicholson, PA 18446, renewal of a NPDES Permit for discharge of treated mine drainage from a quarry operation in New Milford Town-

ship, **Susquehanna County**, receiving stream: UNT to Beaver Creek, classified for the following: HQ-CWF. Application received September 27, 2007.

58020831. Timothy D. Blaisure, R. R. 4, Box 4195, Meshoppen, PA 18630, Stage I and II bond release for a quarry operation in Forest Lake Township, **Susquehanna County** affecting 3.0 acres on property owned by Thaddeus Capwell. Application received September 27, 2007.

5278SM4C3. G. F. Edwards, Inc., P. O. Box 174, Elmhurst, PA 18416, correction to an existing quarry operation for a stream crossing and support facilities within 100 feet of Wallenpaupack Creek in Greene Township, **Pike County**, receiving stream: Wallenpaupack Creek, classified for the following use: HQ-CWF. Application received September 28, 2007.

7274SM1A1C6 and NPDES Permit No. PA0595161. Lehigh Asphalt Paving & Construction Co., P. O. Box 549, Tamaqua, PA 18252, renewal of a NPDES Permit for discharge of treated mine drainage from a quarry operation in West Penn Township, **Schuylkill County**, receiving stream: UNT to Lizard Creek, classified for the following use: TSF. Application received October 1, 2007.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E35-411. Carl Noakes, 516 Grandview Street, Clarks Summit, PA 18411, in Ransom Township, **Lackawanna County**, United States Army Corps of Engineers, Baltimore District.

To place and maintain fill in a de minimis area of wetlands equal to 0.04 acre for the purpose of restoring a nonjurisdictional dam (Ransom, PA Quadrangle N: 4.8 inches; W: 3.9 inches).

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

E04-258A2. Colona Transfer, LP, P. O. Box 311, Portersville, PA 16051. To construct and maintain an additional barge docking facility in Monaca Borough, **Beaver County**, Pittsburgh ACOE District (Beaver, PA Quadrangle N: 10.8 inches; W: 1.5 inches, Latitude: 40° 40' 52"; Longitude: 80° 15' 31"). To amend Permit No. E04-258 to include the construction and maintenance of an additional barge docking facility 700.0 feet in length by 112.0 feet in width in the channel and along the left bank of the Ohio River (WWF) for the purpose of providing addition barge facility space located approximately 3,600 feet upstream from the SR 51 bridge and will impact approximately 700 linear feet of stream channel.

E65-913. Raymond Patalski, 1209 Route 286, Pittsburgh, PA 15632. To place and maintain fill in the floodway, Murrys ville, **Westmoreland County**, Pittsburgh ACOE District (Murrysville, PA Quadrangle N: 15.8 inches; W: 5.2 inches, Latitude: 40° 27' 40"; Longitude 79° 39' 43"). The applicant proposes to place and maintain fill in the floodway of and to construct and maintain a single span precast concrete bridge, with a span of 20' and an underclearance of 4.25', over Haymaker Run (HQ-CWF). The project is located approximately 150' south of Mamont Road, and approximately 0.1 mile east of the intersection of Mamont and Sardis Roads.

E65-914. Robert and Justine Houck, 486 Thatcher Road, New Florence, PA 15944. To construct and maintain a single span bridge in Fairfield Township, **Westmoreland County**, Pittsburgh ACOE District (Wilpen, PA Quadrangle N: 14 inches; W: 0.9 inch, Latitude: 40° 19' 38"; Longitude: 79° 07' 53"). The applicant proposes to construct and maintain a single span simply supported bridge, of steel beam construction, with a span of 28' and an underclearance approximately 7.5', over Hendricks Creek (TSF), for the purpose of providing access to a residence. The project is located on the east side of Thatcher Road, approximately 0.5 mile south of the intersection of Thatcher Road (LR 64212) and SR 711.

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

E20-563. Midway Civic Club, P. O. Box 101, Conneaut Lake, PA 16316. Midway Civic Club Culvert Extension,

in Sadsbury Township, **Crawford County**, ACOE Pittsburgh District (Conneaut Lake, PA Quadrangle 41° 37' 14"; W: 80° 17' 47").

The applicant proposes to remove an existing pedestrian bridge and to construct and maintain a 28-foot-long, 4-foot-diameter aluminized corrugated steel pipe extension of an existing 4-foot-diameter CMP stream enclosure within an existing concrete lined channel of a UNT to Conneaut Lake at the foot of Lakeview Avenue. The UNT to Conneaut Lake is a perennial stream classified as a HQ-WWF. The project proposes to directly impact approximately 40 feet of stream.

E25-698. Summit Township Water Authority, 8290 Old French Road, Erie, PA 16509. Mitchell Well Field/Waterline Crossing UNT LeBoeuf Creek Amendment, in Waterford Township, **Erie County**, ACOE Pittsburgh District (Waterford, PA Quadrangle N: 21.0 inches; W: 15.8 inches).

The applicant proposes to amend Permit E25-698 which authorized Summit Township Water Authority to install a well field consisting of 3,300 linear feet of 12-inch-diameter ductile iron waterline, two municipal drinking water supply wells and a chlorine/meter building (Waterford, PA Quadrangle N: 21.0 inches; W: 15.8 inches) in Waterford Township, Erie County, approximately 1.2 miles North of the intersection SR 97 and Himrod Road involving: 1) to remove the existing bridge and to construct and maintain a prefabricated steel bridge having a clear span of 53 feet and an underclearance of approximately 9.0 feet; 2) to construct and maintain two municipal drinking water supply wells within PEM wetlands; 3) to temporarily impact approximately 0.17 acre of wetlands for installation of two wells within the wetland and the wetland crossing of the associated waterline; 4) to install and maintain a ductile iron 12-inch-diameter waterline across LeBoeuf Creek; 5) to construct and maintain an access road to the wells impacting 0.076 acre of PEM wetlands; and 6) to construct 0.076 acre of PEM wetlands onsite.

The applicant proposes the following amendment to Permit E25-698 to install a well field consisting of 3,300 linear feet of 12-inch-diameter ductile iron waterline, two municipal drinking water supply wells and a chlorine/meter building (Waterford, PA Quadrangle N: 21.0 inches; W: 15.8 inches) in Waterford Township, Erie County, approximately 1.2 miles North of the intersection SR 97 and Himrod Road involving: 1) to remove the existing bridge and to construct and maintain a prefabricated steel bridge having a clear span of 53 feet and an underclearance of approximately 9.0 feet; 2) to construct and maintain two municipal drinking water supply wells within PEM wetlands; 3) to temporarily impact approximately 0.17 acre of wetlands for installation of two wells within the wetland and the wetland crossing of the associated waterline; 4) to install and maintain a ductile iron 12-inch-diameter waterline across LeBoeuf Creek; 5) to construct and maintain an access road to the wells impacting 0.076 acre of PEM wetlands; 6) to construct 0.076 acre of PEM wetlands onsite; and 7) to construct and maintain approximately 2,300 linear feet of 12-inch-diameter ductile iron waterline involving the crossing of a UNT LeBoeuf Creek (Waterford, PA Quadrangle N: 20.75 inches; W: 0.10 inch) having a length of approximately 0.2 mile North of the intersection of SR 97 and Moore Road.

LeBoeuf Creek and the UNT LeBoeuf Creek are perennial streams classified as a TSF. The project proposes to impact approximately 50 linear feet of stream and to

temporarily impact approximately 0.17 acre of PEM wetlands and to permanently impact 0.076 acre of PEM wetlands.

ENVIRONMENTAL ASSESSMENTS

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

EA63-004A2. Chevron Mining, Inc., 1217 West Wayne Street, Washington, PA 15301. Amending to already approved EA63-004A activities for waste removal and regarding, restoring and stabilizing 800 linear feet of stream bank in Canton Township, **Washington County**, Pittsburgh ACOE District (Washington West, PA Quad-range: N: 7.8 inches; W: 3.6 inches, Latitude: 40° 10' 07"; Longitude: 80° 16' 33"). The applicant (formerly Molycorp, Inc.) proposes to amend an already approved Environmental Assessment (EA63-004A), which approved the following activities: permanently impacting 0.91 acre of PEM/PSS wetlands during waste removal and regrading, restoring and stabilizing 800 linear feet of stream bank along Chartiers Creek (WWF), removing an abandoned concrete obstruction in Chartiers Creek (WWF),

constructing and maintaining approximately 2,600 linear feet of temporary sheet piling and earthen berms along the eastern bank of Chartiers Creek (WWF), the removal of fill from the installation of an earthen access ramp on the eastern bank of Chartiers Creek (WWF) north of the Caldwell Avenue bridge, and the installation of a set of wooden stairs in the same general location to provide access to sampling point designated SS02. This amendment requests additional temporary impacts to 0.02 acre of PEM/PSS wetlands during waste removal, and to remove waste, regrade and restore approximately 56 feet of Chartiers Creek. There are approximately 1.67 acres of currently undisturbed PEM/PSS/PFO wetlands, 2,012 length feet of Chartiers Creek (WWF) and 2,295 length feet of two UNTs to Chartiers Creek (WWF) within the project area. If future areas of restoration are identified within these areas, plans will be submitted to the Department of Environmental Protection for review and concurrence, and will be issued as minor amendments to the existing Environmental Assessment. The project is located in the vicinity of Caldwell Avenue, near the Jessop exit from I-70.

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0084697 (SEW)	Wiconisco Township Board of Supervisors 305 Walnut Street P. O. Box 370 Wiconisco, PA 17097	Dauphin County Wiconisco Township	Bear Creek 6-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0216178 Sewage	Cecil Township Municipal Authority 3599 Millers Run Road Cecil, PA 15321	Washington County Cecil Township	UNT to Chartiers Creek	Y

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

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

NPDES Permit No. PA0057029, Industrial Waste, **Hewlett Packard Company**, 10375 Park Meadows Drive, Suite 150, Littleton, CO 80124. This proposed facility is located in New Garden Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from a facility known as Hewlett Packard Avondale GWCU into a UNT to Egypt Run in Watershed 3I.

NPDES Permit No. PA0026468, Sewage, **Lower Bucks County Joint Municipal Authority**, 7811 New Falls Road, P. O. Box 460, Levittown, PA 19058-0460. This proposed facility is located in Bristol Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage into the Delaware River (Estuary Zone 2) in Watershed 2E.

NPDES Permit No. PA0026701, Sewage, **Municipal Authority of the Borough STP**, 35 Union Street, Morrisville, PA 19067. This proposed facility is located in Morrisville Borough, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage into the Delaware River (Zone 2) in Watershed 2E.

NPDES Permit No. PA0056332, Sewage, **Edward J. Dobrydnia**, 47 Shelly Road, Quakertown, PA 18951. This proposed facility is located in Richland Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal and transfer to discharge treated sewage into a UNT to Tohickon Creek in Watershed 2D—Three Mile Run.

NPDES Permit No. PA0244236, Sewage, **Upper Makefield Township**, 1076 Eagle Road, Newtown, PA 18940. This proposed facility is located in Upper Makefield Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the issuance to discharge treated sewage from Gray Tract subdivision into a UNT of Houghs Creek in Watershed 2E.

NPDES Permit No. PA0052159, Sewage, **AQUA Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489. This proposed facility is located in Middletown Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated process wastewater into Ridley Creek in Watershed 3G (Darby-Crum Creeks).

NPDES Permit No. PA0036897 Amendment No. 1, Sewage, **Borough of South Coatesville**, 136 Modena Road, South Coatesville, PA 19320. This proposed facility is located in South Coatesville Borough, **Chester County**.

Description of Proposed Action/Activity: Approval for the amendment for hydraulic rerate to 0.5 mgd to discharge into the West Branch of Brandywine Creek in Watershed 3H.

NPDES Permit No. PA0050989, Sewage, **Frederick Mennonite Community**, P. O. Box 498, Frederick, PA 19435. This proposed facility is located in Upper Frederick Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage from the Wastewater Treatment Plant into a UNT to Swamp Creek in Watershed 3E.

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

NPDES Permit No. PA0065153, Sewage, **Pocono Township**, P. O. Box 197, Tannersville, PA 18372. This proposed facility is located in Stroud Township, **Monroe County**.

Description of Proposed Action/Activity: Issuance of NPDES Permit for 2.0 mgd of treated sewage to Brodhead Creek with the addition of temperature and groundwater monitoring requirements. The Department of Environmental Protection has made a determination that the Existing Use of Brodhead Creek at the point of proposed discharge is CWF, MF.

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

NPDES Permit No. PA0032883, Sewage, **Duncansville Municipal Authority**, P. O. Box 502, Duncansville, PA 16635. This proposed facility is located in Allegheny Township, **Blair County**.

Description of Proposed Action/Activity: Authorization to discharge to the Blair Gap Run in Watershed 11-A.

NPDES Permit No. PA0086771, Sewage, **Centre Township Municipal Authority, Dauberville WWTP**, 449 Bucks Hill Road, Mohrsville, PA 19541. This proposed facility is located in Centre Township, **Berks County**.

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

NPDES Permit No. PA0085669, Sewage, **Centerport Borough Municipal Authority**, 110 Callowhill Road, P. O. Box 248, Centerport, PA 19516. This proposed facility is located in Centre Township, **Berks County**.

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

NPDES Permit No. PA0081299, Sewage, **Stuart Loss, Model Enterprises, Inc.**, 630 Delp Road, Lancaster, PA 17601-3035. This proposed facility is located in Rapho Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to Chickies Creek in Watershed 7-G includes deletion of nitrogen requirement.

NPDES Permit No. PA0054852, Industrial Waste, **WBLF Acquisition Company, LLC, Western Berks Community Landfill and Recycling Center**, 256 Eagle View Boulevard, Exton, PA 19341. This proposed facility is located in Cumru Township, **Berks County**.

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

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

PA0229181, Industrial Waste, SIC 4952, Sewerage, **Penns Tavern**, SR 147, Sunbury, PA 17801. This proposed facility is located in Lower Augusta Township, **Northumberland County**.

Description of Proposed Activity: The applicant has applied for an NPDES permit to authorize the discharge from the proposed small flow treatment facility to serve Penns Tavern.

The receiving stream, the Susquehanna River, is in the State Water Plan Watershed 6B and is classified for: WWF. The nearest downstream public water supply intake for United Water Pennsylvania is located on Susquehanna River and is approximately 40 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0012 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
CBOD ₅			10		20
TSS			10		20
Cl ₂ Residual			2.0		3.0
Fecal Coliforms (5-1 to 9-30)	200 colonies/100 ml as a Geometric Mean and not greater than 1,000 colonies/100 ml in more than 10% of the samples tested				
(10-1 to 4-30)	2,000 colonies/100 ml as a Geometric Mean				
pH	Within the range of 6.0 to 9.0				
Flow	Monitor and Report				

NPDES Permit No. PA0229130, Industrial Wastewater, **Day Family Trust—Apartment House Tract**, 10 James Street, Mill Hall, PA 17751. This facility is located in Liberty Township, **Centre County**.

Description of Activity: The facility is a 1,600 gpd small flow sewage treatment facility for a four unit apartment complex.

The receiving stream, a UNT to Hunter Run, is in the State Water Plan Watershed 9C and is classified for: CWF. The nearest downstream public water supply intake is near Milton, PA.

The effluent limits for Outfall 001 are based on a design flow of 1,600 gpd:

Discharge Monitoring Parameter	Discharge Limitations Concentration (mg/l)			Sample Type	Monitoring Requirements Frequency
	(Unless Otherwise Noted)				
	Average Monthly	Instantaneous Maximum			
Flow (gpd)	Monitor Only			Estimated	1/Week
BOD ₅	25	50	Grab		1/Month

Discharge Monitoring Parameter	Discharge Limitations Concentration (mg/l) (Unless Otherwise Noted)		Sample Type	Monitoring Requirements
	Average Monthly	Instantaneous Maximum		Frequency
Total Suspended Solids	30	60	Grab	1/Month
Total Residual Chlorine	Monitor and Report		Grab	Daily
pH (Standard Units)	6.0 to 9.0 Standard Units, at all times		Grab	Daily
Fecal Coliform (5-1 to 9-30)	200 colonies/100 ml Geometric Mean and not greater than 1,000 colonies/ 100 ml in more than 10% of the samples tested		Grab	1/Month
(10-1 to 4-30)	2,000 colonies/100 ml Geometric Mean		Grab	1/Month

NPDES Permit No. PA0010553, Industrial Wastewater (SIC Code 0921), **Fish and Boat Commission**, 1735 Shiloh Road, State College, PA 16801-8495. This existing facility is the Benner Spring State Fish Hatchery located in Benner Township, **Centre County**.

Description of Action/Activity: This is an amendment to an NPDES permit (PA0010553) for two discharge points (Outfall 001 and Outfall 002) of treated industrial wastewater generated at the Benner Spring State Fish Hatchery to Logan Branch, a HQ-CWF. The amendment allows for affirmative defense language regarding the annual total suspended solids mass loading limitation of 36,110 pounds per year as established in Part C.VI. of the existing permit

The EPA waiver is in effect.

NPDES Permit No. PA0010561, Industrial Wastewater (SIC Code 0921), **Fish and Boat Commission**, 1735 Shiloh Road, State College, PA 16801-8495. This existing facility is the Pleasant Gap State Fish Hatchery located in Benner Township, **Centre County**.

Description of Action/Activity: This is an amendment to an NPDES permit (PA0010561) for two discharge points (Outfall 001 and Outfall 002) of treated industrial wastewater generated at the Pleasant Gap State Fish Hatchery to Logan Branch, a HQ-CWF. The amendment allows for affirmative defense language regarding the annual total suspended solids mass loading limitation of 18,950 pounds per year as established in Part C.VI. of the existing permit

The EPA waiver is in effect.

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

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

WQM Permit No. WQG02360702, Sewage, **Lancaster Area Sewer Authority**, 130 Centerville Road, Lancaster, PA 17603. This proposed facility is located in Manheim Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction/Operation of the Worthington Subdivision pump station and sewer extension.

WQM Permit No. 2107404, Sewage, **Hampden Township Sewer Authority**, 230 South Sporting Hill Road, Mechanicsburg, PA 17050. This proposed facility is located in Hampden Township, **Cumberland County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of the replacement/expansion of Pump Station Nos. 9 and 14.

WQM Permit No. 2104404, Amendment 07-1, Sewage, **Silver Spring Township Authority**, 31 West Main Street, P. O. Box 1001, New Kingstown, PA 17072-1001. This proposed facility is located in Silver Spring Township, **Cumberland County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of an expansion of the former Tyson Commons Pump Station and force main to serve a revised Walden (PS) development.

WQM Permit No. WQG02360703, Sewage, **East Donegal Township Sewer Authority**, 160 Rock Point Road, Marietta, PA 17547. This proposed facility is located in East Donegal Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction/Operation of the Bridle Path at Village Square Pump Station.

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

WQM Permit No. 4107401, Sewerage 4952, **Penn Township**, 4600 Beaver Lake Road, Hughesville, PA 17737. This proposed facility is located in Penn Township, **Lycoming County**.

Description of Proposed Action/Activity: Replacement of the wastewater treatment plant serving the Beaver Lake Development. The new wastewater treatment facilities will have a design capacity of 0.0275 mgd.

WQM Permit No. 4907401, Sewerage, SIC 4952, **Penns Tavern**, SR 147, Sunbury, PA 17801. This proposed facility will be located in Lower Augusta Township, **Northumberland County**.

Description of Proposed Action/Activity: Applicant seeks a permit authorizing the design, construction and operation of a small flow treatment facility, consisting of two septic tanks, an effluent filter, an equalization tank, three peat biofilters, an erosion chlorinator and a chlorine contact tank. Discharge will be the Susquehanna River, a WWF.

WQM Permit No. 1407403, Sewerage, 4952, **Day Family Trust—Apartment House Tract**, 10 James Street, Mill Hall, PA 17751. This facility will be located in Liberty Township, **Centre County**.

Description of Action/Activity: The applicant is approved to construct and operate a 1,600 gpd small flow sewage treatment facility for a four unit apartment complex. The treatment will consist of two septic tanks, three peat Bio-filters and ultraviolet disinfection. NPDES Permit No. PAG0229130 will cover the discharge to a UNT to Hunter Run, a CWF.

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

WQM Permit No. WQG016356, Sewerage, **Donna Lee Loughman**, 241 Minton Run Road, Prosperity, PA 15329. This proposed facility is located in West Finley Township, **Washington County**.

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

WQM Permit No. WQG016151, Sewerage, **Lloyd I. Paynter**, 778 Oakwood Drive, New Florence, PA 15944. This proposed facility is located in West Wheatfield Township, **Indiana County**.

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

WQM Permit No. 2606403, Sewerage, **Municipal Authority of the Township of Washington**. This proposed facility is located in Washington Township, **Fayette County**.

Description of Proposed Action/Activity: Permit issuance to convey sewage to the Belle Vernon Sewage Treatment Plant for treatment.

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

WQM Permit No. WQG01018569, Sewerage, **Gary Groce**, 898 Vernon Road, Greenville, PA 16125. This proposed facility is located in West Salem Township, **Mercer County**.

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

WQM Permit No. WQG01018577, Sewerage, **Linda L. and Paul F. Simpson**, 745 Kahle Road, Sligo, PA 16255. This proposed facility is located in Monroe Township, **Clarion County**.

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

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10U149R	Sullivan Trail Business Park, LP P. O. Box 247 Wind Gap, PA 18091	Northampton	Forks Township	Bushkill Creek HQ-CWF
PAI025207001	James Rienhardt R. R. 2 Box 1010 Dingmans Ferry, PA 18328	Pike	Lehman Township	Two Tributaries to Delaware River HQ-CWF
PAI025206012	Sunrise Ventures, Inc. 3000 Sunrise Lake Milford, PA 18837	Pike	Dingman Township	Rattlesnake Creek HQ-CWF
PAI024806020	R. B. Associates 3864 Courtney Street Suite 140 Bethlehem, PA 18017	Northampton	East Allen Township	Monocacy Creek HQ-CWF
PAI023905023	Gateway Land Development, Inc. 188 Jefferson Street Emmaus, PA 18049	Lehigh	Weisenberg Township	Lyon Creek HQ-CWF, MF Jordan Creek HQ-CWF
PAI023907004	Castle Holdings, Inc. 6616B Rupperville Road Allentown, PA 18106	Lehigh	North Whitehall Township	Jordan Creek HQ-CWF
PAS10U168R	Jaindl Land, Co. 3150 Coffeetown Road Orefield, PA 18069	Northampton	Hanover Township	Monocacy Creek HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024006004	Michael Matheos 1181 Sandy Valley Road White Haven, PA 18661	Luzerne	Foster Township	Buck Mountain Creek HQ-CWF Tobyhanna Creek HQ-CWF
PAI024506026	Ammre Holdings, LLC 1 Empire Plaza Stroudsburg, PA 18360	Monroe	Paradise Township	Paradise Creek HQ-CWF
PAS10S056R3	Sanofi Pasteur, Inc. P. O. Box 187 Discovery Drive Swiftwater, PA 18370	Monroe	Pocono Township	Swiftwater Creek HQ-CWF Brodhead Creek HQ-CWF

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

Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAR10F154R Phase IV Approval	David Palmer S&A Homes, Inc. Lexington Place, Phase IV 2121 Old Gatesburg Road Suite 200 State College, PA 16803	Centre	Ferguson Township	Big Hollow Run CWF

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

Allegheny County Conservation District, Lexington Technology Park Building 1, Suite 102, 400 North Lexington Avenue, Pittsburgh, PA 15208, (412) 241-7645.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050207002	Department of Transportation District 11-0 45 Thoms Run Bridgeville, PA 15017	Allegheny	White Oak Borough	Jacks Run HQ/CWF

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

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

List of NPDES and/or Other General Permit Types

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

General Permit Type—PAG-02

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Marcus Hook Borough Delaware County	PAG2002307019	JO Management P. O. Box 93 New London, PA 19360	Delaware River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Whitemarsh Township Montgomery County	PAG2004607044	Masonic Village at Lafayette Hill One Masonic Drive Elizabethtown, PA 17022	UNT Wissahickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Horsham Township Montgomery County	PAG2004607067	Griggs Properties, LLC P. O. Box 587 Royersford, PA 19468	Mill Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Salford Township Montgomery County	PAG2004606200	Alex McConnell HCI Box 4679 Albrightsville, PA 18210	Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Limerick Township Montgomery County	PAG2004606160	Greenway Development 3625 Welsh Road Willow Grove, PA 19090	Sanatoga Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Franconia Township Montgomery County	PAG2004607009	Franconia Township 671 Allentown Road P. O. Box 128 Franconia, PA 18924	Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Towamencin Township Montgomery County	PAG2004607023	Detwiler Associates, LP 718 Arch Street Suite 401 N Philadelphia, PA 19106	Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Skippack Township Montgomery County	PAG20046031321	Erb Mascio Builders 2930 Felton Road East Norriton, PA 19401	Perkiomen Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Perkiomen Township Montgomery County	PAG2004607053	Antonia Mazzamuto 391 Wartman Road Collegetown, PA 19426	Schoolhouse Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Franconia Township Montgomery County	PAG2004606191	Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406	Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015106075	Westrum Byberry, LP 370 Commerce Drive Suite 100 Fort Washington, PA 19034	Poquessing Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Pen Argyl Borough Northampton County	PAG2004806039	Pen Argyl Municipal Authority 11 North Robinson Avenue P. O. Box 128 Pen Argyl, PA 18072	Branch of the Waltz Creek (source to Greenwalk Creek) CWF, MF	Northampton County Cons. Dist. (610) 746-1971 0
Silver Spring Township Cumberland County	PAR10H162R	Waterford Square Associates, Inc. Joy Wagaman 215 South Centerville Road Lancaster, PA 17603	Hogestown Run CWF	Cumberland County Conservation District 310 Allen Road Carlisle, PA 17013 (717) 240-7812

