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Agencies in this issue

Department of Agriculture
Department of Banking
Department of Education
Department of Environmental Protection
Department of Health
Department of Transportation
Environmental Hearing Board
Environmental Quality Board
Independent Regulatory Review Commission
Office of Attorney General
Pennsylvania Public Utility Commission
Philadelphia Regional Port Authority
Thaddeus Stevens College of Technology

Detailed list of contents appears inside.



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No. 396, November 2007

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

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RULES AND REGULATIONS

Title 1—GENERAL PROVISIONS

INDEPENDENT REGULATORY REVIEW COMMISSION

[1 PA. CODE CHS. 301, 303, 305, 307, 309, 311, 311a, 313 AND 315]

Regulatory Review Act

By this order, the Independent Regulatory Review Commission (Commission) amends 1 Pa. Code Chapters 301, 303, 305, 307, 309, 311, 313 and 315 and adds Chapter 311a.

Statutory Authority

This final-form rulemaking is amended under the authority contained in section 11 of the Regulatory Review Act (act) (71 P. S. § 745.11(a)).

Purpose

The primary purpose of these amendments is to implement the provisions of the act relating to delivery and review of regulations and related documents. These amendments will streamline and clarify the procedures followed by both the Commission in conducting its review and by agencies in submitting their regulations to the Commission for review.

Summary of Proposed Amendments

- Revisions to § 301.2 (relating to regulation files) facilitate access to and copying of documents contained in the Commission's regulation files and setting fees.

- Editorial revisions to improve clarity were made to § 301.4 (relating to expiration of time period for delivery of regulations or reports).

- For consistency with § 301.4(a)(4), § 301.5(a) (relating to expiration of Commission review period) was amended by the addition of paragraph (4), to indicate that the Commission's review period will end on the first business day after the expiration day established under the act if that day occurs when the Commission is officially closed.

- Editorial revisions to improve clarity were made to § 301.6 (relating to delivery of a regulation to a committee other than the committee designated to review the agency's regulation).

- The last sentence of § 301.8 (relating to agency contact person), explaining how delivery of the Commission documents to an agency must be confirmed, was deleted. Procedures for confirmation of delivery were moved to § 305.3(d)(1)—(3), as amended.

- Editorial revisions to improve clarity were made to § 303.1 (relating to notice of Commission public meetings; participation; minutes). In addition, subsection (d) was amended to facilitate access to and copying of minutes of the Commission meetings.

- Editorial revisions to improve clarity were made to §§ 303.2 and 303.3 (relating to blackout period; and quorum).

- Section 305.1(b)(2) (relating to delivery of a proposed regulation) has been amended to clarify signature re-

quirements on the face sheet accompanying a proposed regulation. Subsections (c) and (d), containing formatting requirements have been deleted. Formatting requirements for proposed regulations have been moved to § 305.1a.

- New § 305.1a (relating to formatting the text of a proposed regulation) has been added to establish formatting requirements for proposed regulations. Most of the formatting requirements formerly contained in § 305.1(c) have been retained. However, for greater flexibility, agencies are now allowed to either bold or underscore new language proposed to be added to existing text.

- Section 305.2 (relating to delivery of comments and information by an agency; notification to commentators) has been revised for improved readability. Subsection (c) has also been amended to give agencies the option of bundling and submitting all form comment letters, or submitting one copy of the form comment letter with the number received indicated on the letter. Additionally, under certain circumstances, an agency may deliver a final-form regulation to a commentator by publishing the regulation on the agency's website.

- Section 305.3 (relating to Commission comments) and § 305.4 have been combined and retitled "Commission comments." Section 305.4 has been reserved. As amended, § 305.3 allows agencies to extend or reopen the public comment period and provides new timelines for the issuance of the Commission's comments after the end of the extended or reopened public comment period. Section 305.3(c)(1) provides that if the agency extends or reopens the public comment period before the Commission's review period ends, the Commission may have 30 days after the close of the extended or reopened public comment period to deliver the Commission comments to the agency and the committees. Section 305.3(c)(2) provides that if the agency reopens the public comment period after the Commission's review period ends, the Commission may have 30 days after the close of the reopened public comment period to deliver the Commission comments to the agency and the committees which, at the Commission's discretion, will either supplement or replace the original Commission comments. If the Commission does not deliver Commission comments within 30 days after the close of the reopened public comment period, the original Commission comments will remain the official Commission comments. Section 305.3(c)(3) provides that the 2-year period for promulgation will begin on the day after the extended or reopened public comment period ends.

- Subsections (b)—(d) of § 307.1 (relating to two-year period for promulgation) have been deleted. As explained previously, provisions relating to an extended or a reopened public comment period have been moved to amended § 305.3.

- Section 307.2(c)(2) (relating to delivery of a final-form regulation) has been amended to clarify signature requirements on a face sheet for a final-form regulation. In addition, subsections (d) and (e) have been deleted, as formatting requirements for final-form and final-omitted regulations have been moved to a new § 307.3a (relating to formatting the text of a final regulation).

- Section 307.3(b) (relating to delivery of a final-omitted regulation) has been amended to clarify signature requirements on a face sheet for a final-omitted regulation. In addition, subsection (c) has been deleted as

formatting requirements for final-form and final-omitted regulation has been moved to a new § 307.3a.

- A new § 307.3a has been added to establish formatting requirements for final regulations. While most of the formatting conventions formerly contained in §§ 307.2 and 307.3 have been retained, agencies have been given the option of either bolding or underscoring new language added to the existing text.

- Section 307.4 (relating to amending by withdrawing the regulation or tolling the review period) formerly entitled “Tolling” has been renamed “Amending by withdrawing the regulation or tolling the review period,” and has been significantly revised. No longer pertaining only to tolling, this section now clarifies that there are two methods for revising a final-form regulation after it has been submitted to the Commission and the committees: withdrawing, revising and resubmitting a regulation, or tolling the review period.

- Section 307.5 (relating to tolling the review period), formerly entitled “Procedure for tolling,” has been renamed “Tolling the review period.” This new section has also been significantly revised and establishes a much more streamlined method for tolling the review period to revise a regulation.

- Section 307.6 (relating to time period for Commission review of a final regulation), formerly entitled “Commission and committee review of a final regulation; time period for review” has been renamed “Time period for Commission review of a final regulation” to indicate that it refers only to the Commission’s and not a committee’s period for review. In addition, editorial revisions have been made for improved readability.

- Section 309.1 (relating to Commission and committee action on a final regulation) has been amended in several important respects. First, it will now allow for a regulation which meets the statutory criteria of sections 5(g) and 5.1(e) of the act (71 P. S. §§ 745.5(g) and 745a(e)) to be deemed approved 30 days after receipt, even if the Commission does not have a public meeting in that time. This will eliminate any delay in promulgating regulations which are not at all controversial. Second, it eliminates comments from a committee received during the Commission’s review period and already considered by the Commission as an obstacle for deemed approval. Only those committee recommendations received after the Commission has issued its comments will have the potential for triggering disapproval.

- Section 311.1(b) (relating to Commission disapproval of a final regulation) will change the way the Commission may notify commentators who have requested information on a final regulation of a disapproval. The Commission will now have the option of delivering a copy of its disapproval order to those commentators or publishing a legal notice under 45 Pa.C.S. Chapter 3 (relating to Newspaper Advertising Act). This will undoubtedly prove to be economical in those instances when a large number of parties have commented on a regulation.

- Editorial revisions have been made to §§ 311.2 and 311.3 (relating to response by an agency to Commission disapproval; and report for a disapproved regulation submitted without revisions or modifications) for improved readability.

- A new Chapter 311a (relating to delivery of regulations, comments, reports and orders before and after the end of the legislative session) has been added which clarifies the time frames and deadlines for delivering

regulations, comments, reports and orders immediately preceding and after the end of the legislative session.

Summary of Comments, Responses and Revisions

The Commission received written comments from the Joint Committee on Documents (JCD) and from the Governor’s Office of General Counsel (OGC). The Commission’s legal counsel met with several OGC attorneys and the Secretary of the JCD and discussed the comments. In response to the comments and as a result of this meeting, the Commission made several significant revisions to the final-form regulation.

The following is a discussion of the comments, the Commission’s response, and revisions to the final-form regulation made in response to those comments.

Section 301.1. Definitions

Comment

The definition of “form letters” was deleted in the definition section of the regulation; however, the term “form letters” is still used in the regulation. See § 305.2. The current requirement to count and compare form letters to determine whether the text is verbatim is unduly burdensome. However, § 305.2(c) permits, rather than requires, agencies to deliver one copy of a form letter and indicate the number of copies received. As a result, the amendment is interpreted to loosen the current requirement that agencies are required to submit just one copy of verbatim “form letters” after having compared the text to ensure that the wording is identical for each form letter counted and submitted to the Commission.

Response

The definition of “form letter” was deleted in error and has been restored in § 301.1. Commission counsel discussed with OGC counsel whether “verbatim” should be changed to “substantially the same” in reference to the wording of form letters. However, the Commission decided to retain the term “verbatim,” since “substantially the same” is a judgment call, and Commission staff’s opinion may differ from that of the agency staff. Because the Commission values the opinion of regulated and affected parties, it is reluctant to create a situation when significant information may be unwittingly forfeited.

As correctly noted in the comment, agencies will now have the option of either counting the form comment letters and delivering only one copy with the count indicated thereon, or bundling all form comment letters received and submitting all of them to the Commission and committees.

Revision

The definition of “form letter” has been restored to § 301.1.

Comment

The citations for the Commonwealth Attorneys Act and the Commonwealth Documents Law were inverted in the proposed rulemaking. The citations for the Commonwealth Attorneys Act and the Commonwealth Documents Law were corrected as follows:

Commonwealth Attorneys Act—71 P. S. §§ 732-101—732-506.

Commonwealth Documents Law—The act of July 31, 1968 (P. L. 390, No. 240) (45 P. S. §§ 1102 and 1201—1208) and 45 Pa.C.S. Part II.

Response

This error occurred in publication of the proposed rulemaking in the *Pennsylvania Bulletin*, and will be corrected by the *Pennsylvania Code* and *Pennsylvania Bulletin*.

Revision

The statutory citations in the definitions of both the Commonwealth Attorneys Act and the Commonwealth Documents Law will be revised upon final publication as noted.

*Section 301.2. Regulation files**Comment*

It was noted that § 301.2 provides the authority for the Commission to post the Commission's regulation files on its website. See § 301.2(d)(1). Permitting agencies the same authority to post regulations on their respective websites would be helpful. Technology allows for the use of electronic processes in lieu of slower paper processes. It would be very helpful for agencies to be permitted to transmit acknowledgement of receipt letters electronically, as well as posting final-form regulations on their agency websites. Many times regulations on an agency's website would be much less burdensome than providing paper copies of a final-form regulation to each commentator who requested the information.

Response

The Commission notes that section 5.1(a) of the act (71 P. S. § 745.5a(a)) provides in pertinent part: "Within five business days of receipt of a public comment, the agency shall notify the commentator of the agency's address and telephone number where the commentator may submit a request for the information concerning the final-form regulation under subsection (b)." Likewise, subsection (b) provides in pertinent part: "On the same date that the agency submits the material required in subsection (a) to the commission and the committees, the agency shall send a notice of submission and a copy of the text of the final-form regulation or a copy of all changes to the proposed regulation which are incorporated into the final-form regulation to each commentator who requested this information pursuant to subsection (a)."

The Commission acknowledges that using electronic means for compliance with the previously cited statutory provisions would be both cost-effective and expeditious. However, the Commission is aware that most agencies still continue to notify commentators and distribute copies of comments through postal mail, and is concerned that a number of commentators have come to rely upon and expect this type of response. These commentators have not had advance notice of this comment and the type of procedural change advocated. Therefore, the Commission is unwilling to adopt a sweeping change to this provision without prior notice to commentators through proposed rulemaking. Instead, the Commission has opted to revise this provision to allow an agency to transmit copies of the final-form through publication on its website only in those instances when the agency has ascertained that the commentator has Internet service and when the agency has notified the commentator, on the date that the final-form regulation is delivered to the Commission, that the final-form regulation is available online.

Revision

Section 305.2(d) has been revised to reflect the Commission's position as explained previously.

Comment

Subsection (e) provides that the Commission may charge reasonable fees for "certifying" material contained in a regulation file. It is unclear what the Commission would be certifying and for what purpose. See also § 303.1(e). Is the Commission's intent to allow its files to be used as evidence without requiring a custodian?

Response

From time to time, parties or their attorneys have asked the Commission to certify that copies of documents in our regulatory files are true and correct copies. In those instances, the Commission's records custodian usually prepares an affidavit to that effect, to which the custodian affixes the Commission's seal. Whether these certified records are ultimately used as evidence is determined by a court or stipulated to by parties in litigation.

Revisions

This section has not been revised.

*Section 303.2. Blackout period**Comment*

Subsection (c) provides that the Commission staff will deliver embargoed material and comments received during the blackout period to the agency and the committees "within 24 hours of receipt." The act, however, does not provide a 24-hour window for the delivery of material and comments received during the blackout period. Instead, the act provides for the transmission of comments "upon receipt." See 71 P. S. § 745.5a(j). Therefore, the "upon receipt" language should be maintained in the regulations since potentially the 24-hour time limit to deliver the material and comments could occur after a Commission meeting.

Response

The Commission agrees with the comment.

Revision

Section 303.2(c) has been revised by the deletion of "within 24 hours of receipt" and the restoration of "upon receipt."

*Section 303.3. Quorum**Comment*

Subsection (b) provides, "Once a quorum is established, Commissioners who subsequently leave the meeting may continue to participate in meetings and vote on regulations by teleconference or proxy."

First, under the act, it is unclear whether there is statutory authority for Commissioners to participate and vote without their physical presence. Therefore, it is questionable whether Commissioners can participate by "teleconference or proxy." See 71 P. S. § 745.4(i).

Second, the language should be rewritten since subsection (b) potentially provides for all Commissioners to be absent from the public meeting and be able to participate either by teleconference or proxy. Is this the Commission's intent?

Response

Section 303.3 and § 303.4 (relating to proxy voting), which authorize Commissioners to participate in public meetings by means of conference call and to vote by proxy, have been in place since March 2004. Under 1 Pa.C.S. § 1502(a)(1)(ii) (relating to application of part), these provisions have the force and effect of law.

Under § 303.3(a), which is not being revised, three Commissioners must be physically present to constitute a quorum. This provision reflects section 4(i) of the act.

Subsection (b) begins with the phrase “Once a quorum is established . . .” Therefore, as long as a quorum is established, the requirements of section 4(i) of the act and § 303.3(a) have been satisfied. Nothing in section 4(i) of the act prohibits a Commissioner from participating in a meeting and voting on regulations by proxy or teleconference if he cannot attend in person or must leave a meeting before adjournment. It is not the Commission’s intent that all Commissioners can be absent from a public meeting, and nothing in the language of this section suggests otherwise.

The Commission finds that it has the statutory authority for this provision under section 11(a) of the act (71 P.S. § 745.11(a)), which authorizes the Commission to “promulgate and enforce regulations necessary to carry out the purposes of this act.” Creating circumstances when Commissioners can continue to participate in public meetings even when they cannot be physically present is certainly aligned with the legislative intent and purpose of the act.

Revision

This section has not been revised.

Section 305.1a (relating to formatting the text of a proposed regulation).

Section 307.3a (relating to formatting the text of a final regulation).

Comment

Sections 305.1a and 307.3a provide for either the underscoring or bolding of text to indicate new language to be added to a regulation. It is within the sole jurisdiction of the Joint Committee on Documents to set the formatting conventions for the regulations. See 45 P.S. § 1206 and 1 Pa. Code § 7.6 (relating to format of regulations). The Joint Committee’s regulations provide “. . . [b]ills amending existing law . . . indicate language to be added by underscoring such language.” 101 Pa. Code § 9.22 (relating to brackets and underscoring). Providing for alternate formatting for bolding new text adds confusion to the regulatory process. There should be one uniform standard for formatting regulations and that standard has already been established by the Joint Committee on Documents.

Response

The Commission’s current regulations mirror the formatting requirements of the Joint Committee on Documents referenced in the comment. However, the *Pennsylvania Bulletin* has for some time used bolding to indicate proposed new language. Several executive agencies have asked the Commission if they could likewise use bolding in regulations submitted to the Commission for review. The Commission, in an effort to be flexible and accommodating, agreed to give agencies that option.

Revision

These provisions have not been revised.

Section 307.5. Tolling the Review Period.

Comment

To improve clarity, subsection (e) should be broken down into two sentences.

Response

The Commission agrees with the comment.

Revision

Subsection (e) has been broken down into paragraphs (1) and (2).

Section 309.1. Commission and committee action on a final regulation.

Comment

A cross-reference to section 5.1(e) of the act (71 P.S. § 745.5a(e)) should be included in subsection (c).

Response

The Commission agrees with this comment. Moreover, the Commission believes for consistency that a cross-reference to section 5(g) of the act should also be added.

Revision

The statutory cross-references to sections 5(g) and 5.1(e) of the act (71 P.S. §§ 745.5(g) and 745.5a(e)) have been added.

Comment

Subsection (c)(1)(iii) is unclear and should be redrafted for clarity.

Response

The Commission believes subsection (c)(1)(iii) clearly conveys its intent. Comments, recommendations and objections from a committee received during the Commission’s review period will certainly be weighed in the preparation of the Commission’s comments. If, however, the Commission does not address the committee’s concerns in its comments, it cannot then disapprove a regulation on the basis of those concerns. However, if the Commission receives input from the committees after the end of the Commission’s review period but before the end of the committees’ review period, it may certainly weigh the committees’ input in determining whether to disapprove.

Revision

This paragraph has not been revised.

Chapter 311a. Delivery of Regulations, Comments, Reports and Orders Before and After the End of the Legislative Session.

Comment

Chapter 311a adds helpful clarity to the regulatory process during the period leading up to and following sine die. The amended regulation provides a distinction between the time both committees have been designated in the next legislative session versus the deadline for delivering regulations or other required material. This distinction in language is interpreted as meaning that the agency is permitted to deliver a final-form regulation or other material as soon as both committees have been designated. The agencies are not required to wait until the committee designations are published in the *Pennsylvania Bulletin*.

Response

The comment correctly states the intent of this chapter. Accordingly, the first date on which an agency may deliver regulations or other required material is the day on which both committees have been designated. The last day on which delivery may be made is the second Monday after both designations have been published in the *Pennsylvania Bulletin*.

Revision

No revisions have been requested and none have been made.

Section 311a.2. Delivery of public comments after the end of the legislative session.

Comment

Subsection (a) cites “§ 305.1a.” The citation should be changed to § 305.2.

Subsection (c) cites “71 P. S. § 745.5(b)(6).” The citation should be changed to 71 P. S. § 745.5b(b)(6).

Response

The first citation error occurred in publication of the proposed regulation in the *Pennsylvania Bulletin*, and will be corrected by the *Pennsylvania Code* and *Pennsylvania Bulletin*. The second error occurred on the part of the Commission, and will be corrected upon final publication.

Revision

The correct citations will be inserted upon final publication in the *Pennsylvania Bulletin* and *Pennsylvania Code*.

Section 311.a.4. Delivery of a final regulation within 20 days before the end of the legislative session.

Comment

Subsection (d) is difficult to read. In addition, the language “either” implies that there are two options available to an agency when a regulation has been deemed withdrawn. Subsection (d), however, provides three options to an agency:

- Submission of a new proposed regulation;
- Submission of a new final-form regulation; or
- Submission of a final-omitted regulation.

Further, it is unclear how a “deemed withdrawn” final-form regulation can be resubmitted as a “new final-form regulation” since it has already been withdrawn.

Response

Subsection (d) has been broken into paragraphs to clarify the intent of the Commission. Any time a final-form regulation has been withdrawn or deemed withdrawn, it may be submitted as a new proposal. If the withdrawn or deemed withdrawn regulation meets the requirements of section 204 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204), it may also be resubmitted as a final-omitted regulation. If the withdrawn regulation is still within the 2-year window, it may be resubmitted as a final-form regulation, under § 307.4(1) of the Commission’s final-form regulation as revised in this final rulemaking.

Revision

Subsection (d) is broken into three paragraphs as outlined previously. Likewise, § 311a.5(c) (relating to delivery of a final regulation after the end of a legislative session) has been broken into two paragraphs.

Comment

Section 311a.6 cites “71 P. S. § 745.5(j.1).” The citation should be changed to 71 P. S. § 745.5a(j.1).

Response

The Commission agrees with the comment.

Revision

The statutory cross reference has been corrected.

Public Notice

The proposed amendments were published at 37 Pa. B. 1220 (March 17, 2007), with a 30-day public comment period. The proposed amendments were also published on the Commission’s website at www.irrc.state.pa.us.

Contact Person

Comments and questions on these final-form regulations may be referred to Leslie Lewis Johnson, Esq., Chief Counsel, Independent Regulatory Review Commission, 333 Market Street, 14th Floor, Harrisburg, PA 17101, (717) 783-5433.

Comments may also be faxed to (717) 783-2664 or e-mailed to irrc@irrc.state.pa.us.

Regulatory Review

Under sections 5(a) and 11(a) of the Regulatory Review Act (71 P. S. § 745.5(a) and 11(a)), on March 7, 2007, the Commission submitted a copy of the proposed rulemaking and a copy of a Regulatory Analysis Form to the Joint Committee on Documents and to the Chairpersons of the House State Government Committee and the Senate Rules and Executive Nominations Committee. A copy of this material is available to the public upon request.

In compliance with section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a), the Commission also provided the Joint Committee on Documents and the committees with copies of all comments received.

In preparing these final-form regulations, the Commission has considered all comments received.

These final-form regulations were submitted to the Senate Rules and Executive Nominations Committee, the House State Government Committee and the Joint Committee on Documents on September 7, 2007. These final-form regulations were deemed approved by the Senate Rules and Executive Nominations Committee on October 10, 2007, approved by the House State Government Committee on October 10, 2007, and approved by the Joint Committee on Documents on October 11, 2007.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative regulations adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder at 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of these amendments in the manner provided in this order is necessary and appropriate for the administration of the act.

Order

The Commission, acting under the authority contained in the act, orders that:

(a) The regulations of the Commission are amended by amending §§ 301.2—301.6, 301.8, 303.1, 303.3, 305.1, 305.3, 305.4, 307.1—307.3, 307.4—307.6, 309.2, 311.1—311.5, 313.1, 313.2 and 315.1; by adding §§ 305.1a, 311a.1, 311a.3, 311a.7 and 311a.8; and by deleting § 305.4 to read as set forth at 37 Pa.B. 1220 (March 17, 2007); and by amending §§ 301.1, 303.2, 305.2, 307.5, 307.6 and 309.1; and by adding §§ 307.3a, 311a.2, 311a.4—311a.6 to read as set forth in Annex A.

(b) The Chairperson of the Commission shall certify this order, 37 Pa.B. 1220 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall take effect upon publication in the *Pennsylvania Bulletin* as final rulemaking.

ARTHUR COCCODRILLI,
Chairperson

Fiscal Note: Fiscal Note 70-8 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 1. GENERAL PROVISIONS

PART III. INDEPENDENT REGULATORY REVIEW COMMISSION

CHAPTER 301. GENERAL PROVISIONS

§ 301.1. Definitions.

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

Act—The Regulatory Review Act (71 P. S. §§ 745.1—745.15).

Agency—As defined in section 3 of the act (71 P. S. § 745.3).

Blackout period—The 48-hour period immediately preceding the call to order of the public meeting.

Comments—Written statements delivered to the Commission, supporting, opposing or recommending changes to a final, proposed or existing regulation which is subject to review by the Commission. Comments do not include previously published or copyrighted material.

Commission comments—Objections, recommendations, statements or questions relating to a proposed regulation issued by the Commission in accordance with section 5(g) of the act (71 P. S. § 745.5(g)).

CDL—Commonwealth Documents Law—The act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1102 and 1201—1208) and 45 Pa.C.S. Part II (relating to publication and effectiveness of Commonwealth documents).

Commission—The Independent Regulatory Review Commission.

Committee—As defined in section 3 of the act.

Committee action—Approval or disapproval of a regulation, or notice that the committee intends to review the regulation under section 5.1(j.2) of the act (71 P. S. § 745.5.a(j.2)); or reporting of a concurrent resolution under section 7(d) of the act (71 P. S. § 745.7(d)), within the time allotted by the act.

Commonwealth Attorneys Act—The act of October 15, 1980 (P. L. 950, No. 164) (71 P. S. §§ 732-101—732-506).

Deemed approved by the Commission—The approval of a regulation by the Commission by operation of law when the Commission has not approved or disapproved the regulation, in accordance with section 5.1(e) of the act. The approval of an agency report by operation of law when the Commission has not approved or disapproved the agency report, in accordance with section 7(c.1) of the act.

Deemed approved by a committee—The approval of a regulation by a committee by operation of law when the committee has not taken action on a regulation under sections 5.1(j.2) or 7(d) of the act.

Delivery—

(i) The deposit of regulations, correspondence or other documents with the Commission or committees through postal or other delivery service, hand delivery, email or facsimile.

(ii) The deposit of orders, Commission comments, public comments, correspondence or other documents with agencies, committees or persons through postal or other delivery service, hand delivery, e-mail or facsimile.

Embargoed material—

(i) Comments pertaining to a regulation on the agenda for the Commission's public meeting delivered during the blackout period by anyone, except comments from the agency or members of the General Assembly and their staffs.

(ii) The term does not include comments submitted by any person at the request of the Commission.

End of the legislative session—The adjournment sine die or the expiration of the regular legislative session in an even-numbered year.

Existing regulation—An enforceable regulation codified in the *Pennsylvania Code*.

Face sheet—A form accompanying a regulation for filing documents with the LRB, completed in accordance with the regulations of the Joint Committee on Documents. See 1 Pa. Code § 13.12 (relating to requirements as to form and size).

Final regulation—A final-form or final-omitted regulation.

Final-form regulation—As defined in section 3 of the act.

Final-omitted regulation—As defined in section 3 of the act.

Form letters—Letters which contain verbatim text.

LRB—The Legislative Reference Bureau of the Commonwealth.

Order—The statement of the Commission's findings and action on a final regulation, which is not subject to appeal.

Promulgate—As defined in section 3 of the act.

Proposed regulation—As defined in section 3 of the act.

Public meeting—The scheduled meeting of the Commission conducted in accordance with the Sunshine Act.

Regulation—As defined in section 3 of the act.

Regulatory analysis form—The form accompanying a regulation that contains the information required under section 5(a) of the act.

Regulatory review criteria—The criteria delineated in section 5.2(a) and (b) of the act (71 P. S. § 745.5b(a) and (b)).

Sunshine Act—65 Pa.C.S. §§ 701—716.

Transmittal sheet—The form accompanying a regulation which lists the regulation number, the title of the regulation, the agency promulgating the regulation, the type of regulation, the date of delivery and the signatures of the persons receiving the regulation on behalf of the committees, the Commission, the Attorney General (for final-omitted regulations) and the LRB.

Website—The Commission's website at www.irrc.state.pa.us.

Withdrawal—As defined in section 3 of the act.

CHAPTER 303. MEETINGS OF THE COMMISSION

§ 303.2. Blackout period.

(a) During the blackout period, Commissioners and Commission staff may contact or request information from any person regarding the substance of a regulation on the Commission's public meeting agenda.