NOTICES

5647

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Upper Allen Township Cumberland County	PAG2002107036	Desoza Brown, Inc. Bumble Bee Hollow 225 North Presidential Avenue Bala Cynwyd, PA 14004	UNT Yellow Breeches Creek CWF	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812
Tulpehocken Township Berks County	PAG2006070111	Louie Hurst Mount Aetna Developers, Inc. 530 West Trout Run Road Ephrata, PA 17522	UNT to Little Swatara Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201
Loganville Borough York County	PAG2006706121	Kinsley Equities, III, LP 6259 Reynolds Mill Road Seven Valleys, PA 17360	East Branch Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Bedford Township Bedford County	PAG2000507006	Bedford Hotel Partners, LP P. O. Box 407 660 Edgegrove Road Hanover, PA 17331	Raystown Branch Juniata River TSF	Bedford County Conservation District 702 West Pitt Street Suite 3 Fairlawn Court Bedford, PA 15522 (814) 623-0481
Windsor Township York County	PAG2006707012	Mark Cummins Keystone Custom Homes 227 Granite Run Drive Lancaster, PA 17601	Cabin Creek Kreutz Creek UNT to Kreutz Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
East Manchester Township York County	PAG2006707042	Jerry Watson Barnhart Drive Assoc., LP 30 Marianne Drive York, PA 17406	Oil Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Manchester Township York County	PAG20067070041	James Craft J. G. Leasing, Inc. 2780 York Haven Road P. O. Box 8 York Haven, PA 17370	Willis Run Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
York Township York County	PAG2006707047	Powder Mill Partners P. O. Box 20249 York, PA 17402	UNT to Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
West Manchester Township York County	PAG2006707056	Chris Davies BAE Systems P. O. Box 15512 York, PA 17405-1512	West Branch Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Greenfield Township Blair County	PAG2000707016	The Dennis Group, LLC 1391 Main Street Springfield, MA 01103	Beaverdam Creek CWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877 Ext. 5
Susquehanna Township Dauphin County	PAG2002203018	Christopher Fencel Cedar Clock Tower, LLC 3307 Trindle Road Camp Hill, PA 17011	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Harrisburg City Dauphin County	PAG2002207038	Houston Lichtenwalner PPL 1801 Brookwood Street Harrisburg, PA 17104	Susquehanna River WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Lower Paxton and Susquehanna Townships Dauphin County	PAG2002207043	Triple Crown Corp. 5351 Jaycee Avenue Harrisburg, PA 17112	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Upper Paxton Township Dauphin County	PAG2002207047	Lester J. Stence 132 Paul Drive Millersburg, PA 17061	Wiconisco Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Susquehanna Township Dauphin County	PAG2002207046	Philip Thornton Church Without Walls 1720 Bennington Drive Harrisburg, PA 17112	Susquehanna River WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Bradford County South Creek Township	PAG2000807006	Linda Leonard South Creek Township P. O. Box 60 Gillett, PA 16925-2589	South Creek Canaan Run Roaring Run CWF	Bradford County Conservation District Stoll Natural Resource Center R. R. 5 Box 5030C Towanda, PA 18848 (570) 265-5539 Ext. 6
Centre County Patton Township	PAG2001407015	Sam Hawbaker— Vista Court Park Forest Enterprises, Inc. 1000 West Aaron Drive State College, PA 16803	UNT to Big Hollow CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
Union County East Buffalo Township	PAG2006007005	Edward Baker 2265 Old Turnpike Road Lewisburg, PA 17837	Limestone Run WWF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Butler County	PAG2001006022	Nextier Bank	Kaufman Run WWF	Butler Conservation District (724) 284-5270
Clarion County Clarion Borough	PAG2061607001	Clarion University	Clarion River CWF	Department of Environmental Protection (814) 332-6984
Cambria County White Township	PAG2091107005	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	UNT to Dutch Run to Beaverdam Run CWF	DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 (814) 472-1800

General Permit Type—PAG-3

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lancaster County Mount Joy Township	PAR503507	Veolia ES Lancaster, LLC 2487 Cloverleaf Road Elizabethtown, PA 17022	Little Chickies Creek TSF 7-G	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Upper Leacock Township	PAR113548	C & D Technologies, Inc. 82 East Main Street Leola, PA 17541	UNT Mill Creek WWF 7-J	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Clearfield County Lawrence Township	PAR214822	E. M. Brown, Inc. P. O. Box 767 Clearfield, PA 16830	UNT to West Branch Susquehanna River CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664

General Permit Type—PAG-4

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lower Milford Township Lehigh County	PAG042208	Glenn A. Snyder 7667 School House Lane Zionsville, PA 18092-2829	UNT to Hosensack Creek	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Berks County Douglass Township	PAG043690	Brian Kanach 101 Gristmill Road Boyertown, PA 19512	Ironstone Creek TSF 3-D	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
West Finley Township Washington County	PAG046356	Donna Lee Loughman 241 Minton Run Road Prosperity, PA 15329	UNT of Robinson Fork	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
West Wheatfield Township Indiana County	PAG046354	Lloyd I. Paynter 778 Oakwood Drive New Florence, PA 15944	UNT to Conemaugh River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Monroe Township Clarion County	PAG049377	Linda L. and Paul F. Simpson 745 Kahle Road Sligo, PA 16255	UNT to Licking Creek 17-B	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-5

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Upper Darby Township Delaware County	PAG050036	Sunoco, Inc. 350 Eagleview Boulevard Suite 300 Exton, PA 19341	UNT to Cobbs Creek	Southeast Regional Office 2 East Main Street Norristown, PA 19401

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Douglass Township Montgomery County	PAG050046	Bartman's Shell 1152 East Philadelphia Avenue Gilbertsville, PA 19525	Minster Creek	Southeast Regional Office 2 East Main Street Norristown, PA 19401
East Norriton Township Montgomery County	PAG050042	Norristown Exxon, LLC c/o Synergy Environmental, Inc. 155 Railroad Plaza Suite 100 Royersford, PA 19468	Stony Creek 3F Lower Schuylkill Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401

General Permit Type—PAG-8

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
South Kearny, NJ	PAG089901	Spectraserv, Inc. 75 Jacobus Avenue South Kearny, NJ 07032	Spectraserv, Inc. 75 Jacobus Avenue South Kearny, NJ 07032	BWSWM (717) 787-8184

General Permit Type—PAG-12

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Franklin County Washington Township	PAG123610	Samuel Martin 11441 Gehr Road Waynesboro, PA 17268	13-C	DEP—SCRO Watershed Management Program 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802
Franklin County Antrim Township	PAG123609	Marvin Long 4251 Fletcher Drive Greencastle, PA 17225	13-C	DEP—SCRO Watershed Management Program 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802

PUBLIC WATER SUPPLY (PWS) PERMITS

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Emergency Operations Permit No. 0107512 E issued to **Crazy Horse Steakhouse**, 7010930, Berwick Township, **Adams County** on September 28, 2007.

Permit No. 3607508, Public Water Supply.
Applicant **Tyson Foods, Inc.**
Municipality **New Holland Borough**
County **Lancaster**

Type of Facility Installation of corrosion control treatment using phosphate addition to address lead and copper problems.

Consulting Engineer J. Marlin Hess, P. E.
Tyson Foods, Inc.
403 South Custer Avenue
P. O. Box 1156
New Holland, PA 17557

Permit to Construct Issued: September 28, 2007

Permit No. 0107504, Public Water Supply.

Applicant **Bermudian Springs School District**

Municipality Huntingdon Township

County **Adams**

Type of Facility Installation of arsenic removal treatment.

Consulting Engineer Janet R. McNally, P. E.
William F. Hill & Assoc., Inc.
207 Baltimore Street
Gettysburg, PA 17325

Permit to Construct Issued: September 28, 2007

Permit No. 0107509 MA, Minor Amendment, Public Water Supply.

Applicant **Gettysburg Municipal Authority**

Municipality Cumberland Township

County **Adams**

Type of Facility Addition of baffles to the clearwell at the existing Marsh Creek treatment plant.

Consulting Engineer Diana Young, P. E.
Buchart-Horn, Inc.
P. O. Box 15040
York, PA 17405-7040

Permit to Construct Issued: October 5, 2007

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

Permit No. 1807502—Construction, Public Water Supply.

Applicant **Chapman Township Water Authority**

Township or Borough Chapman Township

County **Clinton**

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

Type of Facility Public Water Supply—Construction

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

Permit Application Date October 4, 2007

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

Permit No. MA-1793501—Construction, Public Water Supply.

Applicant **Cooper Township Municipal Authority**

Township or Borough Cooper Township

County **Clearfield**

Responsible Official Sharon Josefikz, Chairperson
Cooper Township Municipal Authority
P. O. Box 466
Winburne, PA 16879

Type of Facility Public Water Supply—Construction

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

Permit Issued Date October 4, 2007

Description of Action Refurbishing and painting of the Kylerstown finished water storage tank.

Permit No. MA-1894501—Construction, Public Water Supply.

Applicant **South Renovo Borough**

Township or Borough South Renovo Borough

County **Clinton**

Responsible Official Edward L. Finnefrock, President
South Renovo Borough
569 Pennsylvania Avenue
South Renovo, PA 17764

Type of Facility Public Water Supply—Construction

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

Permit Issued Date October 4, 2007

Description of Action Construction of a transmission line and metering station to convey finished water from Renovo Borough water system to South Renovo Borough water system.

Permit No. MA-1889503—Construction, Public Water Supply.

Applicant **Renovo Borough**

Township or Borough Renovo Borough

County	Clinton
Responsible Official	Randy Bibey, Chairperson Renovo Borough 128 Fifth Avenue Renovo, PA 17764
Type of Facility	Public Water Supply—Construction
Consulting Engineer	K. Alan Uhler, Jr., P. E. Kerry A. Uhler and Associates, Inc. 140 West High Street Bellefonte, PA 16823
Permit Issued Date	October 4, 2007
Description of Action	Construction of a transmission line and metering station to convey finished water from South Renovo Borough water system to Renovo Borough water system.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

Borough or Township	Borough or Township Address	County
East Berlin Borough	128 Water Street East Berlin, PA 17316	Adams

Plan Description: The approved plan provides for the following: 1) the upgrade and expansion of the East Berlin Borough wastewater treatment facility to a capacity of 0.243 mgd (average daily flow) and the construction of a new interceptor (the Third Street Trunk Sewer) to reroute flow away from the Harrisburg Street sewer; 2) the construction of the Northwest trunk Sewer that will provide public sewer service to existing homes in the Northwest Area of the Borough as defined in the Plan; 3) the construction of the Buttercup Farms pump station and force main to serve the proposed subdivision and other connections in Hamilton Township and 4) the formation of a Joint Municipal Authority (East Berlin Borough and Hamilton Township) to own and operate the water and sewer systems. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

Plan Location:

Borough or Township	Borough or Township Address	County
South Beaver Township	1164 SR 0168 Darlington, PA 16115	Beaver

Plan Description: The approved plan provides for the construction of a 400 gpd single residence sewage treat-

ment plant to serve the Richard Holland single-family home. The property is located at 943 Blackhawk Road, South Beaver Township, Beaver County. The proposed discharge point is a UNT of Brush Run classified as a HQ-CWF. Any required NPDES Permits or WQM Permits must be obtained in the name of the applicant as appropriate. The Department of Environmental Protection's review of the sewage facilities revision has not identified any significant impacts resulting from this proposal.

HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

Public Notice of Proposed Consent Order and Agreement Department of Environmental Protection Bottle House Site City of Allentown, Lehigh County

Under section 1113 of the Hazardous Sites Cleanup Act (35 P.S. §§ 6020.101—6020.1305) (HSCA), notice is hereby provided that the Department of Environmental Protection (Department) has entered into a deminimis settlement in the form of a Consent Order and Agreement (CO&A) with Rimtec Corporation (Settlor). The CO&A addresses the investigation and removal of hazardous substances that were left on the Bottle House Site (Site) by the Settlor. The Settlor will reimburse the Department its portion of the costs incurred to perform the site investigation/response activities at the Site.

The Site is located at 401-451 North Front Street, Allentown, Lehigh County and consists of a large three-story brick building that was the former bottling house for the Neuweiler Brewery. Brewery operations ceased at this site in the late 1960s. The Site then became an industrial property being utilized as a warehouse and manufacturing facility, which is surrounded on three sides by family residences and by a community recreational area on the fourth side. The operations resulted in large quantities of hazardous materials being stored in the building. Specifically, Rimtec sent a nominal amount of PVC-based products to the Site. The Department initiated a prompt interim response action under the HSCA on September 27, 1999. The objective of this prompt interim response action was to eliminate the immediate threat to human health and safety and the environment posed by the hazardous waste and hazardous substances that were present on the site. The response was completed on April 28, 2000, at a cost of \$1,520,394.65.

The settlement proposed in the CO&A referenced previously would resolve certain potential claims of the Department solely against the Settlor, for future enforcement and reimbursement of response costs incurred by the Department in addressing the release or threat of release of hazardous substances at the Site. The claims originated under the authority of HSCA. The proposed settlement would require the Settlor to pay the Department \$12,726 for its portion of the response costs.

The specific terms of this settlement are set forth in the CO&A between the Department and the Settlor, which is available for public review and comment. The Department will receive and consider comments relating to the CO&A for 60 days from the date of this Public Notice. The Department has the right to withdraw its consent to the CO&A if the comments concerning the CO&A disclose facts or considerations which indicate that the CO&A is inappropriate, improper, or not in the public interest. After the public comment period, the Department's settle-

ment with the Settlor shall be effective upon the date that the Department notifies the Settlor, in writing, that this CO&A is final and effective in its present form and that the Department has filed a response to significant written comments to the CO&A, or that no such comments were received.

Copies of the CO&A are available for inspection at the Department's Northeast Regional Office. Comments may be submitted, in writing, to Karen Unruh, Department of Environmental Protection, Hazardous Sites Cleanup, 2 Public Square, Wilkes-Barre, PA 18711. Further information may be obtained by contacting Karen Unruh, at (570) 826-2511. TDD users should contact the Department through the Pennsylvania Relay Services at (800) 645-5984.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a Site-Specific Standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

WaWa Store Horsham Township, Horsham Township, **Montgomery County**. Jeff Brudereck, GES, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 on behalf of Ted Lobst, WaWa, Inc., 260 West Baltimore Pike, Wa Wa, PA 19063 has submitted a 90-day Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standards.

Proposed Chichester School District Site, Upper Chichester Township, **Delaware County**. John Mihalich, MACTEC Engineering and Consulting, Inc., 5205 Militia Hill Road, Plymouth Meeting, PA 19462, Prashant Gupta, Honeywell International, Inc., P. O. Box 2105, 1010 Columbia Road, Morristown, NJ 07962 on behalf of Michael Golde, Chichester School District, P. O. Box 2100, Boothwyn, PA 19061 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with organochlorine pesticides. The report is intended to document remediation of the site to meet the Statewide Health Standards.

121 Main Street Site, Souderton Borough, **Montgomery County**. Daniel Caprio, Patriot Environmental Management, LLC, P. O. Box 629 (21 Unionville Road), Douglassville, PA 19518 on behalf of Mark Henry, RVPILTD. Big House Partners, LLC has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standards.

Charles Lobb Residence, Upper Uwchland Township, **Chester County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA, Merrill Walters, Almega Environmental, 131 Mt. Pleasant Road, Pottstown, PA 18973 on behalf of Charles Lobb, 8 Highview Road, Downingtown, PA 19335 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standards.

Heartland Express, Inc. (Village Square Shopping Center), East Goshen Township, **Chester County**. Gilbert Marshall, Marshall Geoscience, Inc., 170 East First Avenue, Collegeville, PA 19426, David Peck, Haz-Mat Response, Inc., 1203 South Parker, Olathe, KS 66061, Richard Meehan, Heartland Express, Inc., 2777 Heartland Drive, Coralville, IA 52241 on behalf of Edward McFalls, Hershey's Mill Commercial Holding's, LLC, 1389 East Boot Road, West Chester, PA 19380 has submitted a 90 day Final Report concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standards.

Heartland Express, Inc. (Caleco), East Goshen Township, **Chester County**. Gilbert Marshall, Marshall Geoscience, Inc., 170 East First Avenue, Collegeville, PA 19426, David Peck, Haz-Mat Response, Inc., 1203 South Parker, Olathe, KS 66061, Richard Meehan, Heartland Express, Inc., 2777 Heartland Drive, Coralville, IA 52241 on behalf of S. Wing, S. Wing Associates, Airport Road and Wilson Drive, West Chester, PA 19380, Peter Hodson, Coin Automatic Laundry Equipment Co., Airport Road and Wilson Drive, West Chester, PA 19380 has submitted a 90 day Final Report concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standards.

Richland Meadows Mobil Home Park, Richland Township, **Bucks County**. Clorece Kukp, DelVal Soil &

Environmental Consultants, Inc., 4050 Skyrun Drive, Suite A-1, Doylestown, PA 18902, Eric Williams, Richland Meadows Mobile Home Park, 232 Yankee Road, Lot 395, Quakertown, PA 18951 has submitted a Final Report concerning remediation of site soil contaminated with kerosene. The report is intended to document remediation of the site to meet the Statewide Health Standards.

Sunoco, Inc. (R & M), Upper Uwchlan Township, **Chester County**. Lisa Strobridge, Aquaterra Technologies, Inc., P. O. Box 744, West Chester, PA 19320, Bradford Fish, Sunoco, Inc., (R & M) Automotive Lab, Post Road and Blueball Avenue, P. O. 1135, Marcus Hook, PA 19061 on behalf of Margaret Wertz, 640 Little Conestoga Road, Downing, PA 19335 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standards.

McIntyre Residence, Lower Salford, **Montgomery County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Lisa Neimann, State Farm, P. O. Box 13, Concordville, PA 19331 on behalf of Mr. and Mrs. McIntyre, 223 1st Avenue, Harleysville, PA 19438 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with petroleum. The report is intended to document remediation of the site to meet the Statewide Health Standards.

Harrah's Chester Downs Casino & Racktrack, City of Chester, **Delaware County**. Terrence J. McKenna, P. E., Keating Env., Mgmt., Inc., 123 John Robert Thomas Drive, Exton, PA 19341 on behalf of J. Patrick Kilian, Redevelopment Authority of County of Delaware, 200 East State Street, Suite 205, Media, PA 19063 has submitted a Baseline Environmental Report concerning remediation of site soil contaminated with chlorinated solvents, lead and inorganics. The report is intended to document remediation of the site to meet the Special Industrial Area.

Simchuk Residence, Horsham Township, **Montgomery County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Ty Gawlik, State Farm, P. O. Box 13, Concordville, PA 19331 on behalf of Nicholas and Maryann Simchuk, 1330 Squire Drive, Ambler, PA 19002 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standards.

Metal Bank State Road, City of Philadelphia, **Philadelphia County**. Ed Kleppinger, EWK Consultants, Inc., 510 North Street, SW, Washington, DC 20024, Richard Wardrop, Shaw Environmental, Inc., 200 Innovation Boulevard, Suite 256, State College, PA 16801 on behalf of John Mattioni, Mattioni, Ltd., 399 Market Street, Philadelphia, PA 19106 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with Pcb's, lead and semivolatle organic substances, arsenic, beryllium, tetrachloroethene, trichlorethene and vinyl choride. The report is intended to document remediation of the site to meet the Site-Specific Standards.

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

Hopeland Post Office/Cloister Flooring, Inc., Clay Township, **Lancaster County**. GemChem, Inc., 53 North Cedar Street, Lititz, PA 17543, on behalf of Marcus Kline, Cloister Flooring, Inc., 749 Rothsville Road, Lititz, PA

17543, submitted a Final Report concerning remediation of site soils contaminated with leaded and unleaded gasoline from removed underground storage tanks. The report is intended to document remediation of the site to the Statewide Health Standard.

Fehl's Home & Garden, Muhlenberg Township, **Berks County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA on behalf of Fehl's Home & Garden, 5369 Allentown Pike, Temple, PA 19560 and Agway Liquidating Trust, LLC, 5790 Widewaters Parkway, Dewitt, NY 13214, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil from removed underground storage tanks. The report is intended to document remediation of the site to the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a Site-Specific Standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program man-

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

The Department has received the following plans and reports:

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

Cloister Flooring, Inc., Clay Township, **Lancaster County**. GemChem, Inc., 53 North Cedar Street, Lititz, PA 17543, on behalf of Marcus Kline, Homestead Investments, LLP, 325 West Mt. Airy Road, Stevens, PA 17578-9664, submitted a Final Report concerning the remediation of site soils contaminated with No. 2 fuel oil from an aboveground storage tank. The final report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on October 4, 2007.

Anvil International, Inc. (former Tyco), Columbia Borough, **Lancaster County**. Earth Tech, Inc., Two Market Plaza Way, Mechanicsburg, PA 17055, on behalf of Tyco International, Inc., 9 Roszel Road, Princeton, NJ 08540 and Anvil International, Inc., 1411 Lancaster Avenue, Columbia, PA 17512-1900, submitted a Final Report concerning the remediation of site soil and groundwater contaminated with metals and petroleum hydrocarbons. The final report demonstrated attainment of the Nonresidential Statewide Health Standard and was approved by the Department of Environmental Protection on October 5, 2007.

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

Williamsport Wirerope Works Inc., City of Williamsport, **Lycoming County**. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of Dilworth Paxson, LLP, 1735 Market Street, 3200 Mellon Bank Center, Philadelphia, PA 19103 has submitted a revised Remedial Investigation Report concerning remediation of site groundwater contaminated with TCE, PAHs, lead and cadmium and soils contaminated with lead and arsenic. The Remedial Investigation Report was approved.

PIDA—(Former Branch Motor Express Co.), Delaware Township, **Northumberland County**. Gannett Fleming, 207 Senate Avenue, Camp Hill, PA 17011 on behalf of PIDA, 400 North Street, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120 has submitted a Final Report concerning remediation of site soil contaminated with cumene, ethyl benzene, fluorene, naphthalene and phenanthrene and groundwater contaminated with benzene, cumene, ethyl benzene, fluorene, naphthalene, phenanthrene, toluene and xylenes. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on October 1, 2007.

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

Calumet/Wolf's Head Prop South Parcel OLD, Borough of Sugarcreek, **Venango County**. URS Corporation, Foster Plaza 4, 501 Holiday Drive, Suite 300, Pittsburgh, PA 15220 on behalf of Pennzoil-Quaker State Company, d/b/a SOPUS Products, 260 Elm Street, P. O. Box 99, Oil City, PA 16301 has submitted a Site Characterization and

Remedial Investigation Report Addendum concerning the remediation of site soils and groundwater contaminated with SPL, VOC, SVOC and inorganic compounds. The Site Characterization and Remedial Investigation Report Addendum was disapproved by the Department of Environmental Protection on October 3, 2007.

EMSOURCE St. Marys Hall Avenue, St. Marys, **Elk County**. Hydrosystems Management, Inc., P. O. Box 789, Washington, PA 15301 on behalf of 441 Holdings, LLC, 111 Commercial Street, Suite 400, P. O. Box 17914, Portland, ME 04112-7914 has submitted a Combined Remedial Investigation Report and Final Report concerning the remediation of site soils contaminated with tetrachloroethylene (PCE) and site groundwater contaminated with carbon tetrachloride, dichloroethane, 1,1-dichloroethane, 1,2-dichloroethylene, 1,1-dichloroethylene, CIS-1,2-tetrachloroethylene (PCE), trichloroethane, 1,1,1-trichloroethylene (TCE) and vinyl chloride. The Remedial Investigation Report was approved by the Department of Environmental Protection on October 5, 2007. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on October 5, 2007.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage, or Disposal Facility.

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

Permit No. PAD002312791. Sunoco, Inc. R & M, 1801 Market Street, Philadelphia, PA 19380, City of Philadelphia, **Philadelphia County**. This permit is for the modification of the Part B permit to incorporate the operation of two hazardous waste liquid fired boilers at the Sunoco Frankford Plant. Permit was issued by the Southeast Regional Office on September 19, 2007.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Veolia ES Lancaster, LLC, Mount Joy Township, **Lancaster County**, Permit No. 101559. Submitted an application for an expansion to their existing construction/demolition waste landfill on June 19, 2007. A Local Municipal Involvement Process meeting was held on September 11, 2007, at which point the application was considered received. The Department of Environmental Protection (Department), applicant and Mount Joy Township negotiated a Department review time of 530 days. The application was considered administratively complete on October 1, 2007.

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, Thomas McGinley, New Source Review Chief, (484) 250-5920.

46-310-067GP: Haines & Kibblehouse, Inc. (2052 Lucon Road, Skippack, PA 19474) on October 5, 2007, to operate a portable nonmetallic mineral in Norristown Borough, **Montgomery County**.

46-329-023GP: Haines & Kibblehouse, Inc. (2052 Lucon Road, Skippack, PA 19474) on October 5, 2007, to operate a diesel/No. 2 fuel fired internal in Norristown Borough, **Montgomery County**.

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

GP-10-353: Praxair Inc.—AK Steel Site (One Armco Drive, Butler, PA 16001) on September 30, 2007, for a small combustion unit BAQ/GPA/GP-1, a No. 2 fuel fired internal combustion engine BAQ-GPA/GP-9 and a nonroad engine BAQ-GPA/GP-11 in Butler, **Butler County**.

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

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

09-0010A: TEVA Pharmaceuticals USA, Inc. (650 Cathill Road, Sellersville, PA 18960) on October 5, 2007, to operate a new granulation in West Rockhill Township, **Bucks County**.

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

06-05007D: Carpenter Technology Corp. (P. O. Box 14662, Reading, PA 19612-4662) on October 1, 2007, to modify their specialty steel manufacturing plant in the City of Reading, **Berks County**.

06-05069M: East Penn Manufacturing Co., Inc. (Deka Road, P. O. Box 147, Lyon Station, PA 19536) on October 1, 2007, to construct and modify additional equipment to manufacture lead/acid batteries and to install two fabric collectors to control both the new equipment and existing units in the assembly plant A-2 in Richmond Township, **Berks County**.

06-05078F: FR & S, Inc. (727 Red Lane Road, Birdsboro, PA 19508) on October 1, 2007, to modify their municipal solid waste landfill controlled by a gas collection system and two enclosed ground flares in Exeter Township, **Berks County**.

28-05002A: United States Army Letterkenny Army Depot (AMSAM-LE-EE-N, Chambersburg, PA 17201-4150) on September 28, 2007, to construct a new No. 2

fuel oil and natural gas fired, 28.6 mmBtu/hr firetube boiler at their facility in Letterkenny Townships, **Franklin County**.