(b) During the blackout period, the Commission will continue to accept comments submitted by agency staff, a member or staff person of the General Assembly, or a person submitting information at the request of the Commission. Comments submitted by other persons will be embargoed.

(c) Upon receipt, the Commission staff will deliver embargoed material and comments received during the blackout period to the agency and the committees.

(d) Upon the call to order of the public meeting, embargoed material will be distributed to the Commissioners.

CHAPTER 305. PROCEDURES FOR DELIVERY AND REVIEW OF PROPOSED REGULATIONS

§ 305.2. Delivery of comments and information by an agency; notification to commentators.

(a) From the date of delivery of the proposed regulation until the date the Commission takes final action on the regulation, the agency shall deliver to the Commission and committees copies of the following material relating to the regulation:

(1) If a comment indicates that a copy has been sent to the Commission and the agency verifies that the comment was delivered to the Commission, the agency is not required to deliver an additional copy of that comment.

(2) Reports from advisory groups which the Commission or a committee has requested.

(3) Public notices or announcements regarding solicitations of public comments and information regarding meetings the agency has held or will hold which the Commission or a committee has requested.

(4) Transcripts of public hearings which the Commission or a committee has requested.

(b) The agency shall deliver copies of comments to the Commission and the committees within 5 business days of receipt.

(c) The agency may deliver one copy of form letters received, and indicate the number of copies of that form letter it has received as of the date of delivery.

(d) The agency shall inform each commentator of the following:

(1) The name, e-mail address, address and phone number of the person in the agency from whom the commentator may request further information on the final-form regulation and the agency's website address.

(2) That upon request, the agency will notify the commentator when the final-form regulation is delivered to the Commission and published on the agency's website.

(3) That upon request, the agency will provide the commentator with either a copy of the final-form regulation or a summary of the changes to the proposed regulation which are incorporated in the final-form regulation. If the agency ascertains that the commentator has Internet access and has been notified when the regulation

has been published on the agency's website, delivery may be made through publication of the regulation on the agency's website.

CHAPTER 307. PROCEDURES FOR DELIVERY AND REVIEW OF FINAL REGULATIONS

§ 307.3a. Formatting the text of a final regulation.

(a) If the proposed regulation was published in the format prescribed in § 305.1a(a) (relating to formatting the text of a proposed regulation) as an amendment to an existing regulation, amendments in the final-form regulation shall be illustrated as follows:

(1) Strikeout type to indicate language in the existing or proposed regulation which is being deleted:

(2) Capital letters to indicate new language which is being added to the final-form regulation which was not included in the existing or proposed regulation.

(b) If the entire proposed regulation was published in the format set forth in § 305.1a(a) as new, and not an amendment to an existing regulation, amendments in the final-form regulation shall be illustrated as follows:

(1) Brackets to indicate language in the proposed regulation which is being deleted.

(2) Underscoring or bolding to indicate new language which is being added in the final-form regulation.

(c) If the entire final-omitted regulation is new, and not an amendment to an existing regulation the formatting described in subsections (a) and (b) is not required.

(d) If the final-omitted regulation is an amendment to an existing regulation, amendments in the final-omitted regulation shall be illustrated as follows:

(1) Brackets to indicate language in the existing regulation which is being deleted.

(2) Underscoring or bolding to indicate new language which is being added in the final-omitted regulation.

§ 307.5. Tolling the review period.

(a) The agency may toll the review period for up to 30 days only to consider revisions recommended by a committee or the Commission in compliance with section 5.1(g) of the act (71 P. S. § 745.5a(g)).

(b) If the agency decides to toll the review period, the agency shall notify the committees and the Commission under section 5.1(g)(1) of the act. The notice from the agency must be in writing and include:

(1) A citation to each section the agency is considering revising.

(2) A description of the revisions the agency is considering.

(3) An explanation of how the revisions the agency is considering will respond to the Commission's or committee's recommendations.

(c) The agency may not toll the review period if the Commission objects. The Commission may object if the agency indicates in its notice of intent to toll that it is considering revisions that are broader than or inconsistent with those recommended by the Commission or a committee, or that do not meet the criteria in section 5.2 of the act (71 P. S. § 745.5b).

(d) If the Commission objects, the review period will not be tolled and the regulation will be reviewed within the time period established under section 5.1(e)—(j.3) of the act.

(e) Before the expiration of the 30-day tolled review period, the agency shall do one of the following:

(1) Deliver a revised regulation to the committees, the Commission and the Attorney General (for a final-omitted regulation) on the same date.

(2) Notify the Commission, the committees and the Attorney General (for a final-omitted regulation), on the same date, that it will not revise the regulation.

(f) The agency shall include a transmittal sheet signed by the committees with its delivery of the revised regulation or notice that the regulation will not be revised.

(g) If the revised regulation contains provisions that were not recommended by the Commission or a committee, the Commission may disapprove the regulation.

(h) The agency may toll the review period only one time.

§ 307.6. Time period for Commission review of a final regulation.

(a) The Commission may not act on a final regulation until the expiration of the time for committee review under section 5.1(j.1) of the act (71 P. S. § 745.5a(j.1)).

(b) The Commission may have until its next scheduled meeting which occurs no less than 30 days after delivery of the final regulation to take action on the regulation. The Commission will calculate its review period as beginning the day after the delivery of the regulation to the Commission and the committees.

(c) If the Commission is unable to approve or disapprove a final regulation because of the lack of a quorum, its review period will be extended for 30 days or until the next meeting at which a quorum is present, whichever occurs first.

(d) To determine whether the final regulation meets the regulatory review criteria, the Commission will consider the following:

- (1) Comments from the committees.
- (2) Comments from members of the General Assembly.
- (3) Pertinent opinions issued by Pennsylvania and Federal courts.
- (4) Comments from the public.
- (5) The agency's response to comments and Commission comments.

CHAPTER 309. ACTION ON REGULATIONS

§ 309.1. Commission and committee action on a final regulation.

(a) The Commission may approve or disapprove a final regulation by majority vote of members participating.

(b) If a committee does not take action on a regulation under section 5.1(j.2) or (j.3) of the act (71 P. S. § 745.5a(j.2) and (j.3)), the committee is deemed to have approved the regulation.

(c) The Commission is deemed to have approved a final-form regulation under sections 5g and 5.1(e) of the act (71 P. S. §§ 745.5(g) and 745.5a(e)), if one of the following conditions apply:

- (1) All of the following events occur:
 - (i) The Commission has not issued comments relating to any portion of the regulation as proposed within the time provided for its review.

(ii) The agency has not made changes in the final-form regulation which were not included in the proposed regulation.

(iii) A committee has not conveyed to the Commission or agency any recommendations, comments or objections after the expiration of the Commission comment period under section 5(g) of the act but within the time frame for committee review under section 5.1(j.2) of the act.

(iv) The agency has complied with the act and this part.

(v) The Commission's next public meeting occurs more than 30 days after receipt of the final-form regulation.

(2) The Commission does not take action within the time period established under § 307.6 (relating to time period for Commission review of a final regulation).

(3) The Commission's vote results in a tie and the time for the Commission's review expires.

(d) The Commission will notify the LRB, the committees and the agency of its action on or deemed approval of a regulation.

(e) When the committees and the Commission approve or are deemed to have approved a regulation, the agency may proceed with promulgation of the regulation.

CHAPTER 311a. DELIVERY OF REGULATIONS, COMMENTS, REPORTS AND ORDERS BEFORE AND AFTER THE END OF THE LEGISLATIVE SESSION

§ 311a.2. Delivery of public comments after the end of the legislative session.

(a) The agency shall deliver public comments to the Commission in accordance with § 305.2 (relating to delivery of comments and information by an agency; notification to commentators).

(b) The agency may not deliver public comments to the committees which are received after the end of the legislative session until the fourth Monday in January of the next year or until both committees have been designated in the next legislative session, whichever is later.

(c) If the agency does not deliver public comments received after the end of the legislative session to the committees by the second Monday after the publication of both committee designations in the *Pennsylvania Bulletin*, the agency may be in violation of the act and this part, under section 5.2(b)(6) of the act (71 P. S. § 745.5b(b)(6)).

§ 311a.4. Delivery of a final regulation within 20 days before the end of the legislative session.

(a) An agency may deliver a final regulation to the Commission and the committees up to the end of the legislative session.

(b) If the end of the legislative session occurs before the committees have had at least 20 days to review the regulation, the agency shall redeliver the final regulation and required material to the Commission and committees in the next legislative session.

(c) The agency may not redeliver the final regulation and required material to the Commission and the committees until the fourth Monday in January of the next year or until both committees have been designated in the next legislative session, whichever is later.

(d) If the agency does not redeliver the final regulation by the second Monday after the publication of both committee designations in the *Pennsylvania Bulletin*, the

regulation shall be deemed withdrawn. If the agency wants to promulgate the regulation after the regulation has been deemed withdrawn, the agency may submit one of the following:

(1) A new proposed regulation to the Commission, committees and LRB in accordance with section 5(a) of the act (71 P. S. § 745.5(a)) and § 305.1 (relating to delivery of a proposed regulation).

(2) A new final-form regulation to the Commission and the committees in accordance with section 5.1(a) of the act (71 P. S. § 745.5a(a)) and § 307.2 (relating to delivery of a final-form regulation).

(3) A final-omitted regulation to the Commission, the committees and the Attorney General in accordance with section 5.1(c) of the act and § 307.3 (relating to delivery of a final-omitted regulation).

§ 311a.5. Delivery of a final regulation after the end of the legislative session.

(a) An agency may not deliver a final regulation and required material to the Commission and the committees after the end of the legislative session.

(b) The agency may not deliver the final regulation and required material to the Commission and the committees until the fourth Monday in January of the next year or until both committees have been designated in the next legislative session, whichever is later.

(c) If the two-year period for promulgation of a final-form regulation under section 5.1(a) of the act (71 P. S. § 745.5(a)) and § 307.1 (relating to two-year period for

promulgation) expires after the end of the legislative session, the agency shall deliver the final-form regulation and required material to the Commission and the committees by the second Monday after publication of both committee designations in the *Pennsylvania Bulletin*. If the agency does not deliver the final-form regulation and required material by this date, the regulation shall be deemed withdrawn. If the agency wants to promulgate the regulation after the regulation has been deemed withdrawn, the agency may submit one of the following:

(1) A new proposed regulation to the Commission, committees and LRB in accordance with section 5(a) of the act (71 P. S. § 745.5(a)) and § 305.1 (relating to delivery of a proposed regulation).

(2) A final-omitted regulation to the Commission, the committees and the Attorney General in accordance with section 5.1(c) of the act (71 P. S. § 745.5a(c)) and § 307.3 (relating to delivery of a final-omitted regulation).

§ 311a.6. Delivery of notice of intent to toll the review period after the end of the legislative session.

After the end of the legislative session, an agency may not deliver notice of its intention to toll the review period until the committees resume their review in accordance with section 5.1(j.1) of the act (71 P. S. § 745.5a(j.1)).

[Pa.B. Doc. No. 07-2027. Filed for public inspection November 2, 2007, 9:00 a.m.]

PROPOSED RULEMAKING

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 54]

[L-000701184/57-255]

Retail Electricity Choice Activity Reports

The Pennsylvania Public Utility Commission (PUC), on April 13, 2007, adopted a proposed rulemaking order which would adopt reporting requirements regarding electric generation market activity to prevent anticompetitive or discriminatory conduct and the unlawful exercise of market power.

Executive Summary

On April 12, 2006, the PUC entered an order soliciting comments on establishing reporting requirements for monitoring sales activity and growth in the retail electric generation market. The proposed reporting requirements would apply to all electric distribution companies and active electric generation suppliers. Comments to the order were due by June 12, 2006; reply comments were due by July 11, 2006. *Development and Production of Retail Electricity Choice and Activity Reports*, Order entered April 12, 2006 at Docket No. M-00061939.

The proposed regulations to be codified in 52 Pa. Code §§ 54.201—54.204 require that all electric distribution companies and active electric generation suppliers report information by customer group relating to sales activity in the retail electric generation market. Distribution companies will be required to file quarterly reports while suppliers will be required to file annual reports. Reports must be filed using the appropriate report form.

The PUC will use the sales activity information provided to fulfill its duty to monitor the Commonwealth's retail electric generation market and to police and arrest instances of market power abuse and discriminatory conduct (66 Pa.C.S. § 2811 (relating to market power remediation)). The Commission will also use the information to conduct milestone reviews of the development of the retail market for the supply and distribution of electricity (66 Pa.C.S. § 2804 (12) (relating to standards for restructuring of electric industry)).

Public Meeting held
April 13, 2007

Commissioners Present: Wendell F. Holland, Chairperson;
James H. Cawley, Vice Chairperson; Kim Pizzingrilli;
Terrance J. Fitzpatrick

Retail Electricity Choice Activity Reports:
Doc. No. L-00070184

Proposed Rulemaking Order

By the Commission:

Under 66 Pa.C.S. Chapter 28 (relating to Electricity Customer Choice and Competition Act), the Commission is charged with the duty of monitoring sales activity and conducting milestone reviews of the development of Pennsylvania's retail market for the supply and distribution of electricity. The Commission is also authorized to take steps to prevent anticompetitive or discriminatory conduct and the unlawful exercise of market power. See 66 Pa.C.S. §§ 2804(12) and 2811(a). To fulfill these duties, it

is essential that the Commission be provided with timely information regarding sales activity in Pennsylvania's generation market.

By this order the Commission proposes to adopt reporting requirements regarding electric generation market activity. These proposed regulations will be applicable to both electric distribution companies (EDCs) and electric generation suppliers (EGSs), and will provide important information that will permit the Commission to fulfill the previously listed duties.

Discussion

Background

On April 12, 2006, the Commission entered an order soliciting comments on establishing formal reporting requirements for monitoring market activity and growth in the electric generation supply market. The proposed reporting requirements would be applicable to both electric distribution companies (EDCs) and electric generation suppliers (EGSs). Comments to the order were due by June 12, 2006; reply comments were to be filed by July 11, 2006. *Development and Production of Retail Electricity Choice and Activity Reports*, Order entered April 12, 2006, at Docket No. M-00061939.

Comments were filed by Constellation NewEnergy, Inc. (Constellation), Office of Consumer Advocate (OCA), Office of Small Business Advocate (OSBA), Energy Association of Pennsylvania (EAPA), Pike County Power & Light Company (Pike), Richards Energy Group, Inc. (Richards), Retail Energy Supply Association (RESA)¹, First Energy Solutions Corp. (FirstEnergy). Two parties filed reply comments: Constellation and RESA.

Note that although not all of the comments are acknowledged or addressed in this order, the Commission carefully considered all comments and thanks the commenters for their help in defining the proposed reporting requirement in terms of its purpose, its content, its frequency and its applicability. We have drafted proposed regulations to implement the reporting process and developed two forms for submission of the reports. In the course of the regulatory review process, public comment will be solicited on these proposed regulations and the draft forms.

Issues

The Commission's April 12, 2006 order listed specific questions that commenters were asked to address. We will discuss these questions and the corresponding comments received seriatim. In the process, we will present what we believe is a practical and reasonable reporting requirement that will allow this Commission to monitor retail electric generation market for sales activity and to some extent, consumer behavior (or market participation).

1. *Should this Commission implement reporting requirements similar to ones created by the Maryland Public Service Commission (MD PSC)² to monitor competitive market development?*

Constellation states that the Commission should use a report that is similar to Maryland's report, but asserts

¹ RESA's members include Consolidated Edison Solutions, Inc.; Direct Energy Services, LLC; Hess Corporation; Reliant Energy Solutions; Sempra Energy Solutions; Strategic Energy, LLC; SUEZ Energy Resources NA, Inc. and US Energy Savings Corporation.

² Copies of the MD PSC's forms—*Maryland Choice Supplier Survey* and *Electric Choice Enrollment Monthly Report*—were attached to the April 12, 2006 order to facilitate comment.

that at this stage of the market, a less detailed report should be required. Constellation also states that the distribution companies have the bulk of the data that is available so that the suppliers should not be made to complete these reports. Constellation recommends waiting until retail markets have more fully developed and then forming a working group to develop the content of these reports. In its reply comments, Constellation reiterates its position that EDCs should file monthly reports because they have the data. Constellation also agrees with Pike, FirstEnergy and RESA that EGS reports are onerous and states in disagreement with Richards and OCA that there is no need for detailed reports.

Both RESA and Constellation report that Maryland only required suppliers to file the form one time. Richards states that the Maryland Report was not specific enough about rate class data, but too specific on nonnormal rate structures.

RESA prefers monthly reporting by the EDCs since they maintain this information. RESA states that requiring EGSs to file these reports would amount to a significant regulatory burden. RESA does not oppose making EGSs file reports annually, but would like to limit the content of the reports to types of products/services (fixed/variable) and the length of the contracts. In its reply comments, RESA agrees with EAPA that there needs to be a standardized treatment of customer drops and adds to achieve consistent data.

OSBA states that EDCs and EGSs should be required to report all of the data collected by the Maryland forms. However, instead of reporting some of that data only by number of customers, EDCs and EGSs should also be required to provide all of the data by designated rate groups and by megawatt hours. In addition, EGSs should be required to report their data by EDC service territory.

FirstEnergy does not support adoption of the form report created by the MD PSC for use in Pennsylvania on an ongoing basis. There are aspects of the form that are over-burdensome or otherwise not appropriate for disclosure. Specifically, the MD PSC form of report would require new programming of EGS systems to track the specific product/contract type information requested in the form. And of most concern, the MD PSC form of report would require that the EGS disclose confidential product offerings and contract terms with its customers.

Pike states that the proposed report is similar to one required by New York. Pike states that EDCs should file such reports, but such reports would be onerous for suppliers to file.

As a general comment, the EAPA notes that the proposed default service rules (Docket L-00040169) would require customers whose registered demand exceeds 500 Kilowatts (kW) to receive default service that reflects hourly pricing. This demand level can include customers from both the commercial and industrial categories as those categories are currently configured. Such a rule could provide an incentive to redefine the existing classifications. The EAPA recommends that any such reclassification should not be undertaken until the rulemaking is complete.

EAPA states that the reports must reflect existing groupings/offers of EDCs. EAPA states that the Maryland Report states figures as of the last calendar day of the month, and the data reported by Pennsylvania utilities using that time frame may be inconsistent depending on how pending drops/enrollments are reported relative to billing cycles. EAPA states that the number of active

suppliers should be defined as those that are licensed or those that are listed as active on the PUC webpage.

OCA states that both EDCs and EGSs should be made to file such reports.

Resolution

After due consideration, the Commission has developed the attached draft report forms that are similar, but not identical, to the ones used by the MD PSC. We have developed separate reporting forms for use by EDCs and suppliers. EGSs and EDCs will be required to use the appropriate form to report on customer shopping activity. An EDC will be required to report shopping activity in its service territory while an EGS will be required to report on a statewide basis. Note that only active EGSs need file these reports. For the purposes of this reporting requirement, active EGSs will be defined as: (1) suppliers that are licensed to provide retail electric generation service; and (2) that are currently providing service to one or more customers. See Annex A, §§ 54.201, 54.202 and 54.203(a) (relating to purpose; definitions; and reporting requirements).

2. What reporting frequency is optimal for EGSs and EDCs?

Constellation states that EDC reports should be filed annually, but as rate caps expire, the frequency for filing such reports should increase to semi-annually and then to quarterly. The schedule for increasing the report frequency should be flexible, based on market development. In its reply comments, Constellation clarifies that EDCs with rate caps in place should file annually and EDCs that no longer have rate caps in place should file reports on a quarterly basis. Constellation believes that monthly reports would be excessive.

RESA comments that the EDCs should file monthly reports while the EGSs should file the initial reports at the end of the first quarter after the requirement is adopted and then should be required to file reports annually. In its reply comments, RESA changes its position and states that EDCs with rate caps should file annually or quarterly while those without rate caps should be made to file monthly. RESA reiterates that EGSs should not be required to report on the same frequency as EDCs.

OSBA states that data should be reported on a monthly basis, consistent with the timetable used by the OCA to gather the data for its monthly reports. However, if EGSs object, the OSBA would favor less frequent reporting over less comprehensive reporting. OCA favors annual reports.

Richards states that the reports should be filed on a quarterly basis.

FirstEnergy, Pike and the EAPA support quarterly EDC reports. Pike states that there will be insufficient data to justify monthly reporting.

Resolution

The majority of the commenters, including EAPA, favor quarterly reporting for EDCs. Therefore, the Commission proposes a requirement that EDCs file quarterly reports with the Commission's Secretary. These reports would be due 15 days after the end of the previous quarter.

As for EGSs, an EGS would be required to file its sales activity report annually. Such reports would be filed at the same time as the annual report is required to be filed by § 54.39(b) (relating to reporting requirements). This

regulation requires that the EGS file an annual report for the previous calendar year on or before April 30 of each year.

An original and three copies of each completed report form would be filed by the EDC or EGS with the Commission's Secretary. When the report form is made available on line, the report form may be filed electronically and one paper copy of the report form must be filed with the Commission's Secretary within 15 days of the date the report is due. The Commission's Bureau of Conservation, Economics and Energy Planning will be designated as the lead bureau to track, retain and produce the reports. See Annex A, § 54.203(b)(3) and (c).

3. *What data elements should be gathered from EGSs and EDCs?*

Constellation states that EDCs should be made to file the following information by customer class (residential, commercial and industrial): (1) total number of customers in the class; (2) total number shopping; (3) change in number since last report; (4) total load in Megawatt (MW); (5) total load shopping MW; (6) number of EGS per territory; (7) change in number of EGSs since last report; and (8) percentage of market share.

Constellation replies that EDCs should provide data aggregated by: (1) customer class (residential, commercial and industrial); (2) by number of customers or load (in MW) served by EGS; and (3) percentage of customers or load (in MW) served by EGSs.

Richards comments that EDCs should report on two levels: (1) by major rate class of EDC; and (2) by Statewide customer category (residential, commercial and industrial). EGS should report data in two levels: (1) by EDC; and (2) by rate class category. Data reported should be in average cents per kilowatt-hour (kWh).

RESA states that EDCs should report information on "price to compare"—the low, high and average for each customer group based upon some agreed-upon standards of usage and demand.

FirstEnergy states that the information reported should include: (1) the number of customers served by group; (2) the number of megawatt-hours (MWh) by group; and (3) the number of contracts, subcategorized into fixed or variable, by group. Because the information will be made public, FirstEnergy believes that the information should be presented as an aggregate and not on an EGS basis.

Pike supports the data elements collected in the Maryland Report.

EAPA states that its members will provide the data required by the Maryland Report. EAPA suggests an additional data element be reported: the percentage of commercial and industrial customers on fixed price service. This would indicate whether those customers whose only available option under Default Service is hourly pricing are being forced into the market to take a fixed price product. RESA in its reply agrees with EAPA's position on this data element.

EAPA provided no comment on the EGS Report, but stated that whatever data is requested from EGSs should be data that is available to EGSs through the normal data exchange processes that facilitate the switching of accounts, the scheduling of transmission and capacity, and the scheduling and settlement of energy. The EAPA objects to any reporting requirements that would require its members to provide data separate and apart from the normal data exchange processes for the purpose of EGSs reporting that data to the PUC.

In regard to data elements, OSBA reiterates its position that in addition to reporting the number of customers, data should be provided by rate groups and by MWh. EGS data should be reported by EDC territory.

OCA states that both EDC and EGS reports should also include the percentage of eligible customers selecting a given product. OCA also commented that EGSs should report aggregated prices offered to residential/commercial and industrial customers.

RESA replies that it disagrees with the OSBA and OCA about requiring such detail from EGSs in reports. RESA states that such requirements would be burdensome and duplicative of EDC reports.

Resolution

More detailed reports would provide the information necessary for this Commission to monitor which EGSs and which customer classes are participating in retail markets. This information may also be used to gauge whether EDC and Commission policies and practices are fostering or hindering the development of competitive markets.

To accomplish these goals, we propose to require that EDCs report the following information by customer class:

- (1) Number of customer accounts.
- (2) Sales by EGS (MWh).
- (3) Sales by the EDC (MWh).
- (4) Number of EGSs serving customer accounts.
- (5) Number of time of use customer accounts served by EGSs.
- (6) Number of time of use customer accounts served by the EDC.
- (7) Number of hourly/real time price customer accounts served by EGSs.
- (8) Number of hourly/real time price customer accounts served by the EDC.
- (9) Sales by EGSs to hourly/real time priced customer accounts (MWh).

Because the EDC-provided information will be made public, the information will be presented on an aggregated basis by EDC and no specific EGS data will be publicly provided. See Annex A, § 54.204 (relating to public information).

EGS market share will be reported by EDCs as number of customer accounts served by EGS and the total sales in MWh that these accounts represent. Specifically, we propose to require an EDC to report the following information for each EGS providing generation sales in the EDC's service territory:

- (1) Identity of EGS.
- (2) By customer class for residential customers, small C & I customers, medium C & I customers and large C & I customers, number of customer accounts served by the EGS.
- (3) By customer class for residential customers, small C & I customers, medium C & I customers and large C & I customers, sales in MW to customer accounts.

EDC-reported data related to EGS market share will be kept confidential.

We propose that the EGSs will be required to report data by customer class for residential, small C & I customers, medium C & I customers and large C & I customers.

ers on a statewide basis. The information that EGSs will be required to report includes:

- (1) Number of customer accounts.
- (2) Number of flat rate customer accounts.
- (3) Number of seasonal rate customer accounts.
- (4) Number of time of use customer accounts.
- (5) Number of hybrid rate customer accounts.
- (6) Number of fixed term contract customer accounts by length of term.
- (7) Number of green power customer accounts.
- (8) Number of mandatory curtailable customer accounts.
- (9) Number of voluntary curtailable customer accounts.
- (10) Number of customer accounts based on billing methods.

This proposed reporting requirement is found in Annex A at § 54.203(a)(4).

4. *What classes or sizes of customers should be grouped together in these reports?*

Constellation states that sufficient information is provided if the data is reported by customer class—residential, commercial and industrial. EAPA supports using the groupings of residential, commercial and industrial customers. EAPA notes that the differences between EDCs in these classifications are not significant.

Pike states that the class groupings used in the Maryland Report are fine.

FirstEnergy states that residential customers should be reported as a group. Small commercial and industrial customers should be those with load less than 500 kW and large commercial and industrial customers should be those with load greater than 500 kW.

RESA states that residential customers should be reported as one group and that commercial and industrial customers should be grouped according to load: small business customers—Peak Load Contribution (PLC) less than 25 kW; medium business customers—PLC greater than 25 kW and less than 300 kW; large business customers—PLC greater than 300 kW. In its reply, RESA states a compromise position—that it agrees with Constellation and FirstEnergy that grouping should be kept to the broad categories of residential, commercial and industrial.

Richards comments that data should be reported by rate class and by broad general categories—residential, commercial and industrial.

OSBA states it would be acceptable to combine all of an EDC's General Services rate classes into one Small C & I group, but it would be preferable to separate commercial customers into two groups: small commercial and industrial customers and large commercial and industrial customers. The OSBA does not state where it would divide this group.

OCA supports the broad grouping of customers into a residential class. OCA has no comment on how commercial and industrial customers should be grouped.

Resolution

The issue of grouping retail customers into categories based on rate classes or on consumption has been debated in other Commission proceedings. No uniform solution has been reached.