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

17-00063A: Bionol Clearfield, LLC (99 Longwater Circle, Norwell, MA 02061) on September 14, 2007, to construct and operate a 108 million gpy dry mill ethanol manufacturing facility at a site at the Clearfield Tech Park in Clearfield Borough, **Clearfield County**, including four 77.22 mmBtu/hr natural gas fired boilers, two natural gas fired distilled dried grains with solubles (DDGS) dryers, a 3,740 horsepower diesel fired emergency generator, a 350 horsepower diesel fired fire pump, a fermentation system, ethanol loadout to tank trucks and railcars, material handling sources, product storage tanks, a mechanical draft evaporative cooling tower, particulate emission sources and process equipment. The air contaminant emissions from these sources will be controlled with source control devices and work practices, including regenerative thermal oxidizers, fabric collectors, a scrubber, an enclosed flare, combustion controls, limited operating hours and limited material throughputs. The sources at the facility are subject to the BAT requirements of 25 Pa. Code, §§ 127.1—127.12 and the New Source Performance Standards of 40 CFR Part 60.

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

33-085A: SYMMCO Group, Inc. (40 South Park Street, Sykesville, PA 15865-0039) on September 27, 2007, a plan approval for the construction of four Sintering Furnaces in Sykesville Borough, **Jefferson County**. This is a State-only facility.

33-155C: Trail King Industries, Inc. (147 Industrial Park Road, Brookville, PA 15825-9798) on October 2, 2007, a plan approval to install a plasma cutting table and associated downflow air filtration system at their manufacturing facility in Brookville Borough, **Jefferson County**.

42-111E: Ethan Allen Manufacturing Corp.—Eldred Division (3289 Route 446, Eldred, PA 16731) on October 2, 2007, a plan approval for converting the current surface coating system (Booths 5—7 and Ovens E and F) from a two-pass system to a new one-pass system which will include new Booths 1—4 and Ovens A—C in Eldred Township, **McKean County**. This is a State-only facility.

43-323A: Chautauqua Fiberglass & Plastics, Inc. (80 Canal Street, Sharpsville, PA 16150) on September 28, 2007, a plan approval for installation of a fiberglass pipe process at the Sharpsville facility in Sharpsville Borough, **Mercer County**.

61-181C: Scrubgrass Generating Co., LP (2151 Lisbon Road, Kennerdell, PA 16374) on September 26, 2007, for addition of an onsite ash conditioning/handling area at their facility in the Township of Scrubgrass, **Venango County**. This is a Title V facility.

61-185D: Heath Oil Co. (SR 8, Barkeyville, PA 16038) on September 28, 2007, for modification of plan approval 61-185C conditions with regards to NSPS Subpart XX for Bulk Gasoline Terminals in Barkeyville Borough, **Venango County**. This is a State-only 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, Thomas McGinley, New Source Review Chief, (484) 250-5920.

23-0024D: Hanson Aggregates PA, Inc. (P. O. Box 231, Easton, PA 18044) on October 2, 2007, to operate two baghouses in Middletown Township, **Delaware County**.

09-0061: Donaldson Company, Inc.,—Tetratex (85 Railroad Drive, Ivyland, PA 18974) on October 4, 2007, to operate an extrusion line in Northampton Township, **Bucks County**.

23-0094: CCL Label, Inc. (1515 Garnet Mine Road, Boothwyn, PA 19061) on October 4, 2007, to operate a two rotogravure printing presses in Bethel Township, **Delaware County**.

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

18-315-001B: First Quality Tissue, LLC (904 Woods Avenue, Lock Haven, PA 17745) on September 28, 2007, to authorize the use of lotion on two paper machines as well as an increase of up to 1.97 tons in the amount of VOCs the paper machines are allowed to emit in any 12-consecutive month period and to extend the authorization to operate the respective paper machines on a temporary basis until January 26, 2008, in Castanea Township, **Clinton County**. The plan approval has been extended.

14-00014C: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on October 4, 2007, to extend the authorization to operate a portable stone crushing and screening plant and associated diesel engine, a portable stone screening plant and associated diesel engine and an aggregate bin on a temporary basis and the authorization to construct a second aggregate bin and two associated conveyors, a dust storage silo, a telescopic loadout spout and pug mill, a rail car aggregate unloading operation and a recycled/reprocessed oil and liquid asphalt storage operation, to February 1, 2008, in Spring Township, **Centre County**. The plan approval has been extended.

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

42-004B: American Refining Group, Inc. (77 North Kendall Avenue, Bradford, PA 16701) on September 30, 2007, to install a flare in Bradford, **McKean County**. This is a Title V Facility.

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

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

07-05001: Appleton Papers, Inc. (100 Paper Mill Road, Roaring Spring, PA 16673-1488) on September 28, 2007, to operate their kraft paper mill in Roaring Spring Borough, **Blair County**. This is a renewal of the Title V Operating Permit.

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, Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.

09-00187: Fairless Iron & Metal, LLC (300 South Steel Road, Morrisville, PA 19067-3614) on October 5, 2007, to operate their metal recycling facility in Falls Township, **Bucks County**. The permit is for a Non-Title V (State-only) facility. Major sources of air emissions include a hammermill and air classifier, conveyors, stockpiles and a wet suppression system. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00258: Bryn Mawr College (101 North Merion Avenue, Bryn Mawr, PA 19010) on October 5, 2007, for a Non-Title V Facility, State-only, Synthetic Minor Permit in Lower Merion Township, **Montgomery County**. The sources of emissions include boilers and emergency generators. The company took fuel restrictions on natural gas and No. 2 fuel oil to reduce NOx and SOx emissions. Monitoring, recordkeeping 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, Mark Wejkszner, New Source Review Chief, (570) 826-2531.

48-00072: Versalift East, Inc. (2706 Brodhead Road, Bethlehem, PA 18020) on October 1, 2007, to issue a State-only (Natural Minor) Operating Permit for operation of a spray booth in Bethlehem Township, **Northampton County**.

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

38-05031: Supreme Mid Atlantic Corp. (P. O. Box 779, 411 Jonestown Road, Jonestown, PA 17038) on September 27, 2007, for their truck and truck parts coating operation at their facility in Union Township, **Lebanon County**.

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

18-00009: Clinton County Solid Waste Authority (P. O. Box 209, McElhattan, PA 17748) on September 25, 2007, to operate a municipal solid waste landfill in Wayne Township, **Clinton County**. This is a renewal.

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

20-00034: Weyerhaeuser Choice Wood (11117 Skyline Drive, Titusville, PA 16354) on October 4, 2007, to reissue a State-only Operating Permit for the operation of the facility's air contamination sources consisting of one wood-fired boilers, natural gas heating units, wood working operations including sawing and planing, 17 wood-drying kilns and off-loading sawdust from trucks in Oil Creek Township, **Crawford County**.

25-00090: Zurn Industries—Cast Metals Division (1301 Raspberry Street, Erie, PA 16502-1543), on September 28, 2007, to reissue a Natural Minor Operating

Permit to operate a foundry producing cast iron fixtures in the City of Erie, **Erie County**. The facility's primary emission sources include a cupola, secondary cupola mold/pour/cool, sand handling/shakeout, casting cleaning, a shell core room, a cleaning machine and a paint dip operation.

33-00125: Energy Resources, Inc. (R. D. 2, Fermantown Road, Brockway, PA 15824), on October 1, 2007, to reissue the State-only operating permit for operation of the facility's air contamination sources consisting of loading/unloading; crushing; screening; conveying; transferring; stacking and storage of coal in Snyder Township, **Jefferson County**.

33-00155: Trail King Industries, Inc. (147 Industrial Park Road, Brookville, PA 15825-7201) on October 1, 2007, to reissue a State-only permit in Pine Creek Township, **Jefferson County**. The facility manufactures fabricated metal products. The facility's major emission sources include natural gas space heating, wastewater evaporator, paint booth "A", paint booth "B", cold degreasing stations, plasma torch, wood sawing and grit blast booth "A" with media recovery.

37-00152: New Castle Refractories (915 Industrial Street, New Castle, PA 16102-1329) on September 28, 2007, to re-issue a Natural Minor Operating Permit for their manufacturing facility that produces silicon-carbide refractory (nonclay) in the City of New Castle, **Lawrence County**. The facility's primary emissions sources include raw materials mixing, various mixers, natural gas fueled dryers, kilns, finish grinders and miscellaneous natural gas use for comfort heating.

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, Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.

09-00015: Rohm & Haas Co. (Route 413 and 13, P. O. Box 219, Bristol, PA 19007) on October 2, 2007, for an administrative amendment to the Title V Operating Permit at their facility in Bristol Township, **Bucks County**. The facility is a diverse chemical manufacturing plant with a variety of continuous and batch type processes. The amended Title V operating permit will contain additional monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

The following conditions that have been addressed in the amended Title V Permit, as outlined below:

(1) The name of the facility in Owner Information section of the title/cover page has been changed from Rohm & Haas Chemicals, LLC to Rohm & Haas Company.

(2) Section D, Sources 034, 035, 037 and 039—Removed source testing requirements and included additional requirements to ensure compliance with the pollutant emission limits.

(3) The permit map in Sections A and D for the Source Group 518 (Polymer Area Sources) has been revised to remove the control device Source C18 (Regenerative Thermal Oxidizer).

(4) The Shipping Dept. has been removed as a source in the Source Group 518, Section D, Condition No. 001(iii).

(5) Section D, Source C09, Condition No. 008(b) and Source C18, Condition No. 016(b)—Revised this condition to establish a 15 minute period for the inlet and the combustion chambers temperatures, respectively, from which a departure would be considered an excursion.

(6) Section D, Source C18, Condition No. 017(a) which established values for the inlet and exit gas temperature ranges for the RTO has been omitted.

(7) Section C, Condition No. 019—Included notation to clarify that the nonreportable "cold stack" events are exempted from the report of accumulated data of excursions as required by Source C09, Condition No. 014(a) or Source C18, Condition No. 023(a).

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

08-00012: Cargill Meat Solutions Corp. (P. O. Box 188, Wyalusing, PA 18852) on September 28, 2007, in accordance with the administrative operating permit amendment requirements of 25 Pa. Code, § 127.450, to incorporate conditions established for a 41.84 mmBtu/hr natural gas, No. 2 fuel oil, tallow and biogas-fired boiler and a biogas flare in Plan Approval 08-00012A, issued on November 2, 2004, in Wyalusing Township, **Bradford County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

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

32040106 and NPDES No. PA0249653. Ridge Limestone, Inc., 1094 Lantz Road, Avonmore, PA 15618, transfer of an existing bituminous surface mine, including auger mining, noncoal mining and blasting from KMP Associates, Inc., 1094 Lantz Road, Avonmore, PA 15618, located in Young Township, **Indiana County**, affecting 351.4 acres. Receiving streams: UNT's to Whisky Run and Whisky Run to Blacklegs Creek classified for the following use: CWF. The application includes a request to delete 12.4 acres from the original permit area of 351.4 acres. A variance is being requested for the purpose of conducting mining activities consisting of construction of erosion and sedimentation controls, as well as overburden, coal and limestone removal including blasting, within the 100' barriers of SR 3019 and SR 3023. The variance area begins at the intersection of these roads

and continues west along the north side of SR 3019 a distance of approximately 800'. An additional variance is being requested for the purposes of conducting mining activities consisting of construction of erosion and sedimentation controls, overburden, coal and limestone removal including blasting and wetland mitigation within the 100' barrier of Nesbit Run. The variance area begins at the point where the stream crosses under SR 3023 and continues upstream a distance of approximately 500'. There are no potable water supply intakes within 10 miles downstream. Application received February 12, 2007. Permit issued October 1, 2007.

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

16070103 and NPDES Permit No. PA0258326. RFI Energy, Inc., P. O. Box 162, Sligo, PA 16255. Commencement, operation and restoration of a bituminous strip operation in Perry Township, **Clarion County** affecting 125.0 acres. Receiving streams: Two UNTs to the Clarion River. Application received April 17, 2007. Permit issued September 28, 2007.

5974-16070103-E-1. RFI Energy, Inc., P. O. Box 162, Sligo, PA 16255. Application for a stream encroachment to conduct mining activities within 100 feet and mine through approximately 2,500 feet and reconstruct approximately 3,000 feet of UNT, tributary No. 1 to the Clarion River in Perry Township, **Clarion County**. Receiving streams: Two UNTs to the Clarion River. Application received April 17, 2007. Permit issued September 28, 2007.

5974-16070103-E-2. RFI Energy, Inc., P. O. Box 162, Sligo, PA 16255. Application for a stream encroachment to conduct mining activities within 100 feet of UNT, tributary No. 2 to the Clarion River in Perry Township, **Clarion County**. Receiving streams: Two UNTs to the Clarion River. Application received April 17, 2007. Permit issued September 28, 2007.

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

40663028R4. Pagnotti Enterprises, Inc., 46 Public Square, Suite 600, Wilkes-Barre, PA 18701, renewal of an existing anthracite surface mine operation in Hazle Township, **Luzerne County** affecting 474.0 acres, receiving stream: none. Application received January 24, 2006. Renewal issued September 28, 2007.

54901302R3 and NPDES Permit No. PA0594792. Orchard Coal Company, Inc., 214 Vaux Avenue, Tremont, PA 17981, renewal of an existing anthracite underground mine operation in Hegins Township, **Schuylkill County** affecting 5.0 acres, receiving stream: West Branch Rausch Creek. Application received January 3, 2007. Renewal issued October 4, 2007.

Noncoal Permits Actions

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

06910301C3 and NPDES Permit No. PA0595420. Berks Products Corporation, P. O. Box 9000, Wyomissing, PA 19610, renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Ontelaunee Township, **Berks County**, receiving streams: Maiden Creek and Schuylkill River. Application received July 25, 2007. Renewal issued September 28, 2007.

7975SM5C4 and NPDES Permit No. PA0118338. KPK Development Corporation, 1082 Temperance Lane, Richboro, PA 18954, renewal of NPDES Permit for

discharge of treated mine drainage from a quarry operation in Falls Township, **Bucks County**, receiving stream: Delaware Canal. Application received August 10, 2007. Renewal issued October 4, 2007.

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.

28074148. David H. Martin Excavating, Inc., 4961 Cumberland Highway, Chambersburg, PA 17201-9655, blasting activity permit issued for airport development in Greene Township, **Franklin County**. Blasting activity permit end date is December 18, 2008. Permit issued September 24, 2007.

01074117. Dyno Nobel, Inc., 1320 Galiffa Drive, Donora, PA 15033, blasting activity permit issued for residential development in Reading Township, **Adams County**. Blasting activity permit end date is September 30, 2008. Permit issued September 25, 2007.

56074003. Wampum Hardware Company, 2856 Stoystown Road, Friedens, PA 15541, blasting activity permit issued for landfill expansion development in Conemaugh Township, **Somerset County**. Blasting activity permit end date is October 1, 2008. Permit issued October 1, 2007.

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

02074010. USA South Hills Landfill, 3100 Hill Road, South Park Township, PA 15129. Blasting activity permit for construction at the South Hills Landfill, located in South Park Township, **Allegheny County**, with an expected duration of 1 year. Permit issued October 1, 2007. Permit expiration October 1, 2008.

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

08074001. Conquest Seismic Services, Inc., 504 1st Center, Horseheads, NY 14845, blasting for the Bradford West 3D project located in Ridgebury, Ulster, Athens and East Smithfield Townships, **Bradford County**. Permit issued September 25, 2007. Permit expires February 1, 2008.

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

22074125. Dyno Nobel, Inc., 1320 Galiffa Drive, Donora, PA 15033, construction blasting for Southpoint Meadows II in Derry Township, **Dauphin County**, with an expiration date of October 8, 2008. Permit issued October 1, 2007.

09074125. Douglas Explosives, Inc., P. O. Box 77, Philipsburg, PA 16866, construction blasting for Richland Market Place in Richland Township, **Bucks County** with an expiration dated September 28, 2008. Permit issued October 3, 2007.

23074104. Brubacher Excavating, Inc., P. O. Box 528, Bowmansville, PA 17507, construction blasting for Worthing Project in Newton Township, **Delaware County** with an expiration date of September 30, 2008. Permit issued October 3, 2007.

36074108. Gerlach's Drilling & Blasting, 172 Bender Mill Road, Lancaster, PA 17603, construction blasting for Hospice of Lancaster County in Rapho Township, **Lancaster County** with an expiration date of September 30, 2008. Permit issued October 3, 2007.

36074109. Gerlach's Drilling & Blasting, 172 Bender Mill Road, Lancaster, PA 17603, construction blasting for Flyaway Industrial Park in Manheim Township, **Lancaster County** with an expiration date of December 30, 2007. Permit issued October 3, 2007.

58074002. Northeast Stone, R. R. 1, Box 1BB, Springville, PA 18844 and Brainard Explosives, R. R. 1, Box 275, Kingsley, PA 18826, construction blasting for Northeast Stoneyard Driveway in Bridgewater Township, **Susquehanna County** with an expiration date of November 15, 2008. Permit issued October 4, 2007.

15074003. Explo-Craft, Inc., P. O. Box 1332, West Chester, PA 19380, construction blasting at St. Peter's Village Granite Valley in Warwick Township, **Chester County** with an expiration date of December 31, 2008. Permit issued October 4, 2007.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once.

Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

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

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E48-380. Nazareth Area School District, One Education Plaza, Nazareth, PA 18064. Upper Nazareth Township, **Northampton County**, United States Army Corps of Engineers Philadelphia District.

To remove an existing railroad bridge and berm and to restore and stabilize the channel of Shoeneck Creek (WWF); to construct and maintain a road crossing consisting of a precast concrete box culvert having a span of 18 feet and rise of approximately 11 feet with a 12-inch culvert depression in Shoeneck Creek; and to place fill in the 100-year floodplain of Shoeneck Creek for the purpose of constructing parking areas and athletic fields. This work is associated with the proposed Nazareth Area Middle School Project. The project is located southwest of the intersection of Friedenstahl and East Lawn Avenues (Nazareth, PA Quadrangle N: 24.6 inches; W: 7.6 inches). (Subbasin: 1F)

E48-358. Hillcrest Development Corporation, LLC, P. O. Box 54, Tannersville, PA 18372. Portland Borough and Mount Bethel Township, **Northampton County**, United States Army Corps of Engineers Philadelphia District.

To construct and maintain the following water obstructions and encroachments in a tributary to the Delaware River (CWF): 1) a stream enclosure consisting of an approximate 131-foot long concrete box culvert having a span of 8.0 feet and underclearance of 5.0 feet, depressed a minimum of 6 inches below streambed elevations; 2) a road crossing consisting of an approximate 75-foot long concrete box culvert having a span of 8.0 feet and underclearance of 5.0 feet, depressed a minimum of 6 inches below streambed elevations; 3) a channel change having a length of approximately 460 feet; and 4) water, electric and communication utility line stream crossings. This work is associated with a proposed 20-lot residential subdivision, known as Hillcrest Estates, located on the east side of Ruth Street (Portland, PA-NJ Quadrangle N: 9.2 inches; W: 14.5 inches). (Subbasin: 1F)

E40-663. Luzerne County, Luzerne County Courthouse, Wilkes-Barre, PA 18711. City of Wilkes-Barre, **Luzerne County**, United States Army Corps of Engineers Baltimore District.

To remove the existing structures and to place fill, to a maximum depth of approximately 1.5 feet, for a length of approximately 500 feet within and along the mapped floodway/floodplain of the Susquehanna River (WWF). The purpose of the project is to reconstruct and improve the existing Water Street Parking Lot. The project is located at the northern corner of the intersection of North

River Street and North/Pierce Street (Kingston, PA Quadrangle N: 0.5 inch; W: 0.5 inch). (Subbasin: 5B)

E45-508. Mount Airy No. 1, LLC, 44 Woodland Road, Mount Pocono, PA 18344. Paradise Township, **Monroe County**, United States Army Corps of Engineers Philadelphia District.

To construct and maintain a six-inch diameter pipe in Mount Airy Lake (HQ-CWF) for the purpose of supplying water to a dry hydrant intake structure for fire protection purposes. The work is associated with the proposed Mount Airy Casino project on the east side of Woodland Road (Mount Pocono, PA Quadrangle N: 20.3 inches; W: 9.7 inches). (Subbasin: 2A)

E40-668. Thomas M. and Lorri D. Kutzer, R. R. 1, Box 174, Harveys Lake, PA 18618. Harveys Lake Borough, **Luzerne County**, United States Army Corps of Engineers Baltimore District.

To construct and maintain a pile-supported dock and boathouse structure having a total surface area of 2,000 S.F. and extending out 50 feet from the shoreline of Harveys Lake (HQ-CWF). The project includes spawning mitigation structures to be placed on the lake bed under the dock and boathouse structure. The project is located on the northern side of the lake at Pole No. 134 (Noxen, PA Quadrangle N: 0.1 inch; W: 5.4 inches). (Subbasin: 5B)

E64-265. Robert T. Doble, P. E., Assistant District Executive—Design, Department of Transportation, Engineering District 4-0, 55 Keystone Industrial Park, Dunmore, PA 18512. Paupack Township, **Wayne County**, United States Army Corps of Engineers Philadelphia District.

To remove the existing structure and to construct and maintain a road crossing of a UNT to Lake Wallenpaupack (Outlet to Moc-A-Tek Lake) (HQ-CWF) consisting of an 18-foot wide by 4-foot high, precast concrete box culvert with fish baffles, depressed 1-foot below the stream bed. The project is located along SR 3015 (Finn Swamp Road), Section 670, Segment 0040, Offset 0012, located approximately 0.2 mile east of the intersection with Peifer Road (Lakeville, PA Quadrangle N: 7.5 inches; W: 3.4 inches).

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

E17-410A1. Muddy Run Regional Authority, P. O. Box 474, Madera, PA 16661-0474. Muddy Run Regional Authority Wastewater Treatment Facility and Collection System, Beccaria Township, Bigler Township, Gulich Township and Ramey Borough, **Clearfield County**, ACOE Baltimore District (Ramey, PA Quadrangle N: 15.25 inches; W: 9.20 inches).

This authorization is a major amendment to Permit No. E17-410, which initially authorized the applicant to construct, operate and maintain 250,000 linear feet of wastewater collection and conveyance lines within a 30-foot right-of-way for the treatment of municipal wastewater. As a result of the amendment, construction of the wastewater collection and conveyance system resulted in 78 stream, 28 wetland and one 100-year floodway encroachment. Construction of the Muddy Run Regional wastewater treatment facility and Lift Station No. 3 results in 0.5-acre of permanent wetland impact, for which the permittee has agreed to mitigate with 1.276-acres of replacement wetland. 0.566-acre of replacement wetlands shall be constructed adjacent to the Muddy Run Municipal

Authority treatment facility, whereas, 0.71-acre of replacement wetlands shall be constructed within State Game Lands No. 60.

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

E02-1555. Department of Transportation, District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017. To replace a bridge over Jacks Run in White Oak Borough, **Allegheny County**, Pittsburgh ACOE District. (McKeesport, PA Quadrangle N: 17.5 inches; W: 5.9 inches, Latitude: 40° 20' 48"; Longitude: 79° 47' 32"). To construct and maintain an 84 ft. long, 18 ft. span, 9 ft. underclearance concrete box culvert, depressed 1 ft. to replace the existing SR 2033, 23.25 ft. long, 16 ft. span, single span bridge with an underclearance of 8 ft. over Jack's Run (HQ-TSF) with a drainage area of 1.4 square miles. The replacement box culvert will be constructed upstream and adjacent to the existing bridge. The project is located approximately 3 miles east of the center of McKeesport Borough and adjoins White Oak Park in White Oak Borough.

E02-1558. Lock Wall, LLC, 1900 Allegheny Building, 429 Forbes Avenue, Pittsburgh, PA 15219. To operate and maintain existing Old Lock Wall in the City of Pittsburgh, **Allegheny County**, Pittsburgh ACOE District (Pittsburgh East, PA Quadrangle: N: 14.4 inches; W: 15.2 inches, Latitude: 40° 27' 15"; Longitude: 79° 59' 03"). To operate and maintain the existing Old Lock Wall, ramp and its associated fill and to construct and maintain a recreational boat docking facility 520.0 feet in length by 150.0 feet in width in the channel and along the left bank of the Allegheny River (WWF) for the purpose of providing boat docking space for the residents of the Armstrong Factory Apartments (formally the Armstrong Cork Building). The project is located near River Mile 1.7, approximately 4,000 feet downstream from the 31st Street Bridge and will impact approximately 520.0 linear feet of stream channel.

E02-1559. Department of Transportation, District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017. To construct a retaining wall in Ohio Township, **Allegheny County**, Pittsburgh ACOE District (Emsworth, PA Quadrangle: N: 8.4 inches; W: 11.6 inches, Latitude: 40° 3' 6"; Longitude: 80° 5' 0"). To construct and maintain 390 ft. of stream relocation; 328 ft. long by 8 ft. high precast concrete and steel pile retaining wall along the left bank side, within a to be constructed and maintained 450 ft. length of riprap bank stabilization (both banks); and remove a 95 ft. long 78 inch diameter CIP culvert and associated fill in Bear Run (TSF). The CIP and fill was installed to temporarily stabilize slope and bank failure that threatened SR 279 and Allegheny County's Lowries Run Road. This project is intended to permanently stabilize the slope failure and stream banks. The project is located approximately 8 miles northwest of Pittsburgh in Ohio Township.

E11-327. Cambria County Conservation District, 401 Candlelight Drive, Suite 221, Ebensburg, PA 15931. To construct and maintain stream bank in Northern Cambria Borough, **Cambria County**, Pittsburgh ACOE District (Barnesboro, PA Quadrangle N: 2.5 inches; W: 1.5 inches, Latitude: 40° 38' 16"; Longitude: 78° 45' 17"). To construct and maintain approximately 185-ft. of stabilized stream bank, along the southern bank of Fox Run (CWF), by installing R-6 stone riprap, along the

outside curve of a newly constructed "bankful" channel. This new channel will have a bankful width of 12-ft. The upper stream bank will be regarded to have a 2:1 slope and will be stabilized with rootwads and live stacks. Three rock swales will be installed along the face of the regraded upper bank and benched flood plain, to dissipate flow velocities, from existing outfall structures, along the upper bank. The project area is located behind residences along US Route 219, between St. Mary's and St. Patrick's Cemeteries.

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

E33-227, Jefferson County Commissioners, Jefferson Place, 155 Main Street, Brookville, PA 15825. Jefferson County Bridge JC-29, Howe Road Across Mill Creek, in Eldred and Union Townships, **Jefferson County**, ACOE Pittsburgh District (Corsica, PA Quadrangle N: 41° 13' 48"; W: 79° 11' 06").

To construct and maintain a composite steel I-beam bridge on existing stone abutments providing a clear, normal span of 56.5 feet and an underclearance of approximately 9 feet across Mill Creek (HQ-CWF) on T-342, Howe Road, approximately 2.5 miles north of SR 949.

E37-172, Shenango Township Supervisors, 1000 Willowbrook Road, New Castle, PA 16101. T-741 (Old Butler Road) Bridge replacement, in Shenango Township, **Lawrence County**, ACOE Pittsburgh District (New Castle South, PA Quadrangle N: 40° 59' 06"; W: 80° 18' 21").

To install and maintain a precast Con/Span arch culvert with a 48-foot span and a minimum underclearance of 8.5 feet having a length of 35 feet on T-741 (Old Butler Road) approximately 0.75 miles east of the intersection of T-741 and SR 422 (New Castle South, PA Quadrangle N: 40° 59' 06"; W: 80° 18' 21"), over Big Run (WWF) in Shenango Township, Lawrence County.

SPECIAL NOTICES

Certified Emission Reduction Credits in the Commonwealth's ERC Registry

Emission reduction credits (ERCs) are surplus, permanent, quantified and Federally enforceable emission reductions used to offset emission increases of oxides of nitrogen (NOx), volatile organic compounds (VOCs) and the following criteria pollutants: carbon monoxide (CO), lead (Pb), oxides of sulfur (SOx), particulate matter (PM), PM-10 and PM-10 precursors.

The 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—127.208. 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 as follows, 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 United States Environmental Protection Agency.

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 ERC registry report, ERC Registry application and instructions are located at 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 (215) 632-2300	VOCs	137.45		Trading
Kurz Hastings Inc. County: Philadelphia Contact Person: George Gornick (215) 632-2300	NOx VOCs	8.01 64.55	Varies from 03/28/2013 to 01/9/2014	Trading

NOTICES

5663

<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>
PPG Industries, Inc. Source Location: Springdale Complex County: Allegheny Contact Person: Lori Burgess (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 (570) 323-4430	VOCs	3.62		Internal Use/ Trading
Congoleum Corporation Source Location: Marcus Hook County: Delaware Contact Person: Theresa C. Garrod (609) 584-3000	NOx	5.20		Trading
International Steel Group, Inc. Bethlehem Structural Products Corp. Source Location: Bethlehem County: Northampton Contact Person: Keith Nagel (330) 659-9165	VOCs	473.80	03/28/2008	Trading
Recipient/Holder of ERC: Lehigh Valley Industrial Park, Inc. ERC Generating Facility: International Steel Group, Inc. Source Location: Bethlehem County: Northampton Contact Person: Justin Ryan (610) 866-4600	NOx NOx NOx	482.3 177.4 305.3	03/28/2008 05/28/2008 06/19/2008	Trading
Morgan Adhesives Company (MACtac) Source Location: Scranton County: Lackawanna Contact Person: Tim Owens (330) 688-1111	VOCs	75.00	06/30/2008	Trading
National Fuel Gas Supply Corporation Sources: Generators Nos. 1 and 2, Dehydrator 1 Source Location: Ellisburg Station County: Potter Contact Person: Gary A. Young (814) 871-8657	NOx VOCs	16.14 1.80	02/1/2009	Internal Use
TYK America, Inc. Source Location: Irvona Facility County: Clearfield Contact Person: David B. Orr (412) 384-4259	NOx VOCs	0.30 0.02	11/6/2008	Trading
Smithkline Beechman Pharmaceuticals Sources: Two boilers and oxidizer Source Location: Spring Garden Street Facility County: Philadelphia Contact Person: Eileen Ackler (610) 239-5239	NOx VOCs	5.72 0.10	12/31/2008	Trading
Recipient/Holder of ERC: PG&E Energy Trading-Power, LP ERC Generating Facility: Global Packaging, Inc. ERC-generating facility location: Oaks Plant, Montgomery County Contact Person: Sarah M. Barpoulis (301) 280-6607	VOCs	43.50		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 Procter & Gamble Paper Products Company Source Location: Mehoopany Plant County: Wyoming Contact Person: John Romero (570) 833-3285	NOx VOCs PM	91.10 238.10 45.00	05/3/2009	Internal Use/Trading
LTV Steel Company, Inc. Source Location: Pittsburgh Coke Plant County: Allegheny Contact Person: William L. West (216) 642-7178	NOx VOCs PM-10 SOx CO	1,663.00 373.00 406.00 1,238.00 671.00	02/28/2008	Trading
Newcomer Products, Inc. Source Location: Latrobe County: Westmoreland Contact Person: Edward M. Nemeth (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 (717) 939-0466	VOCs	4.84	09/30/2010	Trading
Pennzoil Wax Partner Company Source Location: Rouseville County: Venango Contact Person: David W. Dunn (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 (713) 546-6941	NOx VOCs CO	2.82 44.34 0.57	04/1/2010	Trading
INDSPEC Chemical Corp. Source: Boiler No. 8 Source Location: Petrolia County: Butler Contact Person: Terry Melis (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 (610) 859-1000	VOCs	426.59		Trading/ Internal Use
Columbia Gas Transmission Corporation Source Location: Kent Station County: Indiana Contact Person: Gregory Lago (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 (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 (717) 986-2042	NOx VOCs	7.00 43.00	11/9/2009	Trading

NOTICES

5665

<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>
General Electric Transportation System Source: Boiler No. 2 Source Location: East Lake Road County: Erie Contact Person: Mark D. Restifo (814) 875-5406	NOx VOCs PM SOx CO	280.90 1.70 29.50 2,006.70 111.90	12/31/2010	Trading
3M Minnesota Mining & Manufacturing Source Location: Bristol Plant County: Bucks Contact Person: Jeff Muffat (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 (713) 653-8554	NOx VOCs PM10 SOx CO	910.00 26.00 61.00 442.00 44.00	04/24/2011	Trading
Edgewater Steel Ltd. Source Location: College Avenue, Oakmont County: Allegheny Contact Person: Peter M. Guzanick (412) 517-7217	NOx VOCs PM10 SOx CO	17.05 1.87 5.44 32.29 17.93	08/6/2008	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 (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 (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 (214) 589-8141	VOCs	61.65	10/31/2010	Trading
Rohm and Haas Company Source Location: Bristol Township County: Bucks Contact Person: Lloyd Davis (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 (215) 269-2111	VOCs	43.00	01/31/2012	Traded

<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: Waste Management of Pennsylvania, Inc. ERC Generating Facility: The Worthington Steel Company Source Location: Malvern, East Whiteland County: Chester Contact Person: Eli Brill (215) 269-2111	VOCs	70.00	01/31/2012	Traded
PPL, Inc. Source Location: Holtwood Station County: Lancaster Contact Person: Linda A. Boyer (610) 774-5410	NOx VOCs PM10 SOx	3,521.09 9.70 105.50 13,241.30	04/29/2009	Trading
North American Refractories Company Source Location: Womelsdorf County: Lebanon Contact Person: Rhonda Vete (412) 469-6122	NOx NOx VOCs PM10 SOx CO	5.11 62.57 0.25 15.60 24.85 19.45	12/15/2010 09/30/2008 09/30/2008	Trading
The Quaker Oats Company Source Location: Shiremanstown Plant County: Cumberland Contact Person: Richard C. Pitzer (717) 731-3334	NOx VOCs PM	4.00 1.68 60.49	Varies from 04/3/2010 to 07/15/2011	Trading
Glasgow, Inc. Source Location: Plymouth Meeting County: Montgomery Contact Person: Brian Chabak (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
Scranton-Altoona Terminals Corporation Source Location: East Freedom Terminal County: Cumberland County Contact Person: Thomas M. Carper (717) 939-0466	VOCs	9.19	04/1/2009	Trading
SLI Lighting, Inc. Source Location: Ellwood City County: Lawrence Contact Person: Tim Haubach (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. (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 (412) 553-2094	VOCs	395.43	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 (717) 792-8104	VOCs	9.60	01/15/2012	Trading
Allegro Microsystems, Inc. Source Location: Upper Moreland Township County: Montgomery Contact Person: Wendy Cooper (610) 286-7434	VOCs	42.61	03/29/2012	Trading

NOTICES

5667

<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>
Calumet Lubricants Company Source Location: Rouseville Plant County: Venango Contact Person: Harry Klodowski (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 (626) 398-2773	VOCs	3.13	06/30/2012	
Henry Miller Spring & Manufacturing Company Source Location: Sharpsburg County: Allegheny Contact Person: David J. Jablonowski (412) 782-7300	NOx VOCs	10.96 36.47	01/22/2010	Trading
Penco Products, Inc. Source Location: Lower Providence Township County: Montgomery Contact Person: Allan J. Goss (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 (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 (724) 489-2288	NOx	251.43		Trading
PPG Industries, Inc. Source Location: Greenwood Township County: Crawford Contact Person: David J. Neal (412) 492-5507	NOx	1,118.50		Trading
Sentry Paint Technologies, Inc. Source Location: Mill Street, Darby County: Delaware Contact Person: Benjamin Breskman (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 (717) 637-3751	VOCs	14.43	04/15/2013	Trading
International Paper Source: Bleach Plant, Erie Mill County: Erie Contact Person: Gary Morrow (814) 870-6782	VOCs	72.06		Trading
International Paper Source Location: Erie Mill County: Erie Contact Person: Gary Morrow (814) 870-6782	NOx VOCs	1,235.00 943.00	09/30/2012	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>
Corning Incorporated Source Location: College Township County: Centre Contact Person: Douglas A. Wolf (607) 974-4267	NOx	1,400.01	06/23/2013	Trading
Sea Gull Lighting Products, Inc. Source Location: 25th and Wharton Street County: Philadelphia Contact Person: Mark Gardiner (215) 468-7255	VOCs	12.50	03/1/2013	Trading
Allegro Microsystems, Inc. Source Location: Upper Moreland Township County: Montgomery Contact Person: Wendy Cooper (610) 286-7434	NOx CO	2.90 1.30	10/20/2013	Trading
Recipient/Holder of ERC: First Quality Tissue, LLC ERC Generating Facility: PPL Holtwood, LLC ERC Generation Source Location: Martic Township County: Lancaster Contact Person: Mark Zeffiro (814) 231-5267	NOx	74.98	04/29/2009	Internal Use
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 (814) 231-5267	VOCs	43.72	04/05/2012	Internal Use
Lancaster Malleable Castings Company Source Location: Manheim Township County: Lancaster Contact Person: Jeffrey L. Ressler (717) 295-8200	VOCs CO	11.71 1.30	03/31/2013	Internal Use/Trading
International Paper Source: Lock Haven Mill Source Location: Castanea Township County: Clinton Contact Person: Thomas M. Sauer (570) 740-1211	NOx VOC SOx	1,287.00 27.90 6,606.00	03/22/2012	Offsets/ Trading
CMS Gilbreth Packaging Systems Source: Label and Packaging Network County: Bucks Contact Person: Patricia M. Henry Unrath (610) 789-2277	VOC	17.40	05/31/2008	Trading
Brodart Company Source Location: Montgomery Facility County: Lycoming Contact Person: Robyn J. Dincher (570) 326-2461, Ext. 6408	VOCs	24.91	04/18/2013	Trading
Pennsylvania House White Deer Furniture Plant Source: Conveyor and Monorail lines Source Location: White Deer Plant County: Union Contact Person: Robert J. Varney (570) 523-2356	VOCs	82.90	03/15/2012	Trading

NOTICES

5669

<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>
Exelon Power Source: Delaware Generating Station Source Location: Philadelphia County: Philadelphia Contact Person: Kimberly Scarborough (610) 765-5883	NOx	286.5	12/16/2014	Trading
Worthington Steel Company Source Location: East Whiteland Township County: Chester Contact Person: Matt Johnson (614) 438-7960	NOx	10.00	04/01/2013	Trading
Buckeye Pipe Line Company, LP Source Location: Reed Township County: Dauphin Contact Person: Jason Mengel (484) 232-4491	VOCs	12.00	02/28/2012	Trading
Bollman Hat Company Source Location: Willow Street, Adamstown County: Lancaster Contact Person: David L. Wails (717) 484-4361	VOCs	14.34	10/03/2013	Trading
Property Investing Center (Goodville Industrial Center) Source Location: East Earl Township County: Lancaster Contact Person: Richard Stauffer (717) 738-3488	VOCs	84.09	09/13/2013	Trading
Armstrong World Industries, Inc. (Lancaster Flooring) Source Location: 1067 Dillerville Road County: Lancaster Contact Person: Gene Hartzell (717) 396-3668	VOC NOx	31.79 1.9	09/01/2013 to 08/20/2014 08/20/2014	Internal Use/ Trading
RUTGERS Organics Corporation Source Location: 201 Struble Road, State College County: Centre Contact Person: Mary Jo Smith (814) 231-9277	NOx NOx VOC	5.27 3.35 2.17	08/15/2013 04/16/2014 03/26/2014	Internal Use/ Trading
AK Steel Corporation Source Location: Butler County: Butler Contact Person: Robert J. Hocks (724) 284-2685	NOx NOx	13.00 24.82	11/06/2011 01/30/2012	Trading/ Internal Use
Cabinet Industries, Inc. Source Location: Danville Borough County: Montour Contact Person: Laura Lee Spatzer (570) 275-1400, Ext. 1400	VOC	7.29	09/01/2015	Trading
Honeywell-International Source Location: Emlenton Plant County: Venango Contact Person: Shane Dunn (814) 887-4081	VOC	49.82	04/30/2010	Trading
Naval Surface Warfare Center, Carderock Division Source Location: Philadelphia Naval Shipyard County: Philadelphia Contact Person: Michael Santella (215) 897-1315; DSN 443	NOx	157.50	09/30/2008	Internal use

<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>
Eljer Plumbingware, Inc. Source: Ford City Plant Source Location: Ford City County: Armstrong Contact Person: Bill Harasty (724) 763-6233	NOx VOC NOx VOC NOx VOC	85.68 3.22 73.06 2.64 55.48 1.40	3/15/2014 6/8/2014 10/4/2014	Trading
Reliant Energy Mid-Atlantic Power Holdings, LLC Source Location: Pennsylvania Avenue, Warren County: Warren Contact Person: Keith A. Schmidt (814) 533-8193	NOx VOCs SOx PM CO	695.76 2.99 2,925.36 64.60 20.85	9/28/2012	Trading
Arbill Industries, Inc. Source Location: 2207 West Glenwood Avenue County: Philadelphia Contact Person: Barry Bickman (800) 523-5367	VOCs NOx SOx	20.32 0.38 0.21	01/01/2016	Trading
Dominion Transmission, Inc. Source Location: Big Run Compressor Station County: Jefferson Contact Person: David Testa (412) 690-1815	NOx	10.00	10/13/2013	Trading
Carmeuse Lime, Inc. Source Location: Hanover Lime Plant County: Adams Contact Person: Kenneth Kauffman (717) 630-8266	NOx VOC SOx PM10 PM2.5	46.61 1.96 10.26 14.64 7.18	01/03/2016	Trading
Port Glenshaw Glass, LLC Source Location: 1101 William Flynn Highway Glenshaw, PA 15116 County: Allegheny Contact Person: Harry Klodowski (724) 940-4000	VOC NOx SOx PM- 2.5 PM-10	10.64 59.46 74.89 23.11 25.40	11/24/2014	Trading/ Internal Use
Cinram Manufacturing, LLC Source Location: City of Olyphant County: Lackawanna Contact Person: Mark A. Thallmayer (570) 383-3291	VOC VOC	6.53 6.75	02/06/2016 05/09/2016	Internal Use
Bemis Company, Inc. Source Location: Hazle Township County: Luzerne Contact Person: Thomas G. Franko (570) 501-1429	VOC	22.27	01/1/2016	Trading
Techneglas, Inc. Source Location: Pittston Facility County: Luzerne Contact Person: Harry F. Klodowski, Jr. (724) 940-4000	VOC NOx	784.88 33.82	12/17/2013 to 8/11/2014	Trading

Bureau of Air Quality

Summary of ERC Transaction

The following ERC transactions are approved by the Bureau of Air Quality, Department of Environmental Protection. The ERC transaction requirements are specify in 25 Pa. Code § 127.208.

ERC Generating Facility Information

ERC Generating Facility Name: Corning Incorporated (Corning Asahi Video Products Co.)
Location of Source: 3500 East College Avenue, Centre County, PA
Certified ERCs (tpy): 1,400.01 tpy of NOx
Amount of ERCs traded: 358 tpy of NOx
Date of ERCs transfer: 06/20/2007
ERCs available for future use: 1,042.01 tpy

Purchaser/Recipient of ERCS**Recipient of ERCs: Dominion Transmission, Inc.**

Mailing Address: 445 West Main Street, Clarksburg, WV 26301

Amount of ERCs to be used: 250 tpy of NOx

Intended Use: Offsets

NOx credits available for future use: 108 tpy

ERC Holder/Generating Facility Information

ERC Generating Facility Name: Alcoa, Inc.

Location of Source: Lebanon Township, Lebanon County, PA

Certified ERCs (tpy): 468.43 tpy of VOCs

Amount of ERCs traded to Purchaser/Recipient: 73 tpy of VOC

Date of ERCs Transfer: 08/29/2007

ERCs available for future use: 395.43 tpy of VOCs

Purchaser/Recipient of ERCS

Purchaser/Recipient of ERCs: Alumax Mill Products, Inc.

Location of Source: Lancaster County, PA

Permit Number: NA

NOx credits used: 0

NOx credits available for future use: 73 tpy

[Pa.B. Doc. No. 07-1905. Filed for public inspection October 19, 2007, 9:00 a.m.]

Beneficial Use of Waste Foundry Sand; Notice of Reissuance; General Permit WMGR019

Under the regulatory authority of 25 Pa. Code § 287.611 (relating to authorization for general permit) of the residual waste regulations and the statutory authority of the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Department of Environmental Protection (Department) has reissued General Permit WMGR019 for the processing and beneficial use of waste foundry sand.

This general permit authorizes the beneficial reuse of waste foundry sand as a material in construction, as an ingredient in concrete and asphalt manufacturing and as a soil additive or soil substitute. General Permit WMGR019 will reduce the amount of waste foundry sand being disposed of in landfills by providing a mechanism to divert the waste to a more productive, beneficial use. This general permit also consolidates and streamlines the provisions of two other general permits by combining the various potential end uses under one permit employing a common set of operating conditions.

Notice requesting public comment on the draft general permit was published in the 37 Pa.B. 2143 (May 5, 2007). During the 60-day public comment period, comments were submitted to the Department from the Pennsylvania Foundry Association. The Department prepared a Comment and Response document, which summarizes the comments received and the changes that were made to the final general permit under commentator recommendations.

Persons interested in obtaining more information or a paper copy of General Permit WMGR019 should contact the Bureau of Waste Management, Division of Municipal and Residual Waste, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service at (800) 654-5984. The General Permit WMGR019 document is available on the Department's website at www.depweb.state.pa.us (DEP

Keywords: Residual Waste; then choose General Permits; then choose List of Residual Waste Beneficial Use General Permits).

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-1906. Filed for public inspection October 19, 2007, 9:00 a.m.]

Energy Use-Reduction Grant Project

The Department of Environmental Protection (Department) announces an opportunity for industrial and commercial businesses, institutions and municipal drinking water and wastewater treatment operations located with this Commonwealth.

The Department's Office of Energy and Technology Deployment (OETD) annually co-sponsors energy-saving "Best Practices" workshops in cooperation with other sponsoring Commonwealth organizations and the Department of Energy's Industrial Technology Program. The Energy Use-Reduction Grant project will provide up to ten—\$1,000 grants to organizations of the Commonwealth that participate in the Department's co-sponsored DOE workshops and reduce energy consumption through the development and implementation of a project that applies workshop "Best Practices." Project applications judged "best in class" by OETD staff will receive a grant. Applications will be evaluated on multiple criteria including: sustainable energy and economic benefits, technical merit, the application of workshop "Best Practices" and completeness. Applicants will have a 4-month application window following each workshop to design, implement and report project results.

Questions regarding project eligibility should be addressed to Richard Illing, Program Specialist, OETD, (717) 772-5834 or rilling@state.pa.us. Questions submitted by e-mail should include "Energy Use-Reduction Grant Project" in the title line.

Applications will be available following each Department co-sponsored workshop, online at www.dep.state.pa.us (DEP Keywords: Energy Reduction), or by direct request to the Office of Energy and Technology Deployment using the contact information listed in the preceding paragraph. The application package contains full instructions for completing a grant application.

Organizations participating in a workshop may only file a single project application for each workshop attended. Third party applications will not be accepted. Applications may not be faxed or electronically submitted to the Department. Postmarks will not be accepted. An original application and project report along with two completed copies should be submitted to the Department.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-1907. Filed for public inspection October 19, 2007, 9:00 a.m.]

Small Business Compliance Advisory Committee; Meeting Cancellation

The Small Business Compliance Advisory Committee (Committee) meeting scheduled for Wednesday, October 24, 2007, has been cancelled. The meeting of the Committee is scheduled for Wednesday, January 23, 2008, at 10 a.m. in the 12th floor Conference Room, Rachel Carson State Office, 400 Market Street, Harrisburg, PA 17105.

Questions concerning the January 23, 2008, meeting of the Committee may be directed to Susan Foster at (717) 787-7019, sufoster@state.pa.us. The agenda and meeting materials for the January 23, 2008, meeting will be available through the Department of Environmental Protection's (Department) website at www.depweb.state.pa.us (DEP Keywords: Public Participation, Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 787-7019 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-1908. Filed for public inspection October 19, 2007, 9:00 a.m.]

State Water Plan; Statewide Water Resources Committee; Critical Water Planning Area Sub- committee Meeting

The Critical Water Planning Area Subcommittee of the Act 220 State Water Plan Statewide Committee has scheduled a meeting to discuss various technical issues impacting the development of the State Water Plan. The meeting will be held October 23, 2007, at 10 a.m., Department of Environmental Protection, Rachel Carson State Office Building, 10th Floor Conference Room, 400 Market Street, Harrisburg, PA 17101.

Questions concerning this meeting should be directed to Susan Weaver, Division of Water Use Planning, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 783-8055, suweaver@state.pa.us.

Persons with a disability who require accommodations to attend the meeting should contact the Department of Environmental Protection (Department) at (717) 783-6118 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-1909. Filed for public inspection October 19, 2007, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Canonsburg General Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Canonsburg General 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.

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 it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-1910. Filed for public inspection October 19, 2007, 9:00 a.m.]

Application of DSI of Bucks County for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that DSI of Bucks County has requested an exception to the requirements of 28 Pa. Code § 101.172 (relating to patient limits).

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.

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 it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-1911. Filed for public inspection October 19, 2007, 9:00 a.m.]

Application of Easton Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Easton Hospital has requested an exception to the requirements of 28 Pa. Code § 101.31(7) (relating to hospital requirements).

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

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 it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-1912. Filed for public inspection October 19, 2007, 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 § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of*

Hospital and Healthcare Facilities. The facility specifically requests exemption from the following standards contained in this publication: 5.5.5.4 and 5.5.8.5 (relating to patient holding area) and 5.5.8.11 (relating to clean storage).

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, dditlow@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 it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and require an auxiliary aid, service or other accommodation to do so should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980 V/TT (717) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-1913. Filed for public inspection October 19, 2007, 9:00 a.m.]

Application of GSH Outpatient Surgery Center for Exception to Numerous Sections of 28 Pa. Code Chapters 551—569 for Hospital Based ASF

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that GSH Outpatient Surgery Center has requested exception to numerous requirements of 28 Pa. Code Chapters 551—569 for hospital based ASF.

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.

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 it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or

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

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-1914. Filed for public inspection October 19, 2007, 9:00 a.m.]

Application of Geisinger Healthsouth Rehabilitation Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Geisinger Healthsouth Rehabilitation Hospital has requested an exception to the requirements of 28 Pa. Code § 107.26(b)(6) (relating to additional commitments).

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.

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 it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-1915. Filed for public inspection October 19, 2007, 9:00 a.m.]

Application of Geisinger Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Geisinger Medical Center has requested an exception to the requirements of 28 Pa. Code § 107.65 (relating to automatic stop drug 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.

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 it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-1916. Filed for public inspection October 19, 2007, 9:00 a.m.]

Application of Gettysburg Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Gettysburg Hospital has requested an exception to the requirements of 28 Pa. Code § 127.31(b) (relating to policies and 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.

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 it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-1917. Filed for public inspection October 19, 2007, 9:00 a.m.]

Application of Huntingdon Valley Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Huntingdon Valley Surgery Center has requested an exception to the requirement of 28 Pa. Code § 569.35 (relating to general safety precautions).

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

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-1918. Filed for public inspection October 19, 2007, 9:00 a.m.]

Application of Main Line Endoscopy Center, West for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Main Line Endoscopy Center, West has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

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.

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 it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-1919. Filed for public inspection October 19, 2007, 9:00 a.m.]

Application of Montgomery Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Montgomery Hospital has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

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.

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 it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-1920. Filed for public inspection October 19, 2007, 9:00 a.m.]

Application of The Reading Hospital & Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Reading Hospital & Medical 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 has requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-1921. Filed for public inspection October 19, 2007, 9:00 a.m.]

Application of Sewickley Valley Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Sewickley Valley 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 Hospital and Healthcare Facilities*. The facility requests exemption from numerous standards contained in this publication relating to C-section room.

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, dditlow@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 it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and require an auxiliary aid, service or other accommodation to do so should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT (717) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-1922. Filed for public inspection October 19, 2007, 9:00 a.m.]

Application of South Hills Endoscopy Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that South Hills Endoscopy Center has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

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.