First, the Commission regulations in § 54.2 (relating to definitions) defines a "small business customer" as having a "maximum registered peak load" (MRPL) that was less than 25 kW in the last 12 months. This regulation went into effect at 28 Pa.B. 3780 (August 8, 1998).

In *Petition of Duquesne Light Company for Approval of Plan for Post-Transition Period Provider of Last Resort Service*, Docket No. P-00032071, Order entered August 23, 2004 (*Duquesne POLR III*), the threshold for customers to participate in hourly priced service in the Large Customer Plan was established at 300 kW. Large Customer Plan applies to Duquesne Rate Schedules GL, GLH, L and HVPS.

In the Penn Power Provider of Last Resort (POLR) proceeding, the Commission directed that auction bidding be done by rate class. Thus, customers were grouped into residential, small commercial and large commercial categories consistent with existing rate classes as defined in Penn Power's tariff. In this order, the rate class for Penn Power's largest customers, those with minimum billing demand of 200 kva, was assigned to the "large commercial" customer category. See *Petition of Pennsylvania Power Company for Approval of Interim POLR Supply Plan*, Order entered April 28, 2006 at Docket No. P-00052188, pp. 26-27.

Most recently, in the Advance Notice of Final Rulemaking relating to POLR service in Annex A at proposed § 54.187(h)(i) and (j), customers were again divided into groups according to MRPL: (1) customers with MRPLs up to 25 kW; (2) customers with MRPLs greater than 25kW and less than 500 kW, and (3) customers with MRPLs greater than 500 kW; See *Rulemaking Re Electric Distribution Companies' Obligation to Serve Retail Customers at the Conclusion of the Transition Period Under 66 Pa.C.S. § 2807(e)(2)*, Advanced Notice entered February 8, 2007 at Docket No. L-00040169.

This inconsistency in consumption-based customer classifications adds to confusion, and may increase the burden of companies, both EDCs and EGSs, in complying with regulatory requirements and Commission directives. For these reasons, a standard classification should be established for use across the board.

Because a customer's PLC is uniform throughout the PJM, a customer's classification based on PLC would not vary between EDC service territories. In our judgment, using a customer's PLC for classification would not only simplify reporting for EGSs operating in multiple EDC service territories, but also would allow for direct comparisons of sales activity among various EDC retail markets. For this reason, we believe that customer classification is best accomplished using PLCs, rather than the EDC-specific MRPLs.

As for the actual customer groupings, the Commission believes that the data should be collected and reported for the following groups: residential customers; small C & I customers are those with PLCs less than 25 kW; medium C & I customers are those with PLCs ranging from 25 kW up to and including 500 kW and large C & I customers are those with PLCs greater than 500 kW. We have incorporated this grouping of customers into the proposed regulations. See Annex A, §§ 54.202 and 54.203(a). Specific comment is requested regarding this proposal.

a. *Should these classes be the same or be permitted to vary among different EDCs?*

Constellation states that EDC should use the broad categories of residential, commercial and industrial customer groupings. Richards comments that data should be

reported by rate class and by broad general categories—residential, commercial and industrial.

RESA and FirstEnergy state that the classes of customers should be made uniform for all EDCs. Pike says the customer groupings should be consistent with each company's tariff.

EAPA supports grouping customers into the broad categories of residential, commercial and industrial. Small differences in categorizing these customers between the companies should not be significant. EAPA members believe that the requirements, with the opportunity to report according to existing customer classifications and a 6 month period over which to implement and test reports, do not represent an undue burden, provided that the EDCs recover these costs through either a base rate proceeding or through a petition for deferred accounting treatment, which would ultimately be reflected in rates.

OSBA states that each EDC should group customers according to its rate classes; EGSs should report data based on each EDC rate class.

OCA states that the class groupings should be consistent among all EDCs.

Resolution

The Commission has addressed this issue previously. Because of our creation of customer groupings based on PLCs, no further discussion is necessary here.

b. What information should be publicly available, and what information should be kept confidential?

In regard to what information should be made available to the public, Constellation states that EGS data should be made available on an aggregated basis and that there should be no identification of individual EGSs.

The EAPA believes that data regarding numbers of customers and amount of load served by individual EGSs should be kept confidential. The public release of such data could improperly influence individual customers' choice of a particular EGS.

Richards states that individual customer deals should be kept confidential and that the price per kWh and number of customers shopping should be made public.

RESA states that information reported by EDCs, except EGS market share, should be publicly available. Also, information reported that is already available publicly elsewhere, such as, on EDC websites and in Securities and Exchange Commission (SEC) reports and reports/briefings for financial analysts, should remain publicly available. As with EDCs, information reported by EGSs that is already available publicly elsewhere, such as, on EGS websites and in SEC reports and reports/briefings for financial analysts, should remain publicly available and should not be accorded confidential treatment in this PUC reporting process.

FirstEnergy states that information that should be kept confidential should include: EGS market share, financial information and contract terms. FirstEnergy believes that only State-wide aggregate data should be made available in public reports.

Con Edison states that EGS market share information should be held to be confidential. EAPA states that the number of customers and amount of load served by individual EGSs should be kept confidential.

OSBA stated that all of the data which Maryland collected on its reporting form should be collected in Pennsylvania and made publicly available. This data

would include: (1) number of customers paying certain types of rates ("flat" rates, demand response rates, real-time rates, etc.); (2) number of customers buying green power; (3) number of customers with varying lengths of contracts (less than a year, greater than a year); (4) number of customers using credit cards or enrolled in automatic bill paying; (5) number of customer switches to and from suppliers in the reporting month; and (6) number of accounts by service type.

OCA comments that EGS prices to individual industrial customers are confidential, but aggregate data involving residential, commercial and industrial customers are not confidential.

Resolution

The commenters are in general agreement that individual EGS market share information should remain confidential. We agree with the positions of the parties. EDC information/data that does not disclose individual EGS market share is not confidential and may be made public. See Annex A, § 54.204.

West Virginia/PA Rate Comparison

In our prior order, we requested comment on establishing a measurement that would allow rates paid by retail customers in a traditionally regulated state like West Virginia to be compared with rates paid by similarly-situated customers in Pennsylvania. The purpose for the measurement was to compare the rates set by competition in Pennsylvania with rates set by regulation in other states over a defined period of time. Specifically, comment was requested on the scope, content, methodology and frequency of data collection in regard to this proposed measurement.

The comments received were overwhelmingly negative in regard to this proposal. Constellation's comments cite "the varied classifications of retail customers by electric utilities not just between service territories but also from state to state" and comments that the "development of a useful measurement may not be possible and may not be meaningful due to extensive differences among historic rates, [and] rates classifications."

The RESA comments that "[a]ny such comparison would be 'apples to oranges' no matter how many adjustments would be made to make the comparisons valid." RESA suggests that the Commission "[w]ould be better served by requiring EDCs to submit calculations of what their rates likely would be under traditional regulation for comparison to their POLR rates and prices established by competition."

The OSBA notes that "even before competition, rates varied greatly within Pennsylvania and between Pennsylvania and other states, because of factors such as generation mix, load growth and load profile." For similar reasons, it is possible that comparing post transition POLR rates in Pennsylvania with regulated rates in other states will yield ambiguous results. Therefore, any such comparison should be performed only once each year and should involve only the data needed to make comparisons at the 'macro' level.

Resolution

In our prior order we had sought comment regarding a measurement which would be used to compare retail electric generation prices in states with competitive markets and states with traditional rate regulation. The intent was to develop a measurement to assess the effect of a competitive market on Pennsylvania's retail electric generation prices. After reviewing the comments, we

agree with the majority of the commenters that establishing this measurement would not produce information that would accomplish this goal. Moreover, information regarding electric generation prices and distribution rates is already being collected by the Energy Information Agency, and is readily available at its website: www.eia.doe.gov. For these reasons, we will abandon our efforts to establish such a measurement.

Conclusion

As a result of the comments received to our April 12, 2006 order, the Commission intends to amend its regulations to impose a reporting requirement on EDCs and EGSs. Under this requirement, EDCs and EGSs will be required to submit information regarding sales activity in Pennsylvania's electric generation market. To facilitate reporting, the Commission has developed two forms—one for EDCs and one for EGSs—that shall be used for submitting the required information.

The Commission seeks general comments on the proposed regulations and draft report forms. Persons submitting comments are requested to provide supporting justification for requested revisions, and propose suggested regulatory language for incorporation into the final-form regulations.

(*Editor's Note:* The draft report forms are available on the Commission's website www.puc.state.pa.us.)

Accordingly, under sections 501, 504 and 2801—2812 of the Public Utility Code, 66 Pa.C.S. §§ 501, 504 and 2801—2812; sections 201 and 202 of the act of July 31, 1968, (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202), and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2, and 7.5; section 204(b) of the Commonwealth Attorneys Act (71 P. S. § 732.204(b)); section 5 of the Regulatory Review Act (71 P. S. § 745.5); and section 612 of The Administrative Code of 1929 (71 P. S. § 232), and the regulations promulgated thereunder at 4 Pa. Code §§ 7.231—7.234, we are considering adopting the proposed regulations set forth in Annex A, *Therefore*,

It Is Ordered That:

1. A rulemaking docket shall be opened to promulgate regulations and to finalize forms for the reporting of retail electric generation sales activity as set forth in Annex A.

2. The Secretary shall submit this order and Annex A to the Office of Attorney General for review as to form and legality and to the Governor's Budget Office for review of fiscal impact.

3. The Secretary shall submit this order and Annex A for review and comments to the Independent Regulatory Review Commission and the Legislative Standing Committees.

4. The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.

5. An original and 15 copies of written comments referencing the docket number of the proposed regulations be submitted within 60 days of publication in the *Pennsylvania Bulletin* to the Pennsylvania Public Utility Commission, Attn.: Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265. To facilitate posting, all filed comments shall be forwarded via electronic mail to Charles Covage at ccovage@state.pa.us, Patricia Krise Burket at pburket@state.pa.us, and Cyndi Page at cypage@state.pa.us.

6. A copy of this order and Annex A shall be served on all jurisdictional electric distribution companies, the Of-

fice of Consumer Advocate, the Office of Small Business Advocate and all other parties that filed comments at the docket, *Development and Production of Retail Electricity Choice Activity Reports*, Docket No. M-00061939.

7. The contact persons for this proposed rulemaking are Charles F. Covage, (717) 783-3835 (technical), and Patricia Krise Burket, Law Bureau, (717) 787-3463 (legal).

JAMES J. MCNULTY,
Secretary

Fiscal Note: 57-255. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 54. ELECTRICITY GENERATION CUSTOMER CHOICE

Subchapter H. RETAIL ELECTRICITY CHOICE SALES ACTIVITY REPORTS

Sec.	
54.201.	Purpose.
54.202.	Definitions.
54.203.	Reporting requirements.
54.204.	Public information.

§ 54.201. Purpose.

This subchapter establishes reporting requirements applicable to EDCs and active EGSs and requires the reporting of information related to retail electric generation sales activity. The Commission will use this information to fulfill its duty to monitor the Commonwealth's retail electric generation market and to police and arrest instances of market power abuse and discriminatory conduct. (See 66 Pa.C.S. § 2811 (relating to market power remediation).) The information shall be used to conduct milestone reviews of the development of the retail market for the supply and distribution of electricity. (See 66 Pa.C.S. § 2804(12) (relating to standards for restructuring of electric industry).)

§ 54.202. Definitions.

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

Active EGS—An EGS that is licensed to provide retail electric generation service and is providing service to one or more customers.

CEEP—The Bureau of Conservation, Economics and Energy Planning.

EDC—*Electric Distribution Company*—The term as defined in 66 Pa.C.S. § 2803 (relating to definitions).

EGS—*Electric Generation Supplier*—The term as defined in 66 Pa.C.S. § 2803.

kW—Kilowatts.

Large C & I customers—Commercial and industrial customers with PLCs greater than 500 kW.

Medium C & I customers—Commercial and industrial customers with PLCs ranging from 25 kW up to and including 500 kW.

MWh—Megawatthours.

PLC—*Peak Load Contributions*—The highest level of demand for a particular customer, based on the PJM

Interconnection, LLC, peak load contribution standard, or its equivalent for a Pennsylvania EDC outside of PJM.

Small C & I customer—Commercial and industrial customers with PLCs less than 25 kW.

§ 54.203. Reporting requirements.

(a) *Reporting requirements.*

(1) An EDC or an active EGS shall report the information regarding retail sales of electric generation in accordance with this subchapter.

(2) An EDC shall report retail sales activity in its service territory. The EDC shall report the following information by customer class for residential, small C & I customers, medium C & I customers and large C & I customers:

- (i) Number of customer accounts.
 - (ii) Sales by EGS (MWh).
 - (iii) Sales by the EDC (MWh).
 - (iv) Number of EGSs serving customer accounts.
 - (v) Number of time of use customer accounts served by EGSs.
 - (vi) Number of time of use customer accounts served by the EDC.
 - (vii) Number of hourly/real time price customer accounts served by EGSs.
 - (viii) Number of hourly/real time price customer accounts served by the EDC.
 - (ix) Sales by EGSs to hourly/real time priced customer accounts (MWh).
 - (x) Sales by the EDC to hourly/real time priced customer accounts (MWh).
- (3) An EDC shall report the following information for an EGS providing service in the EDC's service territory:
- (i) Identity of the EGS.
 - (ii) By customer class for residential customers, small C & I customers, medium C & I customers and large C & I customers and number of customer accounts served by the EGS.
 - (iii) By customer class for residential customers, small C & I customers, medium C & I customers and large C & I customers and sales in MWh to customer accounts.

(4) An active EGS shall report retail sales activity on a Statewide basis. The EGS shall report the following information by customer class for residential, small C & I customers, medium C & I customers and large C & I customers:

- (i) Number of customer accounts.
- (ii) Number of flat rate customer accounts.
- (iii) Number of seasonal rate customer accounts.
- (iv) Number of time of use customer accounts.
- (v) Number of hybrid rate customer accounts.
- (vi) Number of fixed term contract customer accounts by length of term.
- (vii) Number of green power customer accounts.
- (viii) Number of mandatory curtailable customer accounts.
- (ix) Number of voluntary curtailable customer accounts.
- (x) Number of customer accounts based on billing methods.

(5) An EDC shall file quarterly sales activity reports with the Commission's Secretary. A quarterly report shall be filed no later than 15 days after the end of the previous quarter.

(6) An active EGS shall file an annual sales activity report for the previous calendar year on or before April 30 of each year.

(b) *Report forms.*

(1) The Commission shall provide separate report forms for EDC and EGS use. An EDC or an active EGS shall use the applicable report form.

(2) Report forms shall be made available in both paper and electronic format.

(3) An EDC or active EGS shall file an original and two copies of a completed paper report form with the Commission's Secretary. When the report form is filed electronically, one paper copy of the report form shall be filed with the Commission's Secretary no later than 15 days after the report is due.

(c) *Compliance monitoring and enforcement.* CEEP is the Commission bureau responsible for retaining reports filed pursuant to this subchapter, and for monitoring and enforcing compliance with this subchapter.

§ 54.204. Public information.

The Commission will make available to the public on an aggregated basis information contained in sales activity reports that does not disclose individual EGS market shares.

[Pa.B. Doc. No. 07-2028. Filed for public inspection November 2, 2007, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Order of Quarantine: Partial Revocation of Plum Pox Virus Quarantine

Recitals

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

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

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

D. As a result of the presence of PPV in several townships and boroughs, the Department has issued a series of quarantine orders establishing and adjusting a quarantine area.

E. PPV has the potential to cause serious damage to the stone fruit production industry within this Commonwealth.

F. PPV is transmitted from infected trees by aphids and by budding or grafting and can be spread into new areas by movement of infected nursery stock.

G. The movement of PPV-infected fruit trees poses a danger to stone fruit trees in noninfected areas.

H. There is no known control for PPV other than destruction of infected trees.

I. The Department conducts extensive testing of stone fruit trees in all of the quarantined areas to search for the presence of PPV. Where this testing has gone on for at least 3 years in a particular quarantined area without detecting the presence of PPV among stone fruit trees in that area, the Department is satisfied it is appropriate to rescind the PPV-related quarantine of that area.

J. The Department is also satisfied that it is appropriate to reduce the size of some of the areas that are currently subject to PPV-related quarantines.

Order

Under authority of section 21 of the act, the Department hereby orders the following:

1. The following Orders of Quarantine are hereby rescinded:

<i>Date of Order</i>	<i>Publication</i>	<i>Quarantined Area</i>
August 1, 2002	32 Pa.B. 4045	Monaghan Township (York County)
June 15, 2000	30 Pa.B. 3269	South Middleton Township (Cumberland County)

2. A quarantine is hereby established with respect to that portion of South Middleton Township, Cumberland County, located to the north of State Highway 174.

3. The movement of stone fruit trees and stone fruit budwood within the quarantined area is prohibited.

4. The movement of stone fruit trees and stone fruit budwood out of the quarantined area is prohibited.

5. The planting of stone fruit trees (apricot, nectarine, peach and plum) in the quarantined area is prohibited. This prohibition applies to both fruit-bearing and ornamental varieties of stone fruit trees. Examples of common varieties of ornamental stone fruit trees include purpleleaf plum, flowering almond, flowering peach, purpleleaf sandcherry, flowering cherry and weeping cherry.

6. The Department will consult with the United States Department of Agriculture, European experts and scientific authorities with respect to the most efficacious measures by which to contain and eliminate this serious plant pest. The Department will issue further restrictions under authority of this Quarantine Order, as is required under section 21(a) of the act. These restrictions may address aphid control, elimination or reduction of aphid habitat, destruction of Plum Pox Virus-infected stone fruit trees and budwood, destruction of endangered or exposed stone fruit trees or budwood and any other measures necessary to the containment and elimination of the Plum Pox Virus in this Commonwealth.

7. This Order applies to commercial orchards, commercial nurseries, homeowners and all persons within the quarantine area.

This quarantine is effective as of October 22, 2007.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 07-2029. Filed for public inspection November 2, 2007, 9:00 a.m.]

DEPARTMENT OF BANKING

Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending October 23, 2007.

BANKING INSTITUTIONS**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-9-07	CommunityBanks, Millersburg and PSB Realty Company, East Berlin Surviving Institution— CommunityBanks, Millersburg	Millersburg	Filed

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-15-07	PeoplesBank, A Codorus Valley Company York York County	11350 McCormick Road Suite 101 Hunt Valley Baltimore County, MD	Approved
10-15-07	Graystone Bank Lancaster Lancaster County	39 North Market Street Frederick Frederick County, MD	Opened

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-22-07	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	Approved

Branch Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-22-07	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	Approved

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-18-07	Northwest Savings Bank Warren Warren County	1666 Market Street Extension Warren Warren County	Filed
10-22-07	Fulton Bank Lancaster Lancaster County	2901 Horseshoe Pike Campbelltown Lebanon County	Approved

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

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of October 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 October 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 4.83 to which was added 2.50 percentage points for a total of 7.33 that by law is rounded off to the nearest quarter at 7 1/4%.

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 07-2031. Filed for public inspection November 2, 2007, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Cyber Charter School Application Hearing

The Department of Education (Department) has scheduled a public hearing regarding the four cyber charter school applications that it received on October 1, 2007. The hearing will be held on Thursday, December 6, 2007, at 10 a.m. in the 3rd Floor Conference Room at 333 Market Street, Harrisburg, PA. The hearing pertains to applicants seeking to operate cyber charter schools in the 2008-2009 school year: the Carolyn Walker Daniels Cyber Charter School, the IDEA Cyber Charter School, the Lighthouse Cyber Charter School and Liberty Cyber Charter School. The purpose of the hearing is to receive information from the applicants about the proposed cyber charter schools and to receive comments from interested persons regarding the applications. The applications can be viewed on the Department's website at www.pde.state.pa.us.

The charter applicant will have 30 minutes to present information about the proposed cyber charter school. Individuals who wish to provide comments at the hearing must send the Department and the applicant a copy of the comments on or before November 15, 2007. Failure to comply with this deadline will preclude the respective

individual from providing verbal comments at the hearing. Verbal comments may be limited based on the number of individuals requesting time to provide comments, and may also be limited if the comments are duplicative or repetitive of other individual's comments. A panel of individuals who have reviewed the applications will conduct the hearing. The panel members may question the applicants regarding issues identified during their review, as well as issues raised in the written comments filed before the hearing date. Panel members may also question individuals who offer verbal comments. Commentators will not be permitted to question either the applicants or the panel members.

Individuals who are unable to attend the hearing may also provide the Department and the respective applicant with written comments on or before November 27, 2007. Written comments provided to the Department by this deadline will become part of the certified record.

Comments sent to the Department should be addressed to Gregg Spadafore, Bureau of Community and Student Services, 333 Market Street, 5th Floor, Harrisburg, PA 17126-0333.

An agenda will be prepared after November 27, 2007, when the Department is aware of the number of individuals who wish to provide verbal comments at the hearing. That agenda will provide the order of presentation, as well as specify the amount of time allotted to each commentator. Individuals wanting a copy of the agenda should call Gregg Spadafore at (717) 705-2881.

GERALD L. ZAHORCHAK, D. Ed.,
Secretary

[Pa.B. Doc. No. 07-2032. Filed for public inspection November 2, 2007, 9:00 a.m.]

Perkins IV Five Year State Plan

Under section 122(a)(3) of the "Carl D. Perkins Career and Technical Education Improvement Act of 2006," (act) public hearings will be conducted in the following locations to allow for stakeholder groups as defined in section 122(b)(1) of the act to present their views and make recommendations regarding the Perkins IV Five Year State Plan.

To view documents, please visit our website at www.pde.state.pa.us/bcte/perkins.

Tuesday, December 4, 2007
Community College of Allegheny County, Boyce Campus
595 Beatty Road
Monroeville, PA 15146-1348
Auditorium
1 p.m.—4 p.m.

Wednesday, December 5, 2007
Central PA Institute of Science and Technology
540 North Harrison Road
Pleasant Gap, PA 16823-8644
Lab 2
1 p.m.—4 p.m.

Thursday, December 6, 2007
Lehigh Career and Technical Institute
4500 Education Park Drive
Schnecksville, PA 18078-2501
JOC Boardroom
1 p.m.—4 p.m.

Persons wishing to provide public comment, contact Ellie Bicanich at eeb6@psu.edu, no later than December 1, 2007, to schedule a 15-minute time slot during one of the three regionally based public hearing sites listed previously. Testimony will be restricted to issues that address CTE policy and/or programs, and not to air personal complaints. Participants are asked to summarize

testimony at the hearings and submit written copies of testimony to the panel.

GERALD L. ZAHORCHAK, D. Ed.,
Secretary

[Pa.B. Doc. No. 07-2033. Filed for public inspection November 2, 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

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

<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>
PA0051306	CGL Acquisitions/Camp Green Lane 1000 Germantown Pike F-3 Plymouth Meeting, PA 19462	Montgomery County Salford Township	Ridge Valley Creek	Y

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>
PA0038270 (Industrial Waste)	Sunoco Partners Marketing & Terminals, LP (Tamaqua Terminal) 525 Fritztown Road Sinking Spring, PA 19608	Rush Township Schuylkill County	Little Schuylkill River 03A	Y
PA0064190 (Minor Sewage)	Bennoco's Beef & Brew, Inc. P. O. Box 289 Hamlin, PA 18427	Salem Township Wayne County	UNT to West Branch Wallenpaupack Creek 1C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0083003 (IW)	Dudley-Carbon-Coalmont Joint Municipal Authority P. O. Box 276 Dudley, PA 16634-0276	Huntingdon County Carbon Township	Shoup Run 11-D	Y
PA0087483 (IW)	Elizabethtown Area Water Authority 5 Municipal Drive Elizabethtown, PA 17022	Lebanon County West Cornwall Township	UNT to Conewago Creek 7-G	Y
PAR100040RRR	Richard Abbiati 175 Grandview Lane Mahwah, NJ 07430	Lancaster County Conestoga Township	UNT Susquehanna River WWF	Y
PAR100578R	Luke Zimmerman 2456 Division Highway Ephrata, PA 17522	Lancaster County Earl Township	Mill Creek WWF	Y
PAR100592R	Myron Stoltzfus P. O. Box 375 Intercourse, PA 17534	Lancaster County Paradise Township	Eshleman Run CWF	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>
PA0114693	Clymer Township Municipal Authority Sewage Treatment Plant P. O. Box 62 Sabinsville, PA 16943-0062	Tioga County Clymer Township	Mill Creek SWP 4A	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.

PA0030228, Sewage, **East Brandywine Township Municipal Authority**, 1214 Horseshoe Pike, Downingtown, PA 19335. This existing facility is located in East Brandywine Township, **Chester County**.

Description of Proposed Activity: This NPDES application is for renewal of the Keats Glen Sewage Treatment Plant.

The Christina River Basin total maximum daily load (TMDL) for nutrients and dissolved oxygen for low-flow conditions, issued by the United States Environmental Protection Agency in January 2001, and revised in October 2002 and April 2006, includes the discharge flow from this facility. The parameters CBOD₅, ammonia, dissolved oxygen, phosphorus and total nitrogen are addressed in the TMDL.

The receiving stream, a UNT tributary to Beaver Creek, is in the State Water Plan Watershed 3H and is classified for: CWF. The nearest downstream public water supply intake is the Aqua Pennsylvania, Inc., Ingrams Mill Water Treatment Plant located on East Branch Brandywine Creek, approximately 4.5 miles below the discharge point.

The proposed effluent limits for Outfall 001 are based on an annual average flow of 0.0181 mgd.

Parameters	Mass (lb/day)		Concentration (mg/l)		
	Monthly Average	Weekly Average	Monthly Average	Weekly Average	Instantaneous Maximum (mg/l)
CBOD ₅					
(5-1 to 10-31)	1.06	1.5	7.0	10	14
(11-1 to 4-30)	2.12	3.0	14	20	28
Total Suspended Solids	3.0	4.5	20	30	40
Ammonia as N					
(5-1 to 10-30)	0.15		1.0		2.0
(11-1 to 4-30)	0.45		3.0		6.0
Phosphorus as P	0.30		2.0		4.0
Fecal Coliform			200/100 ml		1,000/100 ml
Dissolved Oxygen			5.0 (minimum)		
pH (Standard Units)			6.0 (minimum)		9.0
Total Residual Chlorine			0.03		0.07
Total Nitrogen	Monitor and Report		Monitor and Report		

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

1. Notification of Designation of Operator.
2. Average Weekly Definition.
3. Remedial Measures if Unsatisfactory Effluent.
4. No Stormwater.
5. Acquire Necessary Property Rights.
6. Change of Ownership.
7. Total Residual Chlorine Requirement.
8. Sludge Disposal Requirement.
9. 2/Month Monitoring Requirements.
10. Certified Operator.
11. Fecal Coliform 1-max Reporting.
12. Laboratory Certification.

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

Application No. PA 0260487, Industrial Waste, SIC Code 2086, **Ultra Pure Products, Inc. (Mountain Pure Water Systems)**, 525 Sunbury Street, Millerstown, PA 17062. This facility is located in Millerstown Borough, **Perry County**.

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

The receiving stream, Dry Swale to Juniata River, is in Watershed 12-B and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Newport Borough located on the Juniata River, approximately 6 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.005 mgd are:

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Dissolved Solids					1,000
Total Cadmium			500		
Total Lead			Monitor and Report		

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

The EPA waiver is in effect.