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 it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-1923. Filed for public inspection October 19, 2007, 9:00 a.m.]

Application of Surgery Center at Edgeworth Commons for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Surgery Center at Edgeworth Commons has requested an exception to the requirements of 28 Pa. Code § 553.31(a) (relating to administrative responsibilities).

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.

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 it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-1924. Filed for public inspection October 19, 2007, 9:00 a.m.]

Application of Surgery Center of Pennsylvania Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Surgery Center of Pennsylvania Hospital has requested an exception to the requirements of 28 Pa. Code §§ 553.1, 553.31(a) and (b), 555.1, 557.2 and 563.1.

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.

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 it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or

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

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-1925. Filed for public inspection October 19, 2007, 9:00 a.m.]

Application of Zitelli and Brodland ASF Central for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Zitelli and Brodland ASF Central has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

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.

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 it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-1926. Filed for public inspection October 19, 2007, 9:00 a.m.]

Application of Zitelli and Brodland ASF South for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Zitelli and Brodland ASF South has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

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.

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 it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-1927. Filed for public inspection October 19, 2007, 9:00 a.m.]

Governor's Advisory Council on Physical Fitness and Sports Committee; Meeting Location Change

A notice was published in the *Pennsylvania Bulletin* on October 13, 2007, for the Governor's Advisory Council on Physical Fitness and Sports Committee public meeting on Monday, October 29, 2007, from 10 a.m. to 3:30 p.m. There is a change in the location of this meeting. The meeting will be held in the DiBona Conference Room of the Greater Philadelphia Chamber of Commerce, 200 South Broad Street, 7th Floor, Philadelphia, PA.

For additional information, contact Cyndi Malinen, Physical Activity Program Consultant, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA at (717) 346-3975.

Persons with a disability and who desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Cyndi Malinen, Physical Activity Program Consultant at (717) 346-3975. Speech and/or hearing impaired persons may contact V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-1928. Filed for public inspection October 19, 2007, 9:00 a.m.]

Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.18(e) (relating to management).

Maple Winds Care Center
4112 Spring Hill Road
Portage, PA 15946
FAC ID 097502

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building).

Reformed Presbyterian Home
2344 Perrysville Avenue
Pittsburgh, PA 15214

Wellington Terrace
1361 East Boot Road
West Chester, PA 19380
FAC ID 21250201

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

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

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who desire to comment in an alternative format (for example, large print, audiotape, Braille), should contact the Division of Nursing Care Facilities at the address or phone numbers listed previously or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-1929. Filed for public inspection October 19, 2007, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Candy Cane Crossword Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Candy Cane Crossword.

2. *Price:* The price of a Pennsylvania Candy Cane Crossword instant lottery game ticket is \$3.

3. *Play Symbols:* Each Pennsylvania Candy Cane Crossword instant lottery game ticket will feature a "YOUR LETTERS" area, a crossword puzzle play grid for the "Candy Cane Crossword" game and a "Candy Cane Bonus" play area and a "Bonus Prize" area for the "Candy Cane Bonus" game. Each game is played separately. The play symbols and their captions located in the "YOUR LETTERS" area are: the letters A through and including Z. The play symbols located in the "Candy Cane Crossword" puzzle play grid are: the letters A through and including Z and a black square. The play symbols and their captions located in the "Candy Cane Bonus" play area are: Drum symbol (DRUM), Candle symbol (CANDLE), Ornament symbol (ORMNT), Horn symbol (HORN), Gingerbread Man symbol (GBMAN), Toys symbol (TOYS), Holly symbol (HOLLY), Bell symbol (BELL), Reindeer symbol (RNDEER) and a Candy Cane symbol (CNDY CANE).

4. *Prize Symbols:* The prize symbols and their captions located in the "Candy Cane Bonus" game are: FREE (TICKET), \$3⁰⁰ (THR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰

(TEN DOL), \$20\$ (TWENTY), \$30\$ (THIRTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$300 (THR HUN) and \$3,000 (THR THO).

5. *Prizes:* The prizes that can be won in the "Candy Cane Crossword" game are: Free \$3 Ticket, \$3, \$5, \$10, \$20, \$30, \$50, \$100, \$300, \$3,000 and \$60,000. The prizes that can be won in the "Candy Cane Bonus" game are: Free \$3 Ticket, \$3, \$5, \$10, \$20, \$30, \$50, \$100, \$300 and \$3,000. A player can win up to 2 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 5,400,000 tickets will be printed for the Pennsylvania Candy Cane Crossword instant lottery game.

7. *Determination of Prize Winners:*

(a) The determination of the prize winners for the "Candy Cane Crossword" game are:

(1) Holders of tickets where the player completely uncovers 12 words in the crossword puzzle play grid for the "Candy Cane Crossword" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$60,000.

(2) Holders of tickets where the player completely uncovers 11 words in the crossword puzzle play grid for the "Candy Cane Crossword" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$3,000.

(3) Holders of tickets where the player completely uncovers 10 words in the crossword puzzle play grid for the "Candy Cane Crossword" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$300.

(4) Holders of tickets where the player completely uncovers 9 words in the crossword puzzle play grid for the "Candy Cane Crossword" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$100.

(5) Holders of tickets where the player completely uncovers 8 words in the crossword puzzle play grid for the "Candy Cane Crossword" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$50.

(6) Holders of tickets where the player completely uncovers 7 words in the crossword puzzle play grid for the "Candy Cane Crossword" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$30.

(7) Holders of tickets where the player completely uncovers 6 words in the crossword puzzle play grid for the "Candy Cane Crossword" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$20.

(8) Holders of tickets where the player completely uncovers 5 words in the crossword puzzle play grid for the "Candy Cane Crossword" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$10.

(9) Holders of tickets where the player completely uncovers 4 words in the crossword puzzle play grid for the "Candy Cane Crossword" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$5.

(10) Holders of tickets where the player completely uncovers 3 words in the crossword puzzle play grid for the "Candy Cane Crossword" game, using only the letters

found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$3.

(11) Holders of tickets where the player completely uncovers 2 words in the crossword puzzle play grid for the "Candy Cane Crossword" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of one Pennsylvania Candy Cane Crossword instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

(b) The determination of the prize winners for the "Candy Cane Bonus" game are:

(1) Holders of tickets with a Candy Cane (CNDY CANE) play symbol in any "CANDY CANE BONUS" spot, and a prize symbol of \$3,000 (THR THO) appearing in the "Candy Cane Bonus" game "BONUS PRIZE" area to the right of that Candy Cane (CNDY CANE) play symbol, on a single ticket, shall be entitled to a prize of \$3,000.

(2) Holders of tickets with a Candy Cane (CNDY CANE) play symbol in any "CANDY CANE BONUS" spot, and a prize symbol of \$300 (THR HUN) appearing in the "Candy Cane Bonus" game "BONUS PRIZE" area to the right of that Candy Cane (CNDY CANE) play symbol, on a single ticket, shall be entitled to a prize of \$300.

(3) Holders of tickets with a Candy Cane (CNDY CANE) play symbol in any "CANDY CANE BONUS" spot, and a prize symbol of \$100 (ONE HUN) appearing in the "Candy Cane Bonus" game "BONUS PRIZE" area to the right of that Candy Cane (CNDY CANE) play symbol, on a single ticket, shall be entitled to a prize of \$100.

(4) Holders of tickets with a Candy Cane (CNDY CANE) play symbol in any "CANDY CANE BONUS" spot, and a prize symbol of \$50\$ (FIFTY) appearing in the "Candy Cane Bonus" game "BONUS PRIZE" area to the right of that Candy Cane (CNDY CANE) play symbol, on a single ticket, shall be entitled to a prize of \$50.

(5) Holders of tickets with a Candy Cane (CNDY CANE) play symbol in any "CANDY CANE BONUS" spot, and a prize symbol of \$30\$ (THIRTY) appearing in the "Candy Cane Bonus" game "BONUS PRIZE" area to the right of that Candy Cane (CNDY CANE) play symbol, on a single ticket, shall be entitled to a prize of \$30.

(6) Holders of tickets with a Candy Cane (CNDY CANE) play symbol in any "CANDY CANE BONUS" spot, and a prize symbol of \$20\$ (TWENTY) appearing in the "Candy Cane Bonus" game "BONUS PRIZE" area to the right of that Candy Cane (CNDY CANE) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(7) Holders of tickets with a Candy Cane (CNDY CANE) play symbol in any "CANDY CANE BONUS" spot, and a prize symbol of \$10⁰⁰ (TEN DOL) appearing in the "Candy Cane Bonus" game "BONUS PRIZE" area to the right of that Candy Cane (CNDY CANE) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(8) Holders of tickets with a Candy Cane (CNDY CANE) play symbol in any "CANDY CANE BONUS" spot,

and a prize symbol of \$5⁰⁰ (FIV DOL) appearing in the "Candy Cane Bonus" game "BONUS PRIZE" area to the right of that Candy Cane (CNDY CANE) play symbol, on a single ticket, shall be entitled to a prize of \$5.

(9) Holders of tickets with a Candy Cane (CNDY CANE) play symbol in any "CANDY CANE BONUS" spot, and a prize symbol of \$3⁰⁰ (THR DOL) appearing in the "Candy Cane Bonus" game "BONUS PRIZE" area to the right of that Candy Cane (CNDY CANE) play symbol, on a single ticket, shall be entitled to a prize of \$3.

(10) Holders of tickets with a Candy Cane (CNDY CANE) play symbol in any "CANDY CANE BONUS" spot, and a prize symbol of FREE (TICKET) appearing in the "Candy Cane Bonus" game "BONUS PRIZE" area to the right of that Candy Cane (CNDY CANE) play symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania Candy Cane Crossword instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

8. *Game Play Instructions for the "Candy Cane Crossword" game are:*

(a) The player shall scratch the "YOUR LETTERS" area to reveal 18 letters. For each of the 18 letters revealed in the "YOUR LETTERS" area, the player shall rub the same letter each time it is found in the "Candy Cane Crossword" puzzle play area.

(b) When a player reveals two or more words in the "Candy Cane Crossword" puzzle play area, the player is entitled to win a prize as described in Section 7(a).

(c) Only the highest prize won in the "Candy Cane Crossword" instant lottery game and the prize won in the "Candy Cane Bonus" game will be paid if the ticket meets the criteria established in 61 Pa. Code § 819.213 (relating to ticket validation and requirements).

(d) For purposes of this game, a word must contain at least three letters and cannot be formed by linking letters diagonally or by reading the letters from the bottom to the top.

(e) Letters combined to form a word must appear in an unbroken horizontal or vertical string of letters in the "Candy Cane Crossword" puzzle play area. An unbroken string of letters cannot be interrupted by a black space and must contain every single letter square between two black spaces.

(f) Every single letter in the unbroken string must be revealed in the "YOUR LETTERS" area and be included to form a word.

(g) The possible complete words for each ticket in the game are shown on the "Candy Cane Crossword" puzzle play grid of the ticket. The player must match all of the letters in a possible complete word in order to complete the word.

9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Win Prize(s) With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 5,400,000 Tickets:</i>
2 WORDS	FREE \$3 TICKET	16.67	324,000
FREE CANDY CANE BONUS	FREE \$3 TICKET	20	270,000
3 WORDS	\$3	50	108,000

<i>Win Prize(s) With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 5,400,000 Tickets:</i>
\$3 CANDY CANE BONUS	\$3	50	108,000
4 WORDS	\$5	20	270,000
\$5 CANDY CANE BONUS	\$5	50	108,000
5 WORDS	\$10	100	54,000
4 WORDS + \$5 CANDY CANE BONUS	\$10	100	54,000
\$10 CANDY CANE BONUS	\$10	125	43,200
6 WORDS	\$20	250	21,600
5 WORDS + \$10 CANDY CANE BONUS	\$20	250	21,600
\$20 CANDY CANE BONUS	\$20	250	21,600
7 WORDS	\$30	1,200	4,500
6 WORDS + \$10 CANDY CANE BONUS	\$30	1,200	4,500
\$30 CANDY CANE BONUS	\$30	1,200	4,500
8 WORDS	\$50	1,333	4,050
\$50 CANDY CANE BONUS	\$50	1,333	4,050
9 WORDS	\$100	1,500	3,600
8 WORDS + \$50 CANDY CANE BONUS	\$100	1,500	3,600
\$100 CANDY CANE BONUS	\$100	1,500	3,600
10 WORDS	\$300	4,800	1,125
\$300 CANDY CANE BONUS	\$300	4,800	1,125
11 WORDS	\$3,000	60,000	90
\$3,000 CANDY CANE BONUS	\$3,000	60,000	90
12 WORDS	\$60,000	360,000	15

CANDY CANE (CNDY CANE) BONUS = Get a Candy Cane symbol in any Candy Cane Bonus spot and win Bonus Prize shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Candy Cane Crossword instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Candy Cane Crossword, prize money from winning Pennsylvania Candy Cane Crossword instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Candy Cane Crossword instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Candy Cane Crossword or through normal communications methods.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 07-1930. Filed for public inspection October 19, 2007, 9:00 a.m.]

Pennsylvania Frosty The Doughman Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Frosty The Doughman.

2. *Price:* The price of a Pennsylvania Frosty The Doughman instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Frosty The Doughman instant lottery game ticket will contain one play area featuring a “FROSTY’S NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions located in the “FROSTY’S NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), Mitten symbol (MITTEN) and a Snowman symbol (SNWMAN).

4. *Prize Symbols:* The prize symbols and their captions located in the “YOUR NUMBERS” area are: FREE (TICKET), \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$20,000 (TWY THO).

5. *Prizes:* The prizes that can be won in this game are: Free \$2 Ticket, \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$50, \$100, \$500, \$1,000 and \$20,000. The player can win up to ten times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 10,800,000 tickets will be printed for the Pennsylvania Frosty The Doughman instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "FROSTY'S NUMBERS" play symbols and a prize symbol of \$20,000 (TWY THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "FROSTY'S NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowman symbol (SNWMAN), and a prize symbol of \$100 (ONE HUN) appears in each of the ten "prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "FROSTY'S NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowman symbol (SNWMAN), and a prize symbol of \$50\$ (FIFTY) appears in each of the ten "prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowman symbol (SNWMAN), and a prize symbol of \$20\$ (TWENTY) appears in five of the "prize" areas, and a prize symbol of \$50\$ (FIFTY) appears in two of the "prize" areas, and a prize symbol of \$100 (ONE HUN) appears in three of the "prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "FROSTY'S NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Mitten symbol (MITTEN), and a prize symbol of \$100 (ONE HUN) appears under the Mitten symbol (MITTEN), on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowman symbol (SNWMAN), and a prize symbol of \$10⁰⁰ (TEN DOL) appears in each of the ten "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowman symbol (SNWMAN), and a prize symbol of \$5⁰⁰ (FIV DOL) appears in four of the "prize" areas, and a prize symbol of

\$10⁰⁰ (TEN DOL) appears in four of the "prize" areas, and a prize symbol of \$20\$ (TWENTY) appears in two of the "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "FROSTY'S NUMBERS" play symbols and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Mitten symbol (MITTEN), and a prize symbol of \$50\$ (FIFTY) appears under the Mitten symbol (MITTEN), on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowman symbol (SNWMAN), and a prize symbol of \$5⁰⁰ (FIV DOL) appears in each of the ten "prize" areas, on a single ticket, shall be entitled to a prize of \$50.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowman symbol (SNWMAN), and a prize symbol of \$2⁰⁰ (TWO DOL) appears in five of the "prize" areas, and a prize symbol of \$5⁰⁰ (FIV DOL) appears in two of the "prize" areas, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in three of the "prize" areas, on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "FROSTY'S NUMBERS" play symbols and a prize symbol of \$40\$ (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Mitten symbol (MITTEN), and a prize symbol of \$40\$ (FORTY) appears under the Mitten symbol (MITTEN), on a single ticket, shall be entitled to a prize of \$40.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowman symbol (SNWMAN), and a prize symbol of \$4⁰⁰ (FOR DOL) appears in each of the ten "prize" areas, on a single ticket, shall be entitled to a prize of \$40.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowman symbol (SNWMAN), and a prize symbol of \$2⁰⁰ (TWO DOL) appears in five of the "prize" areas, and a prize symbol of \$5⁰⁰ (FIV DOL) appears in four of the "prize" areas, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in one of the "prize" areas on a single ticket, shall be entitled to a prize of \$40.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "FROSTY'S NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Mitten symbol (MITTEN), and a prize symbol of \$20\$ (TWENTY) appears under the Mitten symbol (MITTEN), on a single ticket, shall be entitled to a prize of \$20.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowman symbol

(SNWMAN), and a prize symbol of \$2.⁰⁰ (TWO DOL) appears in each of the ten "prize" areas, on a single ticket, shall be entitled to a prize of \$20.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "FROSTY'S NUMBERS" play symbols and a prize symbol of \$10.⁰⁰ (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Mitten symbol (MITTEN), and a prize symbol of \$10.⁰⁰ (TEN DOL) appears under the Mitten symbol (MITTEN), on a single ticket, shall be entitled to a prize of \$10.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowman symbol (SNWMAN), and a prize symbol of \$1.⁰⁰ (ONE DOL) appears in each of the ten "prize" areas, on a single ticket, shall be entitled to a prize of \$10.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "FROSTY'S NUMBERS" play symbols and a prize symbol of \$5.⁰⁰ (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(z) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Mitten symbol (MITTEN), and a prize symbol of \$5.⁰⁰ (FIV DOL) appears under the Mitten symbol (MITTEN), on a single ticket, shall be entitled to a prize of \$5.

(aa) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "FROSTY'S NUMBERS" play symbols and a prize symbol of \$4.⁰⁰ (FOR DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(bb) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Mitten symbol (MITTEN), and a prize symbol of \$4.⁰⁰ (FOR DOL) appears under the Mitten symbol (MITTEN), on a single ticket, shall be entitled to a prize of \$4.

(cc) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "FROSTY'S NUMBERS" play symbols and a prize symbol of \$2.⁰⁰ (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(dd) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Mitten symbol (MITTEN), and a prize symbol of \$2.⁰⁰ (TWO DOL) appears under the Mitten symbol (MITTEN), on a single ticket, shall be entitled to a prize of \$2.

(ee) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "FROSTY'S NUMBERS" play symbols and a prize symbol of \$1.⁰⁰ (ONE DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

(ff) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "FROSTY'S NUMBERS" play symbols and a prize symbol of FREE (TICKET) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania Frosty The Doughman instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

When Any Of Your Numbers Match Either Of Frosty's Numbers, Win with Prizes Of:

<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets</i>
FREE \$2 TICKET	12.50	864,000
\$2	150	72,000
\$1 x 2	150	72,000
\$2 w/MITTEN	150	72,000
\$4	50	216,000
\$2 x 2	50	216,000
\$4 w/MITTEN	50	216,000
\$5	75	144,000
\$1 x 5	75	144,000
\$5 w/MITTEN	150	72,000
\$10	300	36,000
\$5 x 2	300	36,000
\$2 x 5	300	36,000
\$10 w/MITTEN	300	36,000
SNOWMAN w/\$1 x 10	300	36,000
\$20	750	14,400
\$4 x 5	750	14,400
\$5 x 4	750	14,400
\$10 x 2	750	14,400
\$20 w/MITTEN	750	14,400
SNOWMAN w/\$2 x 10	750	14,400
\$40	2,400	4,500
\$4 x 10	2,400	4,500
\$10 x 4	2,400	4,500
\$40 w/MITTEN	2,400	4,500
SNOWMAN w/(\$2 x 5) + (\$5 x 4) + \$10	2,400	4,500

*When Any Of Your Numbers
Match Either Of Frosty's
Numbers, Win with Prizes Of:*

	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets</i>
SNOWMAN w/\$4 × 10	\$40	2,400	4,500
\$50	\$50	3,000	3,600
\$5 × 10	\$50	3,000	3,600
\$10 × 5	\$50	3,000	3,600
\$50 w/MITTEN	\$50	3,000	3,600
SNOWMAN w/(\$2 × 5) + (\$5 × 2) + (\$10 × 3)	\$50	3,000	3,600
SNOWMAN w/\$5 × 10	\$50	3,000	3,600
\$100	\$100	4,800	2,250
\$20 × 5	\$100	4,800	2,250
\$100 w/MITTEN	\$100	4,800	2,250
SNOWMAN w/(\$5 × 4) + (\$10 × 4) + (\$20 × 2)	\$100	4,800	2,250
SNOWMAN w/\$10 × 10	\$100	4,800	2,250
\$500	\$500	60,000	180
\$100 × 5	\$500	60,000	180
SNOWMAN w/(\$20 × 5) + (\$50 × 2) + (\$100 × 3)	\$500	60,000	180
SNOWMAN w/\$50 × 10	\$500	60,000	180
SNOWMAN w/\$100 × 10	\$1,000	60,000	180
\$1,000	\$1,000	60,000	180
\$20,000	\$20,000	720,000	15

MITTEN (MITTEN) = Win prize shown under it automatically.
SNOWMAN (SNWMAN) = Win all 10 prizes shown.

Prizes, including top prizes, are subject to availability at the time of purchase

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Frosty The Doughman instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Frosty The Doughman, prize money from winning Pennsylvania Frosty The Doughman instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Frosty The Doughman instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Frosty The Doughman or through normal communications methods.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 07-1931. Filed for public inspection October 19, 2007, 9:00 a.m.]

Pennsylvania Holiday Bucks '07 Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Holiday Bucks '07.

2. *Price:* The price of a Pennsylvania Holiday Bucks '07 instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Holiday Bucks '07 instant lottery game ticket will contain one play area featuring a "WINNING SYMBOLS" area and a "YOUR HOLIDAY SYMBOLS" area. The play symbols and their captions located in the "WINNING SYMBOLS" area are: Stocking symbol (STKNG), Snowman symbol (SNMAN), Mitten symbol (MITTEN), Wreath symbol (WREATH), Earmuff symbol (EARMF), Hat symbol (HAT), Tree symbol (TREE), Drum symbol (DRUM), Sleigh symbol (SLEIGH), Candle symbol (CANDLE), Ornament symbol (ORMNT), Horn symbol (HORN), Gingerbread Man symbol (GBMAN), Candy Cane symbol (CANE), Toys symbol (TOYS), Holly symbol (HOLLY) and a Bell symbol (BELL). The play symbols and their captions located in the "YOUR HOLIDAY SYMBOLS" area are: Stocking symbol (STKNG), Snowman symbol (SNMAN), Mitten symbol (MITTEN), Wreath symbol (WREATH), Earmuff symbol (EARMF), Hat symbol (HAT), Tree symbol (TREE), Drum symbol (DRUM), Sleigh symbol (SLEIGH), Candle symbol (CANDLE), Ornament symbol (ORMNT), Horn symbol (HORN), Gingerbread Man symbol (GBMAN), Candy Cane symbol (CANE), Toys symbol (TOYS), Holly symbol (HOLLY), Bell symbol (BELL), Reindeer symbol (RNDEER) and a \$\$ symbol (DBLS).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR HOLIDAY SYMBOLS" area are: FREE (TICKET), \$2⁰⁰ (TWO DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: Free \$5 ticket, \$2, \$5, \$10, \$20, \$40, \$50, \$100, \$400, \$500, \$1,000, \$10,000 and \$100,000. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 8,400,000 tickets will be printed for the Pennsylvania Holiday Bucks '07 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR HOLIDAY SYMBOLS" play symbols matches any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears in the "prize" area to the right of the matching "YOUR HOLIDAY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which any one of the "YOUR HOLIDAY SYMBOLS" play symbols matches any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$10,000 (TEN THO) appears in the "prize" area to the right of the matching "YOUR HOLIDAY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets upon which any one of the "YOUR HOLIDAY SYMBOLS" play symbols matches any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area to the right of the matching "YOUR HOLIDAY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "YOUR HOLIDAY SYMBOLS" play symbols matches any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "prize" area to the right of the matching "YOUR HOLIDAY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets with a Reindeer (RNDEER) play symbol, and a prize symbol of \$500 (FIV HUN) appearing in the "prize" area to the right of that Reindeer (RNDEER) play symbol, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the "YOUR HOLIDAY SYMBOLS" play symbols matches any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$400 (FOR HUN) appears in the "prize" area to the right of the matching "YOUR HOLIDAY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(g) Holders of tickets with a Reindeer (RNDEER) play symbol, and a prize symbol of \$400 (FOR HUN) appearing in the "prize" area to the right of that Reindeer (RNDEER) play symbol, on a single ticket, shall be entitled to a prize of \$400.

(h) Holders of tickets upon which any one of the "YOUR HOLIDAY SYMBOLS" play symbols matches any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "prize" area to

the right of the matching "YOUR HOLIDAY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets with a Reindeer (RNDEER) play symbol, and a prize symbol of \$100 (ONE HUN) appearing in the "prize" area to the right of that Reindeer (RNDEER) play symbol, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets with a \$\$ (DBL\$) play symbol, and a prize symbol of \$50\$ (FIFTY) appearing in the "prize" area to the right of that \$\$ (DBL\$) play symbol, on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which any one of the "YOUR HOLIDAY SYMBOLS" play symbols matches any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$50\$ (FIFTY) appears in the "prize" area to the right of the matching "YOUR HOLIDAY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(l) Holders of tickets with a Reindeer (RNDEER) play symbol, and a prize symbol of \$50\$ (FIFTY) appearing in the "prize" area to the right of that Reindeer (RNDEER) play symbol, on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets upon which any one of the "YOUR HOLIDAY SYMBOLS" play symbols matches any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$40\$ (FORTY) appears in the "prize" area to the right of the matching "YOUR HOLIDAY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(n) Holders of tickets with a Reindeer (RNDEER) play symbol, and a prize symbol of \$40\$ (FORTY) appearing in the "prize" area to the right of that Reindeer (RNDEER) play symbol, on a single ticket, shall be entitled to a prize of \$40.

(o) Holders of tickets with a \$\$ (DBL\$) play symbol, and a prize symbol of \$20\$ (TWENTY) appearing in the "prize" area to the right of that \$\$ (DBL\$) play symbol, on a single ticket, shall be entitled to a prize of \$40.