Application No. PA 0008893, Industrial Waste, SIC Code 2621, **Team Ten, LLC (American Eagle Paper Mills)**, 1600 Pennsylvania Avenue, Tyrone, PA 16686. This facility is located in Tyrone Borough, **Blair County**.

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

The receiving stream, Bald Eagle Creek, is in Watershed 11-A and classified for trout stocking, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Newport Borough Water Authority located on the Juniata River, approximately 120 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 10.1 mgd are:

Parameter	Concentration (mg/l)		
	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)		Monitor and Report	
pH	Within 6 to 9 (Standard Units) at all times		
Instream Temperature		Monitor and Report	
Effluent Temperature		Monitor and Report	

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

The EPA waiver is in effect.

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

PA0002933, Industrial Waste, SIC 4911, **West Penn Power Company, d/b/a Allegheny Power**, 800 Cabin Hill Drive, Greensburg, PA 15601. This application is for renewal of an NPDES permit to discharge treated groundwater, treated stormwater and untreated stormwater from the West Penn/Allegheny Power Connellsville West Side Facility in the City of Connellsville, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, Youghiogheny River, classified as a HQ-CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Municipal Authority of Westmoreland County McKeesport Water Treatment Plant, located at McKeesport on the Youghiogheny River, over 40 miles below the discharge point.

Outfall 001: existing stormwater discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Total Recoverable Petroleum Hydrocarbons	Monitor and Report				
Oil and Grease			15		30

Other Conditions: Chemical additives, solids disposal, floating solids, stormwater conditions, PCB discharge prohibited and tank farm special conditions.

The EPA waiver is in effect.

Internal Monitoring Point 102: existing discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Oil and Grease			15		30
PCBs, Total	Not-Detectable				
pH (Standard Units)	not less than 6.0 nor greater than 9.0				

Outfall 002: existing discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
This outfall shall consist solely of uncontaminated stormwater runoff and those sources monitored at internal monitoring point 102.					

Outfalls 003—014: existing discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
These outfalls shall consist solely of uncontaminated stormwater runoff.					

PA0095231, Industrial Waste, SIC 4941, **Indiana County Municipal Services Authority**, 602 Kolter Drive, Indiana, PA 15701-1755. This application is for issuance of an NPDES permit to discharge treated process water from the Arcadia Water Treatment Plant in Montgomery Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, UNT to Cush 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 Shawville Power Company West Branch Susquehanna River intake, located at Bradford Township, **Clearfield County**, over 45 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.001 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
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.

PA0205991, Industrial Waste, SIC 4941, **Moon Township Municipal Authority**, 1700 Beaver Grade Road, Suite 200, Coraopolis, PA 15108. This application is for renewal of an NPDES permit to discharge treated process and untreated stormwater from the Moon Township Water Filtration Plant in Moon Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, the Ohio River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Midland Borough Water Authority, located at 25 miles below the discharge point.

Outfall 101: existing discharge, design flow of 0.065 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Suspended Solids			30		60
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.

Outfall 001: existing discharge

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
This discharge shall consist solely of those sources previously monitored at IMP 101 and uncontaminated stormwater runoff from roof drains and parking lot drains.					

Outfalls 002—004: existing discharge, design flow of varied mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
The discharge from these outfalls shall consist of uncontaminated stormwater runoff only.					

PA0219134, Industrial Waste, SIC 4911, **Allegheny Energy Units 3—5, LLC**, 800 Cabin Hill Drive, Greensburg, PA 15601. This application is for renewal of an NPDES permit to discharge treated process water, stormwater and untreated cooling water from Allegheny Energy Units 3—5 in Springdale Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Allegheny River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Oakmont Borough Municipal Authority, located at Oakmont, 4.2 miles below the discharge point.

Outfall 101: existing discharge, average flow of 0.1876 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Temperature (° F)	110				
Total Residual Chlorine	0.5			1.25	
Free Available Chlorine	0.2			0.5	
Chromium	0.2			0.2	
Zinc	1.0			1.0	
pH	not less than 6.0 nor greater than 9.0				

Other Conditions: Part C permit conditions concerning priority pollutants, sludge disposal, floating materials, stormwater, oil bearing wastewaters, total residual and free available chlorine, PCBs and chemical additives.

The EPA waiver is in effect.

Outfall 201: existing discharge, average flow of 0.0163 mgd

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Total Suspended Solids	30			100	
Oil and Grease	15			20	
pH	not less than 6.0 nor greater than 9.0				

Outfall 001: existing discharge, average flow of 0.2039 mgd

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
The discharge from this outfall shall consist of sources monitored at Internal Monitoring Points 101 and 201. This outfall also receives wastewater from Allegheny Energy Units 1 and 2, LLC, which is monitored internally under NPDES PA0218383.					

Outfall 002: existing discharge of stormwater.

The discharge from this outfall shall consist of uncontaminated stormwater only.

PA0253537, Industrial Waste, SIC 0273, **Rolling Rock Club**, P. O. Box 747, Ligonier, PA 15658. This application is for issuance of an NPDES permit to discharge treated process water from the Rolling Rock Club Fish Hatchery in Ligonier Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, Rolling Rock Creek, classified as a HQ-CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Latrobe Municipal Water Authority, located at Latrobe, PA, 12 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.216 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
Total Suspended Solids	30			60	
Cadmium	0.0007			0.0014	
CBOD ₅	Monitor and Report				
Fecal Coliforms	Monitor and Report				
Ammonia Nitrogen	Monitor and Report				
Iron, Total	Monitor and Report				
Formaldehyde	Monitor and Report				
Dissolved Oxygen	Monitor and Report				
pH	not less than 6.0 nor greater than 9.0				

Other Conditions: Part C conditions concerning residual waste, floating material, PPC Plan development, chemical additives and industry-specific BMPs.

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. 2205403, Amendment 07-1, Sewerage, **Mountainview Thoroughbred Racing Association—Penn National of Grantville**, P. O. Box 32, Grantville, PA 17028. This proposed facility is located in East Hanover Township, **Dauphin County**.

Description of Proposed Action/Activity: Application for construction/operation of a water reuse distribution system.

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

WQM Permit No. WQG016155, Sewerage, **Daniel Weaver**, 1531 Prospect Avenue, Erie, PA 16510. This proposed facility is located in West Carroll Township, **Cambria County**.

Description of Proposed Action/Activity: Application for the construction and operation of a single residence sewage treatment plant.

WQM Permit No. 0407403, Sewerage, **Debbie Chevront**, 943 Blackhawk Road, Beaver Falls, PA 15010. This proposed facility is located in South Beaver Township, **Beaver County**.

Description of Proposed Action/Activity: Application for the construction and operation of a single residence sewage treatment plant.

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>
PAI011507044	Devereux Foundation 444 Devereux Drive Villanova, PA 19085-1932	Chester	Wallace Township	East Branch Brandywine Creek HQ-TSF-MF
PAI011507045	Pulte Homes of PA, LP 1100 Northbrook Drive Suite 300 Trevose, PA 19053	Chester	West Brandywine Township	Beaver Creek TSF, MF West Branch Brandywine Creek HQ
PAI011507046	Uwchlan Township 715 North Ship Road Exton, PA 19341	Chester	Uwchlan Township	Shamona Creek HQ-TSF-MF

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

Lackawanna County Conservation District: 1300 Old Plank Road, Mayfield, PA 18433, (570) 281-9495.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023507008	Elliot Lebowite LCL Management, LLC 199 Baldwin Road Parsippany, NJ 07054-2397	Lackawanna	City of Scranton	Leach Creek CWF, EV

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10Q191R	David Jaindl Jaindl Land Co. 3150 Coffeetown Road Orefield, PA 18069	Lehigh	Lower Macungie Township	Swabia Creek HQ-CWF
PAI023907025	Stuart Krawitz K & M Associates 496 Lone Lane Allentown, PA 18104	Lehigh	Upper Macungie Township	Cedar Creek HQ-CWF

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>
PAI024807015	S-D Development Jim Seitz 502 Red Barn Drive Easton, PA 18040	Northampton	Bushkill Township	Bushkill Creek HQ-CWF

Susquehanna County Conservation District: County Office Building, 31 Public Avenue, Montrose, PA 18801, (570) 278-4600.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025807001	Department of Transportation District 4-0 55 Keystone Industrial Park Dunmore, PA 18512	Susquehanna	Forest City Borough	Lackawanna River HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032107003	Department of Transportation Engineering District 9-0 1620 North Juniata Street Hollidaysburg, PA 16648	Huntingdon	Jackson Township	Shavers Creek HQ-CWF
PAI032107002	Smith Land & Improvement Corporation Richard E. Jordon, III 2010 State Road Camp Hill, PA 17011	Cumberland	Hampden Township	Trindle 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)

CAFO Notices of Intent Received

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

PAG128302, CAFO, Presque Isle Downs, Inc., 8199 Perry Highway, Erie, PA 16509-6640, Summit Township, **Erie County.**

Description of Size and Scope of Proposed Operation/Activity: The facility includes a horse race track, gaming facility, an office building, horse stables and a manure storage facility. Wastewater from the stables and manure storage building will be discharged to a Publicly-Owned Treatment Plant. No land application of manure will occur onsite and all manure will be hauled offsite. A nutrient management plan has been approved for the handling of manure onsite. Precipitation coming in contact with the stables and other areas accessible to the horses will be directed to a constructed wetland that was certified to comply with PA Technical Guide standard 656.

The receiving stream, UNT to Walnut Creek, is in the Lake Erie Watershed classified for: CWF; MF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management

Act and The Clean Stream Law constitutes compliance with the State narrative water quality standards.

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

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

Application No. 1307505, Public Water Supply.

Applicant Blue Ridge Real Estate Co.
Kidder Township
Carbon County

Responsible Official Eldon D. Dietterick
Blue Ridge Real Estate Co.
P. O. Box 707
Route 940 and Mosey Road
Blakeslee, PA 18610

Type of Facility PWS

Consulting Engineer Michael E. Gable, P. E.
RKR Hess Associates
Hanover Office Plaza
961 Marcon Boulevard
Suite 425
Allentown, PA 18109

Application Received Date August 9, 2007

Description of Action Application proposed the modification of an existing PWS system to serve 435 residential units as part of Phase I construction. Modifications include a new well, storage tank, disinfection and corrosion control facilities, control system and distribution system construction.

Application No. 4807505, Public Water Supply.

Applicant Bath Borough Authority
Bath Borough
Northampton County

Responsible Official David Stack, Manager
Bath Borough Authority
P. O. Box 87
Bath, PA 18014

Type of Facility Public Water System

Consulting Engineer Barry Isett & Associates, Inc.
85 South Route 100 and
Kressler Lane
Trexlerstown, PA

Application Received Date July 31, 2007

Description of Action The addition of a new well source, the Allen Street Well, and a change in the chlorination system at the Holiday Hill Well.

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

Permit No. 0607510, Public Water Supply.

Applicant Proto-Cast, LLC

Municipality Douglass Township

County Berks

Responsible Official Proto-Cast, LLC, Managing Director
1460 Benjamin Franklin Highway
Douglassville, PA 19518

Type of Facility Public Water Supply

Consulting Engineer Karen Pollock, P. E.
System Designs Engineering
850 Park Road
Wyomissing, PA 19610

Application Received: April 14, 2007

Description of Action This application is for the addition of an arsenic treatment system to the existing water system located within the Proto-Cast facility in Douglassville, PA.

Permit No. 0607511, Public Water Supply.

Applicant Spect Construction Services, Inc.

Municipality Colebrookdale Township

County Berks

Responsible Official Spect Construction Services, Inc. President
P. O. Box 300
Boyertown, PA 19512

Type of Facility Public Water Supply

Consulting Engineer Stanley J. Endlich, P. E.
1101 South Broad Street
EDM Consultants, Inc.
Lansdale, PA 19446

Application Received: May 9, 2007

Description of Action Construction of a retirement community. The source will be The Boyertown Water Authority. The entire system will consist of distribution mains and a booster pump station.

Application No. 0507501, Minor Amendment, Public Water Supply.

Applicant Department of Conservation and Natural Resources (Shawnee State Park)

Municipality Napier Township

County Bedford

Responsible Official James L. Ross, Regional Engineer
435 State Park Road
Schellsburg, PA 15559

Type of Facility Public Water Supply

Consulting Engineer Peter Lusardi, P. E.
CET Engineering Services
1240 North Mountain Road
Harrisburg, PA 17112

Application Received: February 20, 2007

Description of Action New raw and finished water pumps, incline plate settlers, membrane filter.

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

Application No. 5507501—Construction, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
Township or Borough Monroe Township
County **Snyder**
Responsible Official Patrick R. Burke, Regional Manager
Aqua Pennsylvania, Inc.
204 East Sunbury Street
Shamokin, PA 17872

Type of Facility Public Water Supply—Construction

Consulting Engineer William A. LaDieu
CET Engineering Services
1240 North Mountain Road
Harrisburg, PA 17112

Application Received October 17, 2007

Description of Action Construction of a water storage tank to serve Monroe Market Place.

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

Application No. 6107501, Public Water Supply.

Applicant **Country Acres Personal Care Home, Inc.**
Township or Borough Cherrytree Township
Venango County
Responsible Official Donald Morrison, CEO
Consulting Engineer Steven R. Halmi, P. E.
Deiss & Halmi Engineering
105 Meadville Street
Edinboro, PA 16412

Application Received Date October 17, 2007

Description of Action Add Well No. 3 as a permitted source, and treatment including filtration for iron and manganese removal, softening by ion exchange and chlorine disinfection.

Application No. 4207501, Public Water Supply.