(p) Holders of tickets upon which any one of the "YOUR HOLIDAY SYMBOLS" play symbols matches any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$20\$ (TWENTY) appears in the "prize" area to the right of the matching "YOUR HOLIDAY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(q) Holders of tickets with a Reindeer (RNDEER) play symbol, and a prize symbol of \$20\$ (TWENTY) appearing in the "prize" area to the right of that Reindeer (RNDEER) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(r) Holders of tickets with a \$\$ (DBL\$) play symbol, and a prize symbol of \$10⁰⁰ (TEN DOL) appearing in the "prize" area to the right of that \$\$ (DBL\$) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(s) Holders of tickets upon which any one of the "YOUR HOLIDAY SYMBOLS" play symbols matches any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "prize" area to the right of the matching "YOUR HOLIDAY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(t) Holders of tickets with a Reindeer (RNDEER) play symbol, and a prize symbol of \$10⁰⁰ (TEN DOL) appear-

ing in the "prize" area to the right of that Reindeer (RNDEER) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(u) Holders of tickets with a \$\$ (DBL\$) play symbol, and a prize symbol of \$5⁰⁰ (FIV DOL) appearing in the "prize" area to the right of that \$\$ (DBL\$) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(v) Holders of tickets upon which any one of the "YOUR HOLIDAY SYMBOLS" play symbols matches any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "prize" area to the right of the matching "YOUR HOLIDAY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(w) Holders of tickets with a Reindeer (RNDEER) play symbol, and a prize symbol of \$5⁰⁰ (FIV DOL) appearing in the "prize" area to the right of that Reindeer (RNDEER) play symbol, on a single ticket, shall be entitled to a prize of \$5.

(x) Holders of tickets upon which any one of the "YOUR HOLIDAY SYMBOLS" play symbols matches any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$2⁰⁰ (TWO DOL) appears in the "prize" area to the right of the matching "YOUR HOLIDAY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(y) Holders of tickets upon which any one of the "YOUR HOLIDAY SYMBOLS" play symbols matches any of the "WINNING SYMBOLS" play symbols and a prize symbol of FREE (TICKET) appears in the "prize" area to the right of the matching "YOUR HOLIDAY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania Holiday Bucks '07 instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

When Any Of Your Holiday Symbols Match Any Of The Winning Symbols, Win With Prizes Of:

	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets</i>
FREE	FREE \$5 TICKET	12	700,000
\$5	\$5	54.55	154,000
\$5 w/REINDEER	\$5	54.55	154,000
\$2 x 5	\$10	120	70,000
\$5 x 2	\$10	120	70,000
\$10	\$10	120	70,000
\$10 w/REINDEER	\$10	120	70,000
\$5 w/\$\$	\$10	60	140,000
\$5 x 4	\$20	150	56,000
\$10 x 2	\$20	150	56,000
\$20	\$20	150	56,000
\$20 w/REINDEER	\$20	150	56,000
\$10 w/\$\$	\$20	150	56,000
\$5 x 8	\$40	600	14,000
\$10 x 4	\$40	600	14,000
\$20 x 2	\$40	600	14,000
\$20 w/\$\$	\$40	600	14,000
\$40 w/REINDEER	\$40	300	28,000
\$5 x 10	\$50	600	14,000
\$10 x 5	\$50	600	14,000
(\$20 w/\$\$) + \$10	\$50	600	14,000
\$50	\$50	600	14,000
\$50 w/REINDEER	\$50	300	28,000
\$10 x 10	\$100	1,200	7,000
\$20 x 5	\$100	1,200	7,000
\$100	\$100	1,200	7,000
\$100 w/REINDEER	\$100	1,200	7,000
\$50 w/\$\$	\$100	1,200	7,000
\$40 x 10	\$400	13,333	630
\$100 x 4	\$400	13,333	630
\$400	\$400	13,333	630
\$400 w/REINDEER	\$400	13,333	630
\$50 x 10	\$500	20,000	420
\$100 x 5	\$500	20,000	420
\$500	\$500	20,000	420
\$500 w/REINDEER	\$500	20,000	420
\$100 x 10	\$1,000	17,143	490
\$1,000	\$1,000	15,000	560

When Any Of Your Holiday Symbols Match Any Of The Winning Symbols, Win With Prizes Of:

\$10,000
\$100,000

Win:
\$10,000
\$100,000

Approximate Odds of 1 In:
560,000
560,000

Approximate No. Of Winners Per 8,400,000 Tickets
15
15

REINDEER (REINDEER) = Win prize shown to the right of it automatically.
\$\$ (DBL\$) = Win double the prize shown to the right of it.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Holiday Bucks '07 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Holiday Bucks '07, prize money from winning Pennsylvania Holiday Bucks '07 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Holiday Bucks '07 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Holiday Bucks '07 or through normal communications methods.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 07-1932. Filed for public inspection October 19, 2007, 9:00 a.m.]

Pennsylvania Merry Money '07 Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Merry Money '07.

2. *Price:* The price of a Pennsylvania Merry Money '07 instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Merry Money '07 instant lottery game ticket will contain one play area. The play symbols and their captions located in the play area are: FREE (TICKET), \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO

DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and a Double Candycane symbol (DBLCCN).

4. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$100, \$500 and \$1,000.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 19,200,000 tickets will be printed for the Pennsylvania Merry Money '07 instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching play symbols of \$1,000 (ONE THO) in the play area, on a single ticket, shall be entitled to a prize of \$1,000.

(b) Holders of tickets with three matching play symbols of \$500 (FIV HUN) in the play area, on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets with three matching play symbols of \$100 (ONE HUN) in the play area, on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets with three matching play symbols of \$40\$ (FORTY) in the play area, on a single ticket, shall be entitled to a prize of \$40.

(e) Holders of tickets with two matching play symbols of \$20\$ (TWENTY) and Double Candycane symbol (DBLCCN) in the play area, on a single ticket, shall be entitled to a prize of \$40.

(f) Holders of tickets with three matching play symbols of \$20\$ (TWENTY) in the play area, on a single ticket, shall be entitled to a prize of \$20.

(g) Holders of tickets with two matching play symbols of \$10⁰⁰ (TEN DOL) and a Double Candycane symbol (DBLCCN) in the play area, on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets with three matching play symbols of \$10⁰⁰ (TEN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$10.

(i) Holders of tickets with two matching play symbols of \$5⁰⁰ (FIV DOL) and a Double Candycane symbol (DBLCCN) in the play area, on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets with three matching play symbols of \$5⁰⁰ (FIV DOL) in the play area, on a single ticket, shall be entitled to a prize of \$5.

(k) Holders of tickets with three matching play symbols of \$4⁰⁰ (FOR DOL) in the play area, on a single ticket, shall be entitled to a prize of \$4.

(l) Holders of tickets with two matching play symbols of \$2⁰⁰ (TWO DOL) and a Double Candycane symbol (DBLCCN) in the play area, on a single ticket, shall be entitled to a prize of \$4.

(m) Holders of tickets with three matching play symbols of \$2⁰⁰ (TWO DOL) in the play area, on a single ticket, shall be entitled to a prize of \$2.

(n) Holders of tickets with two matching play symbols of \$1⁰⁰ (ONE DOL) and a Double Candycane symbol (DBLCCN) in the play area, on a single ticket, shall be entitled to a prize of \$2.

(o) Holders of tickets with three matching play symbols of \$1⁰⁰ (ONE DOL) in the play area, on a single ticket, shall be entitled to a prize of \$1.

(p) Holders of tickets with three matching play symbols of FREE (TICKET) in the play area, on a single ticket, shall be entitled to a prize of one Pennsylvania Merry Money '07 instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

Get 3 Like Amounts, Win That Prize. Get 2 Like Amounts And A Double Candycane Symbol, Win Double That Prize. Win With Prizes Of:

	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 19,200,000 Tickets</i>
3-FREE's	FREE \$1 TICKET	20	960,000
3-\$1's	\$1	20	960,000
3-\$2's	\$2	75	256,000
2-\$1's w/Double Candycane	\$2	27.27	704,000
3-\$4's	\$4	120	160,000
2-\$2's w/Double Candycane	\$4	46.15	416,000
3-\$5's	\$5	75	256,000
3-\$10's	\$10	600	32,000
2-\$5's w/Double Candycane	\$10	200	96,000
3-\$20's	\$20	750	25,600
2-\$10's w/Double Candycane	\$20	500	38,400
3-\$40's	\$40	3,200	6,000
2-\$20's w/Double Candycane	\$40	1,920	10,000
3-\$100's	\$100	2,400	8,000
3-\$500's	\$500	240,000	80
3-\$1,000's	\$1,000	480,000	40

DOUBLE CANDYCANE (DBLCCN) = Win double that prize.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Merry Money '07 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Merry Money '07, prize money from winning Pennsylvania Merry Money '07 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Merry Money '07 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be

disseminated through media used to advertise or promote Pennsylvania Merry Money '07 or through normal communications methods.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 07-1933. Filed for public inspection October 19, 2007, 9:00 a.m.]

Pennsylvania Million Dollar Holiday Countdown Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Million Dollar Holiday Countdown.

2. *Price:* The price of a Pennsylvania Million Dollar Holiday Countdown instant lottery game ticket is \$20.

3. *Play Symbols:* Each Pennsylvania Million Dollar Holiday Countdown instant lottery game ticket will contain 20 play areas known as "GAME 1," "GAME 2," "GAME 3," "GAME 4," "GAME 5," "GAME 6," "GAME 7," "GAME 8," "GAME 9," "GAME 10," "GAME 11," "GAME

12," "GAME 13," "GAME 14," "GAME 15," "GAME 16," "GAME 17," "GAME 18," "GAME 19" and "GAME 20." Each "GAME" is played separately. The play symbols and their captions located in the 20 play areas are: Snowman symbol (SNMAN), Mitten symbol (MITTEN), Wreath symbol (WREATH), Ear Muff symbol (EARMF), Hat symbol (HAT), Drum symbol (DRUM), Sleigh symbol (SLEIGH), Candle symbol (CANDLE), Ornament symbol (ORMNT), Horn symbol (HORN), Gingerbread Man symbol (GBMAN), Candy Cane symbol (CANE), Bag of Toys symbol (TOYS), Holly symbol (HOLLY), Bell symbol (BELL), Reindeer symbol (RNDEER), Angel symbol (ANGEL), Light symbol (LIGHT), Snow Flake symbol (FLAKE), Nutcracker symbol (NTRKR), Gift symbol (GIFT), Scarf symbol (SCARF), Stocking symbol (STKG), Tree symbol (TREE) and 10X symbol (10TIMES).

4. *Prize Symbols:* The prize symbols and their captions located in the play area for "GAME 1" through "GAME 20" are: \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO), \$50,000 (FTY THO) and \$1MILL (ONE MIL).

5. *Prizes:* The prizes that can be won in this game are: \$10, \$20, \$25, \$40, \$50, \$100, \$200, \$400, \$500, \$1,000, \$5,000, \$50,000 and \$1,000,000. The \$1,000,000 top prize is a lump sum cash payment. The player can win up to twenty times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 3,000,000 tickets will be printed for the Pennsylvania Million Dollar Holiday Countdown instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$1MILL (ONE MIL) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$1,000,000.

(b) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$50,000 (FTY THO) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$50,000.

(c) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$5,000 (FIV THO) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$5,000.

(d) Holders of tickets with a 10X (10TIMES) play symbol and a prize symbol of \$500 (FIV HUN) appearing under the 10X (10TIMES) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$5,000.

(e) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$1,000 (ONE THO) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets with a Tree (TREE) play symbol and a prize symbol of \$500 (FIV HUN) appearing under the Tree (TREE) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets with a 10X (10TIMES) play symbol and a prize symbol of \$100 (ONE HUN) appearing

under the 10X (10TIMES) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$500 (FIV HUN) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets with a Stocking (STKG) play symbol and a prize symbol of \$500 (FIV HUN) appearing under the Stocking (STKG) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets with a 10X (10TIMES) play symbol and a prize symbol of \$50\$ (FIFTY) appearing under the 10X (10TIMES) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$400 (FOR HUN) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$400.

(l) Holders of tickets with a Stocking (STKG) play symbol and a prize symbol of \$400 (FOR HUN) appearing under the Stocking (STKG) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$400.

(m) Holders of tickets with a 10X (10TIMES) play symbol and a prize symbol of \$40\$ (FORTY) appearing under the 10X (10TIMES) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$400.

(n) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$200 (TWO HUN) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$200.

(o) Holders of tickets with a Tree (TREE) play symbol and a prize symbol of \$100 (ONE HUN) appearing under the Tree (TREE) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$200.

(p) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$100 (ONE HUN) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$100.

(q) Holders of tickets with a Tree (TREE) play symbol and a prize symbol of \$50\$ (FIFTY) appearing under the Tree (TREE) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$100.

(r) Holders of tickets with a 10X (10TIMES) play symbol and a prize symbol of \$10⁰⁰ (TEN DOL) appearing under the 10X (10TIMES) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$100.

(s) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$50\$ (FIFTY) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$50.

(t) Holders of tickets with a Stocking (STKG) play symbol and a prize symbol of \$50\$ (FIFTY) appearing

under the Stocking (STKG) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$50.

(u) Holders of tickets with a Tree (TREE) play symbol and a prize symbol of \$25\$ (TWY FIV) appearing under the Tree (TREE) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$50.

(v) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$40\$ (FORTY) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$40.

(w) Holders of tickets with a Stocking (STKG) play symbol and a prize symbol of \$40\$ (FORTY) appearing under the Stocking (STKG) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$40.

(x) Holders of tickets with a Tree (TREE) play symbol and a prize symbol of \$20\$ (TWENTY) appearing under the Tree (TREE) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$40.

(y) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$25\$ (TWY FIV) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$25.

(z) Holders of tickets with a Stocking (STKG) play symbol and a prize symbol of \$25\$ (TWY FIV) appearing under the Stocking (STKG) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$25.

(aa) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$20\$ (TWENTY) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$20.

(bb) Holders of tickets with a Stocking (STKG) play symbol and a prize symbol of \$20\$ (TWENTY) appearing under the Stocking (STKG) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$20.

(cc) Holders of tickets with a Tree (TREE) play symbol and a prize symbol of \$10⁰⁰ (TEN DOL) appearing under the Tree (TREE) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$20.

(dd) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$10⁰⁰ (TEN DOL) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$10.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Get 2 Like Symbols In The Same Game, Win With Prizes Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 3,000,000 Tickets</i>
\$10 × 2	\$20	30	100,000
\$10 w/TREE	\$20	30	100,000
\$20 w/STOCKING	\$20	30	100,000
\$20	\$20	30	100,000
\$25 w/STOCKING	\$25	30	100,000
\$25	\$25	25	120,000
\$10 × 4	\$40	75	40,000
\$20 × 2	\$40	75	40,000
\$20 w/TREE	\$40	75	40,000
\$40 w/STOCKING	\$40	75	40,000
\$40	\$40	75	40,000
\$10 × 5	\$50	300	10,000
\$25 × 2	\$50	300	10,000
\$25 w/TREE	\$50	300	10,000
\$50 w/STOCKING	\$50	150	20,000
\$50	\$50	150	20,000
\$10 × 10	\$100	300	10,000
\$10 w/10X	\$100	300	10,000
\$50 w/TREE	\$100	300	10,000
\$100	\$100	150	20,000
\$20 × 20	\$400	3,000	1,000
\$40 × 10	\$400	3,000	1,000
\$40 w/10X	\$400	3,000	1,000
(\$100 w/TREE) + (\$100 × 2)	\$400	3,000	1,000
\$400 w/STOCKING	\$400	3,000	1,000
\$400	\$400	2,857	1,050
\$25 × 20	\$500	5,714	525
\$50 × 10	\$500	5,714	525
\$100 × 5	\$500	5,714	525
\$50 w/10X	\$500	5,714	525
\$500 w/STOCKING	\$500	5,714	525
\$500	\$500	4,800	625
\$50 × 20	\$1,000	7,059	425
\$100 × 10	\$1,000	7,059	425

Get 2 Like Symbols In The Same Game, Win With Prizes Of:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 3,000,000 Tickets
\$200 × 5	\$1,000	7,059	425
\$100 w/10X	\$1,000	7,059	425
\$500 × 2	\$1,000	7,059	425
\$500 w/TREE	\$1,000	7,059	425
\$1,000	\$1,000	6,667	450
\$500 × 10	\$5,000	120,000	25
\$1,000 × 5	\$5,000	120,000	25
\$500 w/10X	\$5,000	120,000	25
\$5,000	\$5,000	120,000	25
\$50,000	\$50,000	120,000	25
\$1,000,000	\$1,000,000	600,000	5

STOCKING (STKG) = Win prize shown for that game automatically.

TREE (TREE) = Win double the prize shown for that game.

10X (10TIMES) = Win 10 times the prize shown for that game.

Each game is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Million Dollar Holiday Countdown instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Million Dollar Holiday Countdown, prize money from winning Pennsylvania Million Dollar Holiday Countdown instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Million Dollar Holiday Countdown instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Million Dollar Holiday Countdown or through normal communications methods.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 07-1934. Filed for public inspection October 19, 2007, 9:00 a.m.]

Pennsylvania \$250,000 Santa's Surprise Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of

instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$250,000 Santa's Surprise.

2. *Price:* The price of a Pennsylvania \$250,000 Santa's Surprise instant lottery game ticket is \$10.

3. *Play Symbols:* Each Pennsylvania \$250,000 Santa's Surprise instant lottery game ticket will contain one play area featuring a "SANTA'S NUMBERS" area, a "YOUR NUMBERS" area and a separate "QUICK \$20" area containing one play symbol. The play symbols and their captions located in the "SANTA'S NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWININ) and 30 (THIRTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWININ), 30 (THIRTY), Toy Sack symbol (TOYSACK) and a Sleigh symbol (Sleigh). The play symbols and their captions located in the "QUICK \$20" area are: Stocking symbol (STKG), Snowman symbol (SNMAN), Ornament symbol (ORMNT), Horn symbol (HORN) and a Santa Hat symbol (SNTAHAT). The "QUICK \$20" area is played separately from the rest of the game.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$250 (TWOHUNFTY), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$2,500 (TWYFIVHUN), \$25,000 (TWYFIVTHO) and \$250,000 (TWHNFYTH).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$200, \$250, \$400, \$500, \$1,000, \$2,500, \$25,000 and \$250,000. The player can win up to 15 times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 5,400,000 tickets will be printed for the Pennsylvania \$250,000 Santa's Surprise instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SANTA'S NUMBERS" play symbols and a prize symbol of \$250,000 (TWHNFYTH) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$250,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SANTA'S NUMBERS" play symbols and a prize symbol of \$25,000 (TWYFIVTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SANTA'S NUMBERS" play symbols and a prize symbol of \$2,500 (TWYFIVHUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2,500.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Toy Sack symbol (TOYSACK), and a prize symbol of \$500 (FIV HUN) appears under the Toy Sack symbol (TOYSACK), on a single ticket, shall be entitled to a prize of \$2,500.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SANTA'S NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Toy Sack symbol (TOYSACK), and a prize symbol of \$200 (TWO HUN) appears under the Toy Sack symbol (TOYSACK), on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Sleigh symbol (SLEIGH), and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SANTA'S NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SANTA'S NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Sleigh symbol (SLEIGH), and a prize symbol of \$200 (TWENTY) appears in ten of the "prize" areas, and a prize symbol of \$400 (FORTY)

appears in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$400.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SANTA'S NUMBERS" play symbols and a prize symbol of \$250 (TWOHUNFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$250.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SANTA'S NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Toy Sack symbol (TOYSACK), and a prize symbol of \$400 (FORTY) appears under the Toy Sack symbol (TOYSACK), on a single ticket, shall be entitled to a prize of \$200.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Sleigh symbol (SLEIGH), and a prize symbol of \$10⁰⁰ (TEN DOL) appears in ten of the "prize" areas, and a prize symbol of \$200 (TWENTY) appears in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$200.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SANTA'S NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Sleigh symbol (SLEIGH), and a prize symbol of \$5⁰⁰ (FIV DOL) appears in ten of the "prize" areas, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SANTA'S NUMBERS" play symbols and a prize symbol of \$500 (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Toy Sack symbol (TOYSACK), and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the Toy Sack symbol (TOYSACK), on a single ticket, shall be entitled to a prize of \$50.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SANTA'S NUMBERS" play symbols and a prize symbol of \$400 (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SANTA'S NUMBERS" play symbols and a prize symbol of \$250 (TWY FIV) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SANTA'S NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(v) Holders of tickets with a Santa Hat symbol (SNTAHAT) in the "QUICK \$20" area, on a single ticket, shall be entitled to a prize of \$20.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SANTA'S NUMBERS" play symbols and a prize symbol

of \$10⁰⁰ (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SANTA'S NUMBERS" play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of Your Numbers Match Any Of Santa's Numbers, Win With Prizes Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 5,400,000 Tickets</i>
\$5 × 2	\$10	20	270,000
\$10	\$10	20	270,000
\$5 × 4	\$20	60	90,000
\$10 × 2	\$20	60	90,000
\$20	\$20	60	90,000
QUICK \$20 w/SANTA HAT	\$20	30	180,000
\$10 × 4	\$40	300	18,000
\$20 × 2	\$40	300	18,000
\$40	\$40	300	18,000
(QUICK \$20 w/SANTA HAT) + \$20	\$40	150	36,000
\$5 × 10	\$50	600	9,000
\$10 × 5	\$50	600	9,000
\$25 × 2	\$50	600	9,000
\$10 w/TOY SACK	\$50	600	9,000
\$50	\$50	600	9,000
(QUICK \$20 w/SANTA HAT) + (\$10 × 3)	\$50	120	45,000
\$10 × 10	\$100	600	9,000
\$50 × 2	\$100	600	9,000
SLEIGH w/(\$5 × 10) + (\$10 × 5)	\$100	600	9,000
\$100	\$100	600	9,000
(QUICK \$20 w/SANTA HAT) + (\$20 × 4)	\$100	600	9,000
\$20 × 10	\$200	3,000	1,800
\$40 w/TOY SACK	\$200	3,000	1,800
\$50 × 4	\$200	3,000	1,800
\$100 × 2	\$200	3,000	1,800
SLEIGH w/(\$10 × 10) + (\$20 × 5)	\$200	3,000	1,800
\$200	\$200	3,000	1,800
\$40 × 10	\$400	7,500	720
(\$40 w/TOY SACK) + (\$40 × 5)	\$400	7,500	720
\$50 × 8	\$400	7,500	720
\$400	\$400	7,500	720
SLEIGH w/(\$20 × 10) + (\$40 × 5)	\$400	7,500	720
\$100 × 10	\$1,000	12,000	450
\$200 w/TOY SACK	\$1,000	12,000	450
SLEIGH w/(\$50 × 10) + (\$100 × 5)	\$1,000	12,000	450
\$1,000	\$1,000	12,000	450
\$250 × 10	\$2,500	40,000	135
\$500 × 5	\$2,500	40,000	135
\$500 w/TOY SACK	\$2,500	40,000	135
\$2,500	\$2,500	40,000	135
\$25,000	\$25,000	120,000	45
\$250,000	\$250,000	360,000	15

TOY SACK (TOYSACK) = Win 5 times the prize shown under it.

SLEIGH (SLEIGH) = Win all 15 prizes shown.

QUICK \$20: SANTA HAT (SNTAHAT) = Win \$20 automatically.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania \$250,000 Santa's Surprise instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania \$250,000 Santa's Surprise, prize money from winning Pennsylvania \$250,000 Santa's Surprise instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania \$250,000 Santa's Surprise instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania \$250,000 Santa's Surprise or through normal communications methods.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 07-1935. Filed for public inspection October 19, 2007, 9:00 a.m.]

Streams as set forth at 37 Pa.B. 4723 (August 25, 2007). Specifically, the Commission added the following sections of Wapwallopen Creek, Big Wapwallopen Creek, Balliet Run and Bow Creek to its list of Class A Wild Trout Streams.

<i>County</i>	<i>Stream</i>	<i>Limits</i>
Luzerne	Wapwallopen Creek	Headwaters downstream to confluence with Big Wapwallopen Creek
Luzerne	Wapwallopen Creek	Confluence with Big Wapwallopen Creek downstream to 380 meters downstream of SR 3012
Luzerne	Big Wapwallopen Creek	Headwaters downstream to powerline crossing upstream of Nuangola Road SR 2042
Luzerne	Balliet Run	Headwaters downstream to the mouth
Luzerne	Bow Creek	Headwaters downstream to the mouth

Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource and to conserve that resource and the angling that it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. The Commission manages these stream sections for wild trout with no stocking.

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

[Pa.B. Doc. No. 07-1937. Filed for public inspection October 19, 2007, 9:00 a.m.]

DEPARTMENT OF STATE

Request for Proposal

The Department of State issued RFP No. 107-R-1939051 to obtain the services of a contractor who is qualified, experienced, credible, unbiased and able to administer all aspects of a peer assistance monitoring program to Pennsylvania licensed nurses, temporary practice permitholders or applicants for a nursing license or temporary practice permit. The RFP is available on the Department of General Services website at www.dgs.state.pa.us. The deadline to submit proposals to the Department of State Bureau of Finance and Operations is November 30, 2007, at 3 p.m.

PEDRO A. CORTÉS,
Secretary of the Commonwealth

[Pa.B. Doc. No. 07-1936. Filed for public inspection October 19, 2007, 9:00 a.m.]

FISH AND BOAT COMMISSION

Additions to List of Class A Wild Trout Waters

The Fish and Boat Commission (Commission) has approved additions to the list of Class A Wild Trout

HEALTH CARE COST CONTAINMENT COUNCIL

Mandated Benefits

Section 9 of the act of July 17, 2003 (P. L. 31, No. 14) (Act 14) requires that the Health Care Cost Containment Council review proposed mandated health benefits on request of the executive and legislative branches of government. Senator Donald White, Chairperson of the Senate Banking and Insurance Committee, has requested that the Council review House Bill 1150, Printer's Number 2326 (O'Brien). House Bill 1150 would require health insurance policies to provide coverage for the diagnosis and treatment of autism spectrum disorders for individuals under 21 years old.

Initial notification of request for information and documentation was published in the 37 Pa.B. 4410 (August 4, 2007), with documentation due to the Council by October 4, 2007.

Following is a list of the documentation received. This information is available for public review and comment at the Council offices during regular business hours (8:30 a.m. to 5 p.m.) until November 19, 2007. Additional comments on this information must be received by this time. Council offices are located at 225 Market Street, Suite 400, Harrisburg, PA 17101. Send comments to Flossie Wolf at previous address.

Submissions for House Bill 1150

1. Gary Ames, Licensed Psychologist
 - Statement addressing Section 9 requirements.
 - Attachments on neurofeedback.
2. ASCEND—The Asperger Syndrome Alliance for Greater Philadelphia
 - Letter in support of House Bill 1150.
3. Autism Speaks
 - Letter and comments in support of House Bill 1150.
 - Research study about the societal costs of autism.
4. Blue Cross of Northeastern Pennsylvania
 - Statement addressing Section 9 requirements.
5. William M. Bolman, M. D.
 - Presentation given at the 37th Annual Conference of the Autism Society of America.
6. Highmark
 - Letter in opposition to House Bill 1150.
 - Statement addressing Section 9 requirements.
 - Research studies, government analyses, fact sheets and news articles on autism, as well as information about other states' experiences.
7. Independence Blue Cross
 - Letter and comments in opposition to House Bill 1150.
8. The Institute for Behavior Change
 - Letter addressing the need to preserve access to Medicaid funding for children with autism.
9. The Insurance Federation of Pennsylvania
 - Letter and comments in opposition to House Bill 1150.
 - Statement addressing Section 9 requirements.
 - News articles and press releases about autism.
10. David S. Mandell, Sc.D. (University of Pennsylvania School of Medicine) and Craig J. Newschaffer, Ph.D. (Drexel University School of Public Health)
 - Letter and comments in support of House Bill 1150.
 - Research studies on autism.
11. The Honorable Dennis M. O'Brien, Speaker of the House, PA House of Representatives
 - Letter and comments in support of House Bill 1150.
 - Statement addressing Section 9 requirements.
 - Research studies, government analyses and fact sheets on autism, as well as information about other states' experiences.
12. Pennsylvania Association of Resources
 - Letter and comments in support of House Bill 1150.
13. The Pennsylvania Chamber of Business and Industry
 - Letter and comments in opposition to House Bill 1150.
14. Pennsylvania Department of Public Welfare
 - Letter in support of House Bill 1150.
 - Attachments about the social and financial impact of the proposed mandate and autism parity in other states.

15. Pennsylvania Health Law Project
 - Letter in support of House Bill 1150 and comments (addressing Section 9 requirements) sent on behalf of constituent.
16. Susquehanna Valley Center for Public Policy
 - Op-ed and research paper on early intervention treatment for autism.
17. Temple University's Behavior Analysis and Learning Laboratory
 - Letter and comments in support of House Bill 1150.
 - Signature from members of the Delaware Valley Association of Behavior Analysis.
 - Statement addressing Section 9 requirements.
 - Research studies about autism.
18. University of Pittsburgh School of Medicine's Autism Research Project
 - Letter in support of House Bill 1150.
 - Presentation on autism and related research.
19. The Vista Foundation
 - Statement addressing Section 9 requirements.
 - Research studies and other attachments on insurance guidelines and other states' experiences.
20. West Chester University's Speech and Hearing Clinic
 - Letter in support of House Bill 1150.
 - Research studies on autism.
21. Wolf Block Government Relations
 - Statement by AFLAC noting the importance of excluding certain policies from those affected by House Bill 1150.

Thirty-five constituent letters and attached documentation in support of House Bill 1150

Sixteen letters from members of the Pennsylvania General Assembly in support of House Bill 1150 (Senators J. Barry Stout, Jay Costa, Robert Wonderling, John Pippy, Stewart Greenleaf and Michael Stack; Representatives Eugene DePasquale, Jim Marshall, Carl Mantz, Camille "Bud" George, Dan Surra, Merle Phillips, Jerry Nailor, Carole Rubley, Mark Cohen and Deberah Kula)

MARC P. VOLAVKA,
Executive Director

[Pa.B. Doc. No. 07-1938. Filed for public inspection October 19, 2007, 9:00 a.m.]

Mandated Benefits

Section 9 of the act of July 17, 2003 (P. L. 31, No. 14) (Act 14) requires that the Health Care Cost Containment Council (Council) review proposed mandated health benefits on request of the executive and legislative branches of government. Senator Donald White, Chairperson of the Senate Banking and Insurance Committee, has requested that the Council review Senate Bill 146, Printer's Number 191 (Tomlinson). Senate Bill 146 would require health insurance policies to provide coverage for colorectal cancer screening for individuals in accordance with the most recently published American Cancer Society guidelines and approved medical standards and practices.

Initial notification of request for information and documentation was published in the 37 Pa.B. 4409 (August 4, 2007), with documentation due to the Council by October 4, 2007.

Following is a list of the documentation received. This information is available for public review and comment at the Council offices during regular business hours (8:30 a.m. to 5 p.m.) until November 19, 2007. Additional comments on this information must be received by this time. Council offices are located at 225 Market Street, Suite 400, Harrisburg, PA 17101. Send comments to Flossie Wolf at previous address.

Submissions for Senate Bill 146

1. American Cancer Society, Pennsylvania Division
 - Letter in support of Senate Bill 146.
 - Research studies, government analyses, testimony, treatment guidelines, fact sheets and personal stories about colorectal cancer screening.
2. Capital BlueCross
 - Letter and comments in opposition to Senate Bill 146.
3. Highmark
 - Statement addressing Section 9 requirements.
 - Research studies, government analyses, fact sheets and news stories about colorectal cancer screening and the cost of mandates.
4. The Insurance Federation of Pennsylvania
 - Letter and comments in opposition to Senate Bill 146.
 - News articles which address virtual colonoscopies.
5. Thomas J. McGarrity, M. D., Professor of Medicine, Chief, Division of Gastroenterology/Hepatology, Penn State Milton S. Hershey Medical Center
 - Letter and comments in support Senate Bill 146.
6. Ronald E. Myers, Ph.D., Professor of Medical Oncology, Jefferson Medical College, Thomas Jefferson University
 - Letter in support of Senate Bill 146.
 - July 2007 Legislative Budget and Finance Committee review of colorectal cancer screening.
7. Pennsylvania Chamber of Business and Industry
 - Letter and comments in opposition to Senate Bill 146.
8. Wolf Block Government Relations
 - Statement by AFLAC noting the importance of excluding certain policies from those affected by Senate Bill 146.

MARC P. VOLAVKA,
Executive Director

[Pa.B. Doc. No. 07-1939. Filed for public inspection October 19, 2007, 9:00 a.m.]

Mandated Benefits

Section 9 of the act of July 17, 2003 (P. L. 31, No. 14) (Act 14) requires that the Health Care Cost Containment Council review proposed mandated health benefits on request of the executive and legislative branches of

government. Senator Donald White, Chairperson of the Senate Banking and Insurance Committee, has requested that the Council review Senate Bill 260, Printer's Number 298 (Rhoades). Senate Bill 260 would amend the Unfair Insurance Practices Act to deem it unfair for any health insurer to require insureds to obtain drugs from a mail-order pharmacy as a condition of obtaining the payment for the prescription drugs.

Initial notification of request for information and documentation was published in the 37 Pa.B. 4410 (August 4, 2007), with documentation due to the Council by October 4, 2007.

Following is a list of the documentation received. This information is available for public review and comment at the Council offices during regular business hours (8:30 a.m. to 5 p.m.) until November 19, 2007. Additional comments on this information must be received by this time. Council offices are located at 225 Market Street, Suite 400, Harrisburg, PA 17101. Send comments to Flossie Wolf at previous address.

Submissions for Senate Bill 260

1. Blue Cross of Northeastern Pennsylvania
 - Letter in opposition to Senate Bill 260.
 - Statement addressing Section 9 requirements.
 - November 2005 letter from Governor's Office to House Insurance Committee expressing opposition to prior legislation (House Bill 814).
2. CVS Caremark Corporation
 - Letter and comments in opposition to Senate Bill 260.
 - Research studies and government analyses about mail-order pharmacy and pharmacy benefit managers (PBMs).
3. Express Scripts
 - Letter and comments in opposition to Senate Bill 260.
 - Statement addressing Section 9 requirements.
 - Study on mail-order pharmacy benefits.
4. Highmark
 - Statement addressing Section 9 requirements.
 - Research studies, government analyses, fact sheets and news stories about prescription drug costs and mail-order pharmacy.
5. Independence Blue Cross
 - Letter and comments in opposition to Senate Bill 260.
6. Insurance Federation of Pennsylvania
 - Letter and comments in opposition to Senate Bill 260.
 - Testimony on prior legislation (House Bill 1470—introduced May 2003) and Michigan study on prescription drug costs.
7. Medco
 - Letter and comments in opposition to Senate Bill 260.
8. National Community Pharmacists Association
 - Letter in support of Senate Bill 260.
 - Research studies on mail-order pharmacy and pharmacy benefit managers (PBMs).

9. Pennsylvania Chamber of Business and Industry

- Letter and comments in opposition to Senate Bill 260.

10. Pennsylvania Pharmacists Association

- Research studies and press information about mail-order pharmacy and pharmacy benefit managers (PBMs).

11. Philadelphia Association of Retail Druggists

- Letter in support of Senate Bill 260.
- Research study on pharmacy benefit management and a list of 40 common prescription drugs and their mail-order and community pharmacy costs.

12. Value Drug Company

- Letter in support of Senate Bill 260.
- Research studies on mail-order pharmacy.

MARC P. VOLAVKA,
Executive Director

[Pa.B. Doc. No. 07-1940. Filed for public inspection October 19, 2007, 9:00 a.m.]

Request for Proposal

The Health Care Cost Containment Council, an independent State agency that collects, analyzes and disseminates health care cost and quality-related information, seeks to obtain consultative/performance review services from interested consulting firms. Interested parties are requested to contact the Council Office by writing the Health Care Cost Containment Council, Suite 400, 225 Market Street, Harrisburg, PA 17101, or by contacting Cherie Elias at (717) 232-6787, celias@phc4.org for copies of the Request for Proposal. A preproposal conference will

be held on Monday, October 22, 2007, at 1 p.m. at the Council office at the address listed previously. Final proposals are due to the Council office no later than 5 p.m. on Tuesday, November 20, 2007. The Council will make the award at a public Council meeting in early December, a date and time to be announced later.

MARC P. VOLAVKA,
Executive Director

[Pa.B. Doc. No. 07-1941. Filed for public inspection October 19, 2007, 9:00 a.m.]

Request for Proposal

The Health Care Cost Containment Council, an independent state agency that collects, analyzes and disseminates health care cost and quality-related information, seeks to obtain legal/performance review services from interested law firms. Interested parties are requested to contact the Council Office by writing the Health Care Cost Containment Council, Suite 400, 225 Market Street, Harrisburg, PA 17101, or by contacting Cherie Elias at (717) 232-6787, celias@phc4.org for copies of the Request for Proposal. A preproposal conference will be held on Monday, October 22, 2007, at 10 a.m. at the Council office at the address listed previously. Final proposals are due to the Council office no later than 5 p.m. on Tuesday, November 20, 2007. The Council will make the award at a public Council meeting in early December, a date and time to be announced later.

MARC P. VOLAVKA,
Executive Director

[Pa.B. Doc. No. 07-1942. Filed for public inspection October 19, 2007, 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 Act (71 P. S. § 745.5b).

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

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
10-184	Department of Health Home Care Agencies and Home Care Registries 37 Pa.B. 4431 (August 11, 2007)	9/10/07	10/10/07

Department of Health
Regulation #10-184 (IRRC #2623)

Home Care Agencies and Home Care Registries

October 10, 2007

We submit for your consideration the following comments on the proposed rulemaking published in the August 11, 2007 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Department of Health (Department) to respond to all comments received from us or any other source.

1. Time for compliance with the regulation.—Implementation procedures.

This regulation will become effective upon publication of the final-form regulation in the *Pennsylvania Bulletin*. Senator Corman has asked that the regulated community be given enough time to comply with the requirements of the rulemaking. Will the Department provide the regulated community an opportunity to achieve compliance before penalties are imposed?

2. Section 611.3. Requirements for home care agencies and home care registries.—Clarity.

Subsection (b) references other Federal, State and local standards. To clearly guide the regulated community, the specific standards should be identified in the final-form regulation or a list of applicable standards should be maintained on the Department's website. Notice of this list should be included in the regulation.

3. Section 611.4. Definitions.—Consistency with statute; Clarity.

We have three concerns with this section.

First, the terms "activities of daily living" and "instrumental activities of daily living" are defined in the Health Care Facilities Act (35 P. S. §§ 448.101—448.904b) (Act), but are not found in this section. Because these terms are used in this regulation, they should be added to this section with a cross-reference to the statutory definition.

Second, the definition of "direct care worker" uses the term "services." "Services" is undefined and it is unclear exactly what would be considered a service. This term should be defined in the final-form regulation.

Finally, we have two concerns with the definition of "home care agency" (agency). First, Subsection (ii) goes beyond the statutory definition in the Act. The Preamble notes that the additional language is needed to clarify that certain entities would not be subject to the regulation. We recommend that the language contained in Subsection (ii) be moved to § 611.2, pertaining to affected home care agencies and registries. We have a similar concern with Subsection (ii) under the definition of "home care registry" (registry).

Second, the terms "specialized care" and "companionship services" are used in the definition. What is meant by these terms? We recommend that they be defined. We note that "specialized care" is also in the definition of "home care registry."

4. Section 611.12. Application for license.—Implementation procedures; Reasonableness; Need; Fiscal Impact; Clarity.

Fees

The fee required for licensure as an agency or registry is contained in the Act. However, the fees are not referenced in the regulation. Similar to the Department's regulations on home health care agencies (§ 601.11(b)), we recommend that the fee be included in the final-form regulation.

Subsection (b)

This subsection states that "The applicant shall complete a separate application and pay a separate application fee for each separately licensed home care agency or home care registry that it intends to operate." Section 611.11(a) states, in part, "Each physical location of the home care agency or home care registry must be separately licensed." Why is it necessary to separately license each physical location of agencies and registries? This should be explained in the Preamble to the final-form regulation.

Subsection (c)

We have two concerns with this subsection. First, it contains the phrase "... additional information required by the Department" This requirement is vague. To clarify this requirement, we recommend that the Department specify what the additional information that may be requested pertains to.

Second, the term "responsible person" is used in this subsection and other sections of the regulation. We recommend that this term be defined in Section 611.4, pertaining to definitions.

5. Section 611.14. Issuance of license.—Implementation procedures; Clarity.

This section pertains to the issuance of a license. We have two recommendations. First, the procedures the Department will follow for issuing licenses should be included in the final-form regulation. The procedures should address how long the Department has to render a decision after an application is received, and what will happen if the application is not complete. The procedures should also explain the appeal rights for an applicant whose application was denied, and an explanation of the appeal procedures or a cross-reference to the applicable statutes pertaining to appeals of Departmental decisions.

Second, under Subsection (a), what is "substantial compliance"? Is this something less than complete compliance? This term should be defined in Section 611.4.

6. Section 611.17. Responsibility of owners of home care agencies and home care registries.—Reasonableness; Need.

Under Subsection (c), the Department must be notified immediately if the agency or registry relocates or has a change of address. Commentators assert that these providers should be given at least 30 days to submit a change in address to the Department. Why does the Department require an immediate notification of relocation?

7. Section 611.19. Void license.—Reasonableness.

A commentator asserts that relocation should not automatically void a license and recommends that Paragraph (4) be amended to add "without notice to the Department

required by § 611.17(c).” We believe this recommendation is reasonable and recommend the Department add the suggested language.

8. Section 611.31. Inspections.—Implementation procedures; Clarity.

This section pertains to the inspections of agencies and registries. We have three concerns. First, it is unclear whether inspections will be announced or unannounced. Commentators have asserted that announced inspections should be allowed in order to ensure that someone is present at the office. The Department’s intention should be clearly stated in the final-form regulation.

Second, will inspections be limited to normal business hours, as required by Section 806.4(a) of the Act? If so, this should be specified in the regulation.

Third, Subsection (a) contains the phrase “. . . or has other reasonable grounds to believe that a deficiency exists” What “other reasonable grounds” could make the Department believe that there is a deficiency? The types of circumstances that the Department would consider when determining if a deficiency exists should be included in the final-form regulation.

9. Section 611.32. Retention of records.—Reasonableness; Need; Implementation procedures; Clarity.

This section contains the following statement: “Documentation and records shall be retained even if the agency or registry discontinues operation.” What is the need for this provision? Who will keep these records if the agency or registry goes out of business? In what form should these records be retained? Why should these records be retained if the agency or registry is no longer in business?

10. Section 611.33. Statement of deficiencies and plan of correction.—Implementation procedures; Clarity.

Does the plan of correction referenced in Subsection (b) have to be approved by the Department? If so, the approval process should be set forth in the final-form regulation.

11. Section 611.41. Sanctions for deficiencies.—Statutory authority; Reasonableness; Implementation procedures.

We have two concerns with this section. First, what is the Department’s statutory authority for imposing penalties?

Second, this section allows the Department to impose civil monetary penalties “not to exceed \$500 per deficiency per day.” We question how these penalties will be applied. If an agency or registry has multiple deficiencies, the amount of the penalty could be substantial. As noted by Senator Corman, a detailed deficiency and penalty list is not included in the regulations, and it is not clear how monetary penalties will be applied. He further asserted that there should be a clearer delineation between minor deficiencies (such as a missing document in a personnel file) and fraud, neglect or mistreatment of consumers. We agree. The Department should consider adding a detailed deficiency and penalty list with a clear differentiation between minor and major deficiencies.

12. Section 611.42. Reasons for sanctions.—Statutory authority; Clarity.

Subsection (a)

Subsection (a)(1) contains the undefined term “serious violation.” The Department has indicated that it is applying the term as defined in the Health Care Facilities Act. Because this term is also used in Subsections (a)(9) and (a)(10), we recommend that this term be added to Section 611.4 with either a definition or a cross-reference to the Act.

Subsection (b)

This subsection pertains to provisional licenses. We have three concerns. First, what is the Department’s statutory authority for granting a provisional license?

Second, we recommend that language pertaining to provisional licenses be moved to either its own section or a section pertaining to licenses in general. We note that the term provisional license is also referenced in §§ 611.31(a) and 611.42(a).

Finally, this subsection contains the phrase “. . . numerous deficiencies or a serious specific deficiency” This phrase is vague. The final-form regulation should specify how many deficiencies would be considered numerous and also define the term “serious specific deficiency.”

13. Section 611.51. Hiring or rostering of direct care workers.—Reasonableness; Implementation procedures; Clarity.

What qualifies as a “satisfactory” reference under Subsection (a)(2)? We recommend that the regulation include criteria that would allow an agency or registry to determine if a recommendation is satisfactory.

Commentators are concerned that the documentation of the interview required by Subsection (b) is retroactive. They assert that it is not possible to document some of the required items long after they have been completed. We agree that this could be problematic. The Department should explain if these documentation requirements are intended to apply to current employees. If so, it should explain why it is reasonable to require information that may or may not have been obtained in the past in a current personnel file.

14. Section 611.52. Criminal background checks.—Implementation procedures; Need; Clarity.

What is the need for Subsection (d), which states that an agency or registry may require an applicant to furnish proof of residency? If this provision is needed, we recommend that the circumstances when proof of residency would be required be included in the final-form regulation.

Also, would a state-issued identification card be sufficient to prove residency?

15. Section 611.54. Provisional hiring.—Statutory authority; Protection of public health, safety and welfare; Implementation procedures; Reasonableness; Clarity.

The concept of “provisional hiring” is not included in the Act. What is the Department’s authority for including this section in the regulation? How is public health adequately protected if “provisional hiring” is allowed?

If the Department has the authority to permit “provisional hiring,” we have two other concerns with this section. First, commentators question whether Subsection (a)(4) prohibits the hiring of someone provisionally until

the individual has already received the necessary training. This should be clarified in the final-form regulation.

Second, Subsection (a)(6) permits a provisional hire to last up to 120 days. Commentators have suggested that this time period be shorter. How did the Department determine that 120 days is the appropriate length of time for a provisional hire?

16. Section 611.55. Training requirements.—Consistency with statute; Implementation procedures; Need; Clarity.

Subsection (b)

This subsection requires a competency examination to be approved by the Department. How is this approval accomplished? Further, Senator Corman stated that it is not clear if there will be a statewide test, how it will be graded or if it can be administered in a timely fashion so that new employees or contractors may begin employment. We agree. These issues should be clarified in the final-form regulation.

Subsection (c)

This subsection lists the various forms of training that would be acceptable for direct care workers. It references a "valid nurse's license." The corresponding section of the Act (§ 448.086(d.1)(1)(i)) references a "valid nurse's license in this Commonwealth." We recommend that the final-form regulation be amended to be consistent with Act. We have a similar concern with Subsection (e).

Subsection (c)(2) should be amended to reflect Act 69 at 35 P. S. 448.806(D.1)(1)(ii), which states that a nurse aide training program approved by the Department of Health (not the Department of Education) meets the training requirements.

Subsection (d)

Representatives Mundy and Hennessey and other commentators assert that employees that do not assist in activities of daily living (ADL) should not be required to prove competency for tasks described in Subsections (d)(10) through (15). Does the Department intend for ALL direct care workers, including those that do not assist in ADLs, to meet the competency standards in this section?

Under Subsection (d)(16), what is "Home management"?

Subsection (f)

The last sentence of this subsection is vague. It requires "periodic" reassessments "at least" once a year and "more frequently" when discipline or other sanctions have been imposed. To be clearer, the word "periodic" should be deleted. Further, the final-form regulation should specify exactly which types of discipline or other sanctions would result in a reassessment more frequently than once a year.

17. Section 611.56. Health evaluations.—Fiscal impact; Reasonableness; Need; Clarity.

Representatives Mundy and Hennessey, Senator Corman and several other commentators question how the "screening assessment" in Subsection (a) will be accomplished. Is a laboratory test required or will a physical examination by a doctor be sufficient? The Department should amend this subsection to clearly state how the "screening assessment" must be completed.

Other commentators assert that the health screenings found in Subsection (a) far exceed the employee screenings required for employees of other licensed health care facilities. Some cite the requirements for long term care

facilities found in 28 Pa. Code 201.22 (relating to prevention, control and surveillance of tuberculosis (TB)). Others refer to the requirements for home health and hospice programs. How did the Department determine that the health screenings in the proposed regulation are appropriate for use with agency or registry direct care workers?

Subsection (c) requires an annual health screening. Commentators contend that an annual health screening is excessive, intrusive and expensive to implement. Has the Department considered the economic impact this requirement might have on direct care workers?

18. Section 611.57. Consumer protections.—Implementation procedures; Clarity.

Commentators have indicated that, under the requirements of Subsection (c), there are cases when there is no time to get an information packet to the family members, such as when the client is being discharged immediately or if the family member lives out of town and they want the services started immediately. Would the family be permitted to give verbal permission for the case to start without first having received the information packet? This should be clarified in the final-form regulation.

19. Miscellaneous clarity.

- Section 611.1, pertaining to legal base, and other sections, refer to "this subpart." Should the reference to "subpart" be changed to "chapter"?

- Under Section 611.4, pertaining to definitions, the citation found in the definition of "Act" should be (35 P. S. §§ 448.101—448.904b) (emphasis added).

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 07-1943. Filed for public inspection October 19, 2007, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority

Mulberry Square Elder Care and Rehabilitation Center, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Mulberry Square Elder Care and Rehabilitation Center, LLC in Punxsutawney, PA. The initial filing was received on October 3, 2007, and was made under the requirements set forth under the Continuing Care Provider Registration and Disclosure Act (40 P. S. §§ 1302—3225). Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or syerger@state.pa.us.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1944. Filed for public inspection October 19, 2007, 9:00 a.m.]

Elizabeth Brackbill; Prehearing**Appeal of Elizabeth Brackbill under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-09-011**

On or before October 24, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's August 16, 2007, 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 November 15, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before November 9, 2007. 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 October 31, 2007, 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 November 7, 2007.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1945. Filed for public inspection October 19, 2007, 9:00 a.m.]

Iain Fan, D. O.; Prehearing**Appeal of Iain Fan, D. O. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-09-010**

On or before October 24, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's August 6, 2007, 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 November 14, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before November 9, 2007. 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 October 31, 2007, 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 November 7, 2007.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1946. Filed for public inspection October 19, 2007, 9:00 a.m.]

Forestview Nursing Home; Prehearing**Appeal of Forestview Nursing Home under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-08-012**

On or before October 23, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's July 16, 2007, 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 November 13, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before November 9, 2007. 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 October 30, 2007, 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 November 6, 2007.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1947. Filed for public inspection October 19, 2007, 9:00 a.m.]

Hand Microsurgery and Reconstructive Orthopedics (Caraballo); Prehearing**Appeal of Hand Microsurgery and Reconstructive Orthopedics (Caraballo) under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-09-015**

On or before October 24, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's July 19, 2007, 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 November 14, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before November 9, 2007. 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 October 31, 2007, 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 November 7, 2007.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1948. Filed for public inspection October 19, 2007, 9:00 a.m.]

Hand Microsurgery and Reconstructive Orthopedics (Zimm); Prehearing

Appeal of Hand Microsurgery and Reconstructive Orthopedics (Zimm) under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-09-014

On or before October 24, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's July 19, 2007, 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 November 14, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before November 9, 2007. 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 October 31, 2007, 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 November 7, 2007.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1949. Filed for public inspection October 19, 2007, 9:00 a.m.]

Independence Blue Cross; Blue Cross Nongroup Special Care Hospital Program (13-P-07); Rate Filing

On October 1, 2007, Independence Blue Cross filed for an increase in its nongroup special care hospital rates in its five-county Southeastern Pennsylvania service area. The proposed 16.6% increase will affect 7,400 contracts and generate an additional \$1,300,000 annually. The requested effective date of this change is January 1, 2008.

Unless formal administrative action is taken prior to January 3, 2008, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) website at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@state.pa.us, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1950. Filed for public inspection October 19, 2007, 9:00 a.m.]

Independence Blue Cross; Community Rated Basic Blue Cross Hospital Adjustment (14-P-07); Rate Filing

On October 1, 2007, Independence Blue Cross filed for an increase in its community rated Basic Blue Cross hospital rates in its five-county Southeastern Pennsylvania service area. The proposed 19.1% increase will affect 600 contracts and generate an additional \$1,500,000 annually. The requested effective date of this change is January 1, 2008.

Unless formal administrative action is taken prior to January 3, 2008, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) website at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@state.pa.us, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1951. Filed for public inspection October 19, 2007, 9:00 a.m.]

Independence Blue Cross; Nongroup Basic Blue Cross Rate Adjustment Filing No. 15-P-07; Rate Filing

On October 1, 2007, the Insurance Department (Department) received from Independence Blue Cross a filing for a rate adjustment for Nongroup Basic Blue Cross hospitalization program.

The company requests an average rate increase of 19.24%. This will affect about 3,800 contractholders and will produce additional income of about \$2.5 million annually. The requested effective date of the change is January 1, 2008.

Unless formal administrative action is taken prior to January 3, 2008, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to James Sabater, Insurance Department, Insurance Product Regulation and

Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jsabater@state.pa.us, no later than November 18, 2007.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1952. Filed for public inspection October 19, 2007, 9:00 a.m.]

John McInnes, M. D.; Prehearing

**Appeal of John McInnes, M. D. under the
Medical Care Availability and Reduction of Error
(MCARE) Act (40 P. S. §§ 1303.101—1303.910);
Doc. No. MM07-09-009**

On or before October 24, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's August 27, 2007, 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 November 15, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before November 9, 2007. 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 October 31, 2007, 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 November 7, 2007.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1953. Filed for public inspection October 19, 2007, 9:00 a.m.]

Moss Elkins Park; Prehearing

**Appeal of Moss Elkins Park under the
Medical Care Availability and Reduction of Error
(MCARE) Act (40 P. S. §§ 1303.101—1303.910);
Doc. No. MM07-08-023**

On or before October 23, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's July 16, 2007, 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 November 13, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before November 9, 2007. 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 October 30, 2007, 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 November 6, 2007.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1954. Filed for public inspection October 19, 2007, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of Act 68, 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to special rules of administrative practice and procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg and Philadelphia, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Michael McCole; file no. 07-188-40571; State Farm Insurance Co.; doc. no. P07-09-025; November 20, 2007, 1 p.m.

The following hearing will be held in the Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Donna L. Donovan; file no. 07-265-38678; Erie Insurance Exchange; doc. no. P07-09-002; November 6, 2007, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1955. Filed for public inspection October 19, 2007, 9:00 a.m.]

Review Procedure Hearings Under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. §§ 1171.8) in connection with their companies' termination of the insureds' policies. The administrative hearing will be held in the Insurance Department's regional offices in Harrisburg, Philadelphia and Pittsburgh, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Helen Fitzmartin; file no. 07-265-40710; Allstate Insurance Co.; doc. no. PH07-09-033; November 21, 2007, 10 a.m.

The following hearings will be held in the Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of John W. and Christine Cordray; file no. 07-266-40531; West American Insurance Company; doc. no. P07-09-027; November 6, 2007, 11 a.m.

Appeal of Charles E. Nichols, III; file no. 07-265-40062; Fair Plan; doc. no. P07-09-026; November 6, 2007, 1 p.m.

Appeal of Eric Wenzelberger; file no. 07-181-38865; Nationwide Insurance Co.; doc. no. P07-08-015; November 6, 2007, 3 p.m.

The following hearing will be held in the Pittsburgh Regional Office, Room 304, State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Stephen L. Pope and Beverly Hoskinson; file no. 07-302-39947; State Farm Insurance Co.; doc. no. P07-09-001; January 9, 2008, 2 p.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending.

Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously referenced administrative hearings, and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1956. Filed for public inspection October 19, 2007, 9:00 a.m.]

Review Procedure Hearings Under the Unfair Insurance Practices Act

The following insurer has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. §§ 1171.8) in connection with their companies' termination of the insured's policy. The administrative hearing will be held in the Insurance Department's regional office in Pittsburgh, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The hearing will be held in the Pittsburgh Regional Office, Room 304, State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of American International Insurance Company of Delaware; file no. 07-302-38924; Kenneth Goldsmith; doc. no. P07-09-024; January 9, 2008, 3 p.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending.

Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously referenced administrative hearing, and require

an auxiliary aid, service or other accommodation to participate in the hearing, contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1957. Filed for public inspection October 19, 2007, 9:00 a.m.]

State Farm Fire and Casualty Company; Private Passenger Automobile; Rate Revisions; Rate Filing

On October 3, 2007, the Insurance Department (Department) received from State Farm Fire and Casualty Company a filing for rate level changes for private passenger automobile insurance.

The company requests an overall 1.1% increase amounting to \$1.123 million annually, to be effective January 7, 2008.

Unless formal administrative action is taken prior to December 2, 2007, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at www.ins.state.pa.us. To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Mike McKenney, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, mmckenney@state.pa.us, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1958. Filed for public inspection October 19, 2007, 9:00 a.m.]

State Farm Mutual Automobile Insurance Company; Private Passenger Automobile; Rate Revisions; Rate Filing

On October 3, 2007, the Insurance Department (Department) received from State Farm Mutual Automobile Insurance Company a filing for rate level changes for private passenger automobile insurance.

The company requests an overall 0.1% decrease amounting to -\$1.243 million annually, to be effective January 7, 2008.

Unless formal administrative action is taken prior to December 2, 2007, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at www.ins.state.pa.us. To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Mike McKenney, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, mmckenney@state.pa.us, within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1959. Filed for public inspection October 19, 2007, 9:00 a.m.]

Sophia Vlahos; Hearing

**Appeal of Sophia Vlahos under 40 P. S.
§§ 991.2101—991.2193; Keystone HealthPlan East
Doc. No. HC07-09-003**

Under 40 P. S. §§ 991.2101—991.2193, notice is hereby given that the appellant in this action has requested a hearing, in connection with the appellant's managed health care plan. 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 Procedures) and any other relevant procedure provisions of law.

A prehearing telephone conference initiated by the Administrative Hearings Office shall be conducted on October 31, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before October 26, 2007.

Motions preliminary to those at hearing, protests, petitions to intervene, or notices of intervention, if any, must be filed on or before October 17, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene shall be filed on or before October 24, 2007.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1960. Filed for public inspection October 19, 2007, 9:00 a.m.]

**LEGISLATIVE
REFERENCE BUREAU**

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Executive Board

Resolution #OR-07-207, Dated August 24, 2007. Authorizes the reorganization of the Department of General Services by moving the Bureau of Vehicle Management from the Deputy Secretary for Procurement to the Deputy for Property Management; and moving the Bureau of risk and Insurance Management from the Deputy Secretary for Property Management to the Deputy Secretary of Administration.

Resolution #OR-07-241, Dated September 24, 2007. Authorizes the reorganization of the Department of Agriculture's Bureau of Market Development by abolishing the Risk Management and Commodity Promotion Division, Domestic and International Business Development Division, and the PA Fairs Division; and establishing the Economic Development Division and the Agricultural Marketing Division.

Governor's Office

Management Directive No. 205.22—Recycling, Waste Reduction and Procurement of Environmentally Preferable Products, Revised August 29, 2007.

Management Directive No. 230.13—Commonwealth Corporate Card Program, Amended September 18, 2007.

Management Directive No. 505.33—Working From Home During Emergencies Including a Pandemic Influenza Event, Amended August 20, 2007.

Administrative Circular No. 07-11—2008-09 Budget Instructions, Dated August 15, 2007.

MARY JANE PHELPS,
Director,
Pennsylvania Bulletin

[Pa.B. Doc. No. 07-1961. Filed for public inspection October 19, 2007, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The Liquor Control Board seeks the following new site:

Delaware County, Wine & Spirits Shoppe #2303, Concordville

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board (Board) with approximately 4,400 to 5,000 net useable square feet of new or existing retail commercial space within a 2 mile radius of Route 1 and Brinton Lake Road, Concordville.

Note: Staubach Retail represents the Board in real estate transaction management and brokerage services. Lease transactions are subject to a 4% brokerage fee based on lease value.

Proposals due: November 9, 2007, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Room 216, NWOB, Forster and Capital Streets, Harrisburg, PA 17112
Contact: Joseph Hannon, (717) 787-3016

PATRICK J. STAPLETON, III,
Chairperson

[Pa.B. Doc. No. 07-1962. Filed for public inspection October 19, 2007, 9:00 a.m.]

OFFICE OF ATTORNEY GENERAL

Public Meeting

The meeting of the Lobbying Disclosure Regulation Committee (Committee) established under the act of November 1, 2006 (P. L. 1213, No. 134) (Act 134) will be held on Thursday, October 25, 2007, at 9 a.m. in Hearing Room 1, North Office Building, Harrisburg, PA.

The purpose of the meeting will be for the Committee to consider regulations under Act 134 and to receive public comments. Visit www.attorneygeneral.gov for more information and to view a copy of the complete agenda.

THOMAS CORBETT,
Attorney General

[Pa.B. Doc. No. 07-1963. Filed for public inspection October 19, 2007, 9:00 a.m.]

PATIENT SAFETY AUTHORITY

Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.303), enacted on March 20, 2002, will hold a meeting of the Authority's Board to be held on Tuesday, November 13, 2007, at 10:30 a.m. in the Wildwood Conference Center, Harrisburg Area Community College, One HAAC Drive, Harrisburg, PA.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

MICHAEL C. DOERING,
Executive Director

[Pa.B. Doc. No. 07-1964. Filed for public inspection October 19, 2007, 9:00 a.m.]

PENNSYLVANIA INDUSTRIAL DEVELOPMENT AUTHORITY

Interest Rates and Participation Rates

The Pennsylvania Industrial Development Authority (PIDA) gives notice of the change in interest rates and participation rates for loans approved by the PIDA Board of Directors. Loan applications submitted after November 1, 2007, and until further notice will be subject to the

interest rate and participation rate schedule set forth as follows in the respective counties as determined by the most recent applicable unemployment statistics and will remain in effect until changed by a notice in the *Pennsylvania Bulletin*.

The PIDA Board retains the right to waive or modify the interest rates on a case by case basis for good cause shown.

Note: Loan applications are subject to the schedule of interest rates in effect at the time the application is received by the Department of Community and Economic Development. Any loan application that is deferred shall be subject to the schedule of interest rates in effect on the date of the PIDA Board meeting at which the application is considered, regardless of when the application was originally submitted.

Further information can be obtained from the Pennsylvania Industrial Development Authority, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120, (717) 787-6245.

DENNIS YABLONSKY,
Chairperson

**PIDA
PIDA Participation and Interest Rates
for Counties and Municipalities*
Over 25,000 Population
Effective November 2007**

	Maximum PIDA Participation		Interest Rate**
	(S)	(L)	
ADAMS	30	30	5.75
ALLEGHENY	40	30	4.75
McKeesport City	50	30	4.75
ARMSTRONG	40	40	4.75
BEAVER	40	30	4.75
BEDFORD	40	40	4.75
BERKS	40	30	5.75
Reading City	50	30	4.75
BLAIR	40	40	4.75
BRADFORD	40	40	4.75
BUCKS	40	30	5.75
Bristol Township	40	30	4.75
BUTLER	40	30	4.75
CAMBRIA	40	40	4.75
Johnstown City	50	40	4.75
CAMERON	50	40	4.75
CARBON	40	40	4.75
CENTRE	40	40	4.75
CHESTER	30	30	5.75
CLARION	40	40	4.75
CLEARFIELD	40	40	4.75
Clearfield Borough	60	50	4.75
Dubois City	50	40	4.75
CLINTON	40	40	4.75

	Maximum PIDA Participation		Interest Rate**
	(S)	(L)	
COLUMBIA	40	40	4.75
CRAWFORD	40	40	4.75
CUMBERLAND	30	30	5.75
Carlisle Borough	40	30	5.75
DAUPHIN	40	30	5.75
Harrisburg City	40	30	4.75
DELAWARE	40	30	5.75
Chester City	50	30	4.75
Upper Darby Township	40	30	4.75
ELK	40	40	4.75
ERIE	40	40	4.75
FAYETTE	50	40	4.75
FOREST	50	40	4.75
FRANKLIN	40	30	5.75
FULTON	40	40	5.75
GREENE	40	40	4.75
HUNTINGDON	40	40	4.75
INDIANA	40	40	4.75
JEFFERSON	40	40	4.75
JUNIATA	40	30	5.75
LACKAWANNA	40	40	4.75
LANCASTER	30	30	5.75
Lancaster City	40	30	4.75
LAWRENCE	40	40	4.75
New Castle City	50	40	4.75
LEBANON	40	30	5.75
LEHIGH	40	30	5.75
Allentown City	50	30	4.75
Bethlehem City	40	30	4.75
LUZERNE	40	40	4.75
Hazleton City	50	40	4.75
Wilkes-Barre City	50	40	4.75
LYCOMING	40	40	4.75
Williamsport City	50	40	4.75
McKEAN	40	40	4.75
MERCER	40	40	4.75
Sharon City	50	40	4.75
MIFFLIN	40	40	4.75
MONROE	40	30	4.75
MONTGOMERY	40	30	5.75
Norristown Borough	40	30	4.75
Pottstown Borough	40	30	4.75
MONTOUR	40	40	4.75
NORTHAMPTON	40	30	4.75
NORTHUMBERLAND	40	40	4.75
PERRY	40	30	5.75
PHILADELPHIA	50	40	4.75

	Maximum PIDA Participation			Interest Rate**
	(S)	(L)		
PIKE	50	30	****	4.75
POTTER	50	40	***	4.75
SCHUYLKILL	40	40	***	4.75
SNYDER	40	30	****	4.75
SOMERSET	40	40	***	4.75
SULLIVAN	40	40	***	4.75
SUSQUEHANNA	40	40	***	4.75
TIOGA	40	40	***	4.75
UNION	40	30	****	4.75
VENANGO	40	40	***	4.75
WARREN	40	40	***	4.75
WASHINGTON	40	40	***	4.75
WAYNE	40	30	****	4.75
WESTMORELAND	40	40	***	4.75
WYOMING	40	40	***	4.75
YORK	40	30	****	5.75
York City	50	30	****	4.75

* Municipalities are listed only if PIDA rate differs from County rate.

** Based on calendar year 2006 unemployment rate. Subject to change at discretion of the PIDA Board.

(S) Small Business (less than 50 existing employees, including parent, subsidiaries and affiliates).

(L) Large Business.

Special Note: Projects located in Designated Enterprise Zones, Financially Distressed Municipalities under Act 47 (Over), Federal Empowerment Zones, Federal Enterprise Communities, Keystone Opportunity Zones, Keystone Opportunity Expansion Zones, Keystone Opportunity Improvement Zones, Keystone Innovation Zones, Brownfield Sites and Companies Designated as Advanced Tech Firms will receive an interest rate of 4.75%.

Also, projects located in Keystone Innovation Zones are eligible to receive participation rates of up to 75% at the discretion of the PIDA Board.

*** 10% Equity required

**** 20% Equity required

[Pa.B. Doc. No. 07-1965. Filed for public inspection October 19, 2007, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Application

The following temporary authority and/or permanent authority application for the right to render service as a

common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by November 12, 2007. 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.

Application of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-00123617, Folder 3. Lockheart Limousine, Inc., t/a Steel City Transportation, Inc. (3990 Patterson Road, Aliquippa, PA 15001), a corporation of the Commonwealth—persons, in limousine service, between points in Pennsylvania, excluding service that is under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* David M. O'Boyle, Wick, Streiff, Meyer, O'Boyle & Szeligo, P.C., 1450 Two Chatham Center, Pittsburgh, PA 15219.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1966. Filed for public inspection October 19, 2007, 9:00 a.m.]

Sewage Service

A-230056F2002. CMV Sewage Company, Inc. Application of CMV Sewage Company, Inc., for approval of the transfer to North Codorus Township Sewer Authority all assets used and useful in the provision of Sewage Collection Service in North Codorus Township, York County, PA and for CMV Sewage Company, Inc., to abandon its provision of Sewage Service to the public in North Codorus Township, York 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 5, 2007. 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: CMV Sewage Company, Inc.

Through and By Counsel: Lillian S. Harris, Esquire and Janet L. Miller, Esquire, Hawke, McKeon and Sniscak, LLP, 100 North Tenth Street, Harrisburg, PA 17101

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1967. Filed for public inspection October 19, 2007, 9:00 a.m.]

Tentative Default Order

Public Meeting held
September 27, 2007

Commissioners Present: Wendell F. Holland, Chairperson;
James H. Cawley, Vice Chairperson; Tyrone J. Christy;
Kim Pizzingrilli

*Pennsylvania Public Utility Commission, Law Bureau
Prosecutory Staff v. New Rochelle Telephone Corp.;*
C-20077900; A-311228

Tentative Default Order

By the Commission:

On June 29, 2007, the Law Bureau Prosecutory Staff (Prosecutory Staff) filed a Formal Complaint against New Rochelle Telephone Corp. (New Rochelle or Respondent) at Docket No. C-20077900. Respondent was issued a Certificate of Public Convenience by the Commission on July 12, 2003, at Docket No. A-311228 and A-311228 F002 to provide, respectively, local and long distance telecommunications services in the Commonwealth of Pennsylvania and to approximately 1,650 customers in 16 counties.

In the complaint, Prosecutory Staff alleged that Respondent failed to comply with the Commission's annual reporting requirements pursuant to 52 Pa. Code § 64.201, failed to pay its monthly Universal Service Fund (USF) assessments pursuant to 52 Pa. Code §§ 63.161—63.171 and 66 Pa.C.S. §§ 3001—3009, and violated 52 Pa. Code § 64.153(b)(1) by failing to respond within 30 days to 32 informal complaints that were filed with the Bureau of Consumer Services from January 1, 2004 up to and including May 6, 2006. The complaint requested that the Commission order Respondent to file its § 64.201 local exchange carrier (LEC) annual report for 2006, and pay its outstanding USF assessment total of \$6,957.54 plus late fees. Furthermore, the Complaint also requested that the Commission impose a civil penalty of \$1,000 for each violation alleged herein, and for each day's continuance of such violation, and/or cancel the New Rochelle's certificate of public convenience.

According to the U.S. Postal Service return receipt, the complaint was served on July 16, 2007. To date, more than 20 days later, no answer has been filed to the complaint, the 2006 LEC Report has not been filed nor has the USF assessment total of \$6,957.54 plus late fees been paid. As of August 31, 2007, the unpaid USF assessment total is now \$16,234.26 plus late fees.

New Rochelle's total failure of response is absolutely unacceptable and will not be tolerated. By way of this order we reiterate that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the complaint, thereby admitting to violating § 64.153(b)(1), its failure to file its 2006 LEC Report, or pay its outstanding monthly USF assessments and late charges, we conclude that the payment of a substantial fine is appropriate and in the public interest. We shall order Respondent to pay \$1,000 for each of the 32 violations of § 64.153(b)(1), direct New Rochelle to immediately pay all overdue USF amounts, and file the delinquent annual report. Furthermore, the Commission may take other appropriate action, including cancellation of Respondent's Certificate of Public Convenience if New Rochelle Telephone Corp. ignores this Default Order; *Therefore,*

It is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's complaint are deemed admitted and the complaint is thereby sustained.

2. Respondent is hereby required to file its 2006 Annual Report, pay its outstanding Universal Service Fund assessment total of \$16,234.26 plus late fees, agree to comply with § 64.153(b)(1) by responding to all informal complaints within 30 days, and pay a civil penalty of \$32,000 for the violations established herein.

3. The Secretary serve a copy of this Tentative Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Tentative Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

4. Absent the filing of a written response within the 20-day comment period, this Tentative Default Order shall become final without further order of this Commission.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1968. Filed for public inspection October 19, 2007, 9:00 a.m.]

Water Service

A-210540F0006. Columbia Water Company. Application of The Columbia Water Company for approval to offer, render, furnish or supply water service to the public in a portion of East Donegal Township, Lancaster 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 5, 2007. 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: The York Water Company

Through and By Counsel: Jan P. Paden, Esquire and J. Bruce Walter, Esquire, Rhoads and Sinon, LLP, P. O. Box 1146, Harrisburg, PA 17108-1146

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1969. Filed for public inspection October 19, 2007, 9:00 a.m.]

Water Service

A-212285F0148. Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company for approval of the right to offer, render, furnish or supply water service to the public in additional portions of Mahoning Township, Lawrence 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 5, 2007. 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 and Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1970. Filed for public inspection October 19, 2007, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept faxed bids for Project No. 07-114.S, Trash Removal, (Tioga Administration and Maintenance Building) until 2 p.m. on Thursday, November 8, 2007. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 North Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available October 23, 2007. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 07-1971. Filed for public inspection October 19, 2007, 9:00 a.m.]

PORT OF PITTSBURGH COMMISSION

Independent Auditors' Report

Board of Directors
Port of Pittsburgh Commission
Pittsburgh, Pennsylvania

We have audited, in accordance with auditing standards generally accepted in the United States, the governmental fund balance sheet/statement of net assets of Port of Pittsburgh Commission (Commission), a component unit of the Commonwealth of Pennsylvania, as of June 30, 2007, and the related statement of governmental fund revenues, expenditures and changes in fund balance/statement of activities for the year then ended (not presented herein); and, in our report dated September 17, 2007, we expressed an unqualified opinion on those financial statements.

As described below, the accompanying summary financial information of the Commission as of and for the year ended June 30, 2007 is not a presentation in conformity with accounting principles generally accepted in the United States. In our opinion, however, the accompanying summary financial information is fairly stated, in all material respects, in relation to the financial statements from which it has been derived.

Terry & Stephenson, P. C.
429 Forbes Avenue, Suite 1600
Pittsburgh, PA 15219

SEPTEMBER 17, 2007
PITTSBURGH, PENNSYLVANIA

PORT OF PITTSBURGH COMMISSION GOVERNMENTAL FUND BALANCE SHEET/STATEMENT OF NET ASSETS JUNE 30, 2007

	<u>Special Revenue Fund</u>	<u>Adjustments</u>	<u>Statement of Net Assets</u>
Assets:			
Cash and investments	\$ 2,968,827	\$ -	\$ 2,968,827
Capital assets, net of accumulated depreciation	-	1,452,164	1,452,164
Other assets	403,716		403,716
Total Assets	\$ 3,372,543	1,452,164	4,824,707
Liabilities and Fund Balance/Net Assets			
Liabilities	\$ 2,067,123	37,226	2,104,349
Fund balance			
Reserved for economic development	1,305,420	(1,305,420)	-

Net assets			
Restricted for economic development	-	3,268,194	3,268,194
Invested in capital assets, net of related debt	-	(547,836)	(547,836)
Total Liabilities and Fund Balance/Net Assets	\$ 3,372,543	\$ 1,452,164	\$ 2,720,358

PORT OF PITTSBURGH COMMISSION
STATEMENT OF GOVERNMENTAL FUND REVENUES, EXPENDITURES
AND CHARGES IN FUND BALANCE/STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2007

	<u>Special Revenue Fund</u>	<u>Adjustments</u>	<u>Statement of Activities</u>
Expenditures/Expenses			
Personnel	459,280	3,437	462,717
Operating	333,726	-	333,726
Other	74,054	89,913	163,967
Total Expenditures/Expenses	867,060	93,350	960,410
Revenues and Other Financing Sources			
Revenues	283,498	-	283,498
Other financing sources	1,500,000	-	1,500,000
Total Revenues and Other Financing Sources	1,783,498	-	1,783,498
Surplus/(Deficiency) of Revenues and Other Financing Sources over/(under) Expenses/Expenditures	916,438	(93,350)	823,088
Fund balance/net assets, beginning of year	388,982	1,508,288	1,897,270
Fund Balance/Net Assets, End of Year	\$ 1,305,420	\$ 1,414,938	\$ 2,720,358

The summary financial information shown above differs from accounting principles generally accepted in the United States. Differences include amounts grouped; captions summarized; footnote disclosures are omitted.

JAMES R. MCCARVILLE,
Executive Director

[Pa.B. Doc. No. 07-1972. Filed for public inspection October 19, 2007, 9:00 a.m.]

STATE REAL ESTATE COMMISSION

Bureau of Professional and Occupational Affairs v. Kings Highway Realty, LLC, d/b/a Kings Highway Realty and William Sheeron; File Nos. 03-56-06555 and 03-56-06412

On July 19, 2007, the State Real Estate Commission (Commission) issued an Order revoking the license of Kings Highway Realty, LLC, d/b/a Kings Highway Realty, license no. RB-063529 and William Sheeron, license nos. RM-062471, AB-062471-L and RS-199306-L of Philadelphia, Philadelphia County, for failure to meet the requirements of escrow accounts and also assessed a \$6,000 civil penalty.

Individuals may obtain a copy of the order by writing to Judith Pachter Schulder, Board Counsel, State Real Estate Commission, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the final Commission decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition

for review with that Court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Commission with a copy of their petition for review. The Commission contact for receiving service of the appeals is the previously-named Board counsel.

JOSEPH J. MCGETTIGAN, Sr.,
Chairperson

[Pa.B. Doc. No. 07-1973. Filed for public inspection October 19, 2007, 9:00 a.m.]

Bureau of Professional and Occupational Affairs v. Richard Gray; File No. 05-56-05219

On August 26, 2007, the State Real Estate Commission issued an Order revoking the license of Richard Gray, license no. RS-275318 of Scranton, Lackawanna County, for pleading guilty bank fraud in the United States District Court for the Middle District of PA and also assessed him a \$2,000 civil penalty.

Individuals may obtain a copy of the order by writing to Judith Pachter Schulder, Board Counsel, State Real Estate Commission, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the final State Real Estate Commission (Commission) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that Court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Commission with a copy of their petition for review. The Commission contact for receiving service of the appeals is the previously-named Board counsel.

JOSEPH J. MCGETTIGAN, Sr.,
Chairperson

[Pa.B. Doc. No. 07-1974. Filed for public inspection October 19, 2007, 9:00 a.m.]