Applicant **Bradford City Water Authority**
Township or Borough Bradford City; Foster, Lafayette and Bradford Townships
McKean County

Responsible Official Kim R. Benjamin, Executive Director

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

Application Received Date October 12, 2007

Description of Action Big Shanty Pump Station replacement and updates at various storage facilities (three) and pump stations (six total) throughout Bradford Water Authority's service area.

MINOR AMENDMENT

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

Application No. Minor Amendment, Public Water Supply.

Applicant **ARCPA Properties, LLC**
Wayne Township
Schuylkill County

Responsible Official Dimitris Rentzios, VP Asset Administration
1 Mark Lane
Honey Brook, PA 19344
(610) 942-9335

Type of Facility Community Water System

Consulting Engineer NA

Application Received Date October 3, 2007

Description of Action Application for transfer of the PWS operation permit (that is, I.D. No. 3540043) for the community water system serving Frieden Manor Mobile Home Park from ARC DAM Frieden, LLC to ARCPA Properties, LLC.

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

Application No. 2594501-MA10, Minor Amendment.

Applicant **Erie City Water Authority**
Township or Borough McKean Borough/McKean Township
Erie County

Responsible Official Craig H. Palmer, Engineering Manager
Erie City Waterworks
340 West Bayfront Parkway
Erie, PA 16507

Type of Facility Public Water Supply

Application Received Date September 28, 2007

Description of Action Approximate 8-mile water main extension to McKean Borough and Township.

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.

Broad & Washington Property, City of Philadelphia, **Philadelphia County**. William Schmidt, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, Jamey Stynchula, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19106 on behalf of Samir Benakmounme, Rimas Properties BW, LP, 11-15 North 2nd Street, Philadelphia, PA 19106 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with inorganic. The future use of the site will remain the same.

(Amended) Rite Aid, Pennsburg Borough, **Montgomery County**. Steve Worley, Kane Environmental, Inc., 3831 Stone Way North, Settle, WA 98103 on behalf of Ray Renner, Gundaker Commercial Group, 100 Chesterfield Business Parkway, Suite 300, St. Louis, MO 63005 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with release of No. 2 fuel oil. The future use of the site will remain the same.

Blue Grass Plaza, City of Philadelphia, **Philadelphia County**. Samuel Kucia, Environmental Consulting, Inc., 500 East Washington Street, Norristown, PA 19401 on behalf of Lennard Katz, Blue Grass Mall Associates, 45-17 Marathon Parkway, Little Neck, NY 11362 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with chlorinated solvents. The proposed future use of the property will continue to be the existing nonresidential, commercial retail use.

Exxon Mobil 2 3455, City of Philadelphia, **Philadelphia County**. Kristina Cossaboon/Ann Harris, Klienfelder, Inc., 1340 Charwood Road, Hanover, MD 21076 on behalf of John Hoban, Exxon Mobil Corporation, 7715 Crittenden Street, No. 309, Philadelphia, PA 19118 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with unleaded gasoline and used motor oil. The future use of the property is unknown. However, the property is zoned commercial by the City of Philadelphia.

RJ Florig Industrial Corporation, Inc., Conshohocken Borough, **Montgomery County**. Paul Martino, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, Bill Schmidt, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104 on behalf of Donald Pulver, Steve Tower Bridge Associates, 300 Bar Harbor Drive, Suite 750, West Conshohocken, PA 19428 has submitted a Notice of Intent to Remediate. Groundwater and soil the site has been impacted with inorganics. The future use of the will remain the same.

Nicolet & Reading Parcels, Norristown Borough, **Montgomery County**. Steve Brower, Environmental Standards, Inc., 1140 Valley Forge Road, Valley Forge, PA 19482, Darryl Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 5-00, Bala Cynwyd, PA 19004 on behalf of Brian Finnegan, Chadds Ford Properties, LP, 2701 Renaissance Boulevard, King of Prussia, PA 19406 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with Pah's. The proposed future use of the site will be nonresidential for commercial proposes.

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

Conestoga Wood Specialties, East Earl Township, **Lancaster County**. Hafer Environmental Services, Inc., P. O. Box 4418, Reading, PA 19606, on behalf of Conestoga Wood Specialties, 245 Reading Road, Earl, PA 17519, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with No. 2 fuel oil leaked from a supply line. The site is and will remain a

manufacturer of custom wood components. The applicant is seeking to remediate to the Site-Specific Standard.

Glen-Gery Corporation, Lower Heidelberg Site, Lower Heidelberg Township, **Berks County.** Groundwater & Environmental Services, Inc., 440 Creamery, Suite 500, Exton, PA 19341, on behalf of Glen-Gery Corporation, Mid-Atlantic Plant, 423 South Pottsville Pike, Shoemakersville, PA 19555 submitted a Notice of Intent to Remediate site soils contaminated with arsenic and lead from a dump. The property is and will remain a manufacturing facility. The applicant is seeking to remediate to the Statewide Health Standard.

Vonda Kirchner Property, Lancaster City, **Lancaster County.** GemChem, Inc., 53 North Cedar Street, Lititz, PA 17543, on behalf of Vonda Kirchner, 517 Union Street, Lancaster, PA 17603-5239, submitted a Notice of Intent to Remediate site soils contaminated with used motor oil. The property is a former automotive repair business and planned future use is commercial. The applicant seeks to remediate to the Statewide Health Standard.

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.

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

67-03043A: Envirite of Pennsylvania, Inc. (730 Vogelsong Road, York, PA 17404) for installation of a dryer at their facility in the City of York, **York County.**

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

10-001L: AK Steel Corp. (P. O. Box 832, Butler, PA 16003-0832) for installation of a new 60mmBtu/hr natural gas fired boiler to supply the Main Shop at the Butler Works, in the City of Butler, **Butler County.** The facility currently has a Title V permit which was issued February 13, 2006.

42-158L: Temple Inland—Mt. Jewett (147 Temple Drive, Kane, PA 16735) to reopen the PAL permit to reflect the cessation of the Particle Board plant and a plan approval application for reduced hours of operation at the MDF plant at their Mt. Jewett facility in Mt. Jewett Township, **McKean County.** The facility currently has a Title V Permit No. 42-00158.

61-204D: Franklin Bronze & Alloy Co., Inc. (655 Grant Street, Franklin, PA 16323) for upgrade of the dust collection system which includes the installation of a new dust collector to control fumes from various sources in the investment casting process and to upgrade a dewax furnace that is currently out of service for a backup to an existing dewax furnace in their facility in the City of Franklin, **Venango County.**

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

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

46-0044A: Glasgow, Inc. (Church and Flint Hill Roads, King of Prussia, PA 19406) for relocation of the primary stone crushing operation and installation of a replacement primary crusher (with grizzly feeder) and associated equipment, scalping screen and belt conveyors at an existing stone crushing plant at its McCoy Quarry

facility, which is located in Upper Merion Township, **Montgomery County**. The facility is a non-Title V facility.

PM emissions from the primary stone crushing operation will be controlled by operating and maintaining water sprays at each transfer/discharge point. The plan approval will include monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

15-0060E: Southeastern Chester County Refuse Authority—"SECCRA" (P. O. Box 221, Kennett Square, PA 19348) for installation of 1.1 MW electric generator at the SECCRA municipal solid waste landfill at 219 Street Road, West Grove, PA 19390, London Grove Township, **Chester County**. The installation of the electric generator may result in the emissions of 8.3 tpy of NO_x, 42.5 tpy of CO, 8.3 tpy of VOC, 0.9 tpy of SO_x, 2.2 tpy of PM and 0.4 tpy of HAPs. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

46-0032C: SPS Technologies, LLC (301 Highland Avenue, Jenkintown, PA 19046) for re-evaluation of limitations for the vapor degreaser on trichloroethylene in Abington Township, **Montgomery County**. The limitation was changed from a 12-ton trichloroethylene per year throughput limit to a 12-ton trichloroethylene per year emission limit.

09-0199: Mars Fishcare North America, Inc. (50 East Hamilton Street, Chalfont, PA 18914) for an existing bulk material handling pneumatic conveying system, a dust collector and a vacuum filter receiver system at its facility in Chalfont Borough, **Bucks County**. The system will emit 1.03 tons of PM per year. This facility is a non-Title V facility. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

67-03045B: Acco Material Handling Solutions, Inc. (P. O. Box 792, York, PA 17405) for construction of a spray paint booth with a dry panel filter for control of PM emissions at their hoist and crane component manufacturing facility in York Township, **York County**. The source will have the potential to emit 5 tons VOC per year. The plan approval and subsequent State-only operating permit administrative amendment will include emission restrictions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

17-00005A: Glen-Gery Corp. (SR 970, Bigler, PA 16825) for construction of a clay and shale crusher at the Bigler Plant in Bradford Township, **Clearfield County**.

The facility in which the proposed crusher will be constructed is a major (Title V) facility for which a Title V operating permit (No. 17-00005) has been issued.

The proposed crusher will replace an existing crusher. The PM/PM10 emissions from the crusher will be controlled by an existing fabric collector which has been used to control the PM emissions from the crusher being replaced.

The PM/PM10 emissions from the proposed crusher are not expected to exceed 8.19 tpy.

The Department of Environmental Protection's (Department) review of the information submitted by Glen-Gery Corporation indicates that the proposed crusher will comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including the BAT requirement of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue plan approval for the construction of the proposed crusher. Additionally, if the Department determines that the crusher is operating in compliance with all conditions of the plan approval and all applicable regulatory requirements following its construction, the Department intends to incorporate the plan approval conditions into Title V Operating Permit 17-00005 in accordance with the administrative amendment requirements of 25 Pa. Code § 127.450.

The following is a summary of the conditions the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable requirements:

1. The concentration of PM/PM10 in the exhaust of the fabric collector shall not exceed .02 grain per dry standard cubic foot of effluent gas volume. Additionally, there shall be no visible air contaminant emissions from the fabric collector exhaust.

2. The crusher shall not be operated more than 5,975 hours in any 12-consecutive month period. Records shall be kept of the number of hours the crusher operates each month and shall be made available to the Department upon request.

3. The crusher shall not be operated without the simultaneous operation of the fabric collector nor shall the crusher be operated when the fabric collector is in its bag shake cycle. Interlocks shall be installed to assure this.

4. The fabric collector shall be equipped with instrumentation to monitor the pressure differential across the fabric collector on a continuous basis.

5. Spare fabric collector bags shall be kept onsite.

A copy of the plan approval application is available for public inspection during normal business hours at the address listed. Persons interested in inspecting the application must schedule an appointment in advance.

Person wishing to protest the issuance of plan approval or provide the Department with additional information which they believe should be considered in the Department's review of the respective plan approval application may do so by submitting the protest or information in writing to the Department at the address listed.

Protests or comments must be received by the Department within 30 days of the last date of publication of this notice to be considered. Each protest or comment should include the name, address and telephone number of the person submitting the protest or comment and a concise statement explaining the relevancy of the protest or comment being presented to the Department.

A public hearing may be held if the Department, in its discretion, decides that such a hearing is warranted based on the information received. Persons protesting the issuance of plan approval, 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 in the Bigler area or by letter or telephone if the Department feels that such notification is sufficient.

Written comments, protests or requests for a public hearing should be directed to David W. Aldenderfer, Environmental Program Manager, Air Quality Program, Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

For additional information regarding the respective plan approval application, contact Richard L. Maxwell, Jr., Chief, New Source Review Section, Air Quality Program, Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 327-3640.

55-399-006: Apex Homes (7172 US Highway 522, Middleburg, PA 17842) for construction of a modular home manufacturing operation in Middlecreek Township, **Snyder County**.

The modular home manufacturing operation involves the use of various VOC-containing, VHAP-containing, acetone-containing and chlorodifluoromethane-containing materials (paints, stains, adhesives, sealants, insulating foams, cleaning solvents, and the like).

The air contaminant emissions from the modular home manufacturing operation are not expected to exceed 32.04 tons of VOC, 2.36 tons of VHAPs, 2.14 tons of acetone, .20 ton of chlorodifluoromethane and 15.81 tons of PM per year.

The facility in which the modular home manufacturing operation is located is not a major (Title V) facility for any air contaminant.

The Department of Environmental Protection's (Department) review of the information provided by Apex Homes indicates that the modular home manufacturing operation will comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue plan approval for the construction of the modular home manufacturing operation.

The following is a summary of the conditions the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable requirements:

1. The total combined VOC emissions from the modular home manufacturing operation shall not exceed 32.04 tons in any 12-consecutive month period, the total combined VHAP emissions shall not exceed 2.36 tons in any 12-consecutive month period, the total combined acetone emissions shall not exceed 2.14 tons in any 12-consecutive month period and the total combined chlorodifluoromethane emissions shall not exceed .20 tons in any 12-consecutive month period.

2. Only those specific adhesives, coatings (paints, stains, lacquers, and the like), sealants, insulating foams and barriers, cleaning solvents, and the like identified in

the plan approval application (or an alternate material determined by the Department to have an equivalent, or lower, air contaminant emission potential) shall be used.

3. "Duron Pro Kote Supreme No. 59865" shall be the only coating used to coat interior walls. "Duron Dura Clad No. 1688014" shall be the only coating, other than topcoats and stains, used to coat interior trim and the only coating used to coat interior doors. "Duron Weathershield No. 03301" shall be the only coating used to coat exterior trim and exterior doors. "Duron Rust Inhibitor Spray Enamel" shall be the only coating used to paint numbers on exterior walls. "Gemini No. 500 Lacquer Thinner" shall be the only solvent used to thin lacquer. "Minwax Fast Drying Polyurethane Clear Semi-Gloss," "Euro-Clear HF40/Catalyst 2750" and "Krylon Decorator Spray Paint Clear" shall be the only topcoats used for interior trim. "Bernyl Facett LV40 HAPs Free," "Bernyl Parkett LV40 HAPs Free" and "Care Seal Precat HAPs Free FL5312F" shall be the only lacquer stains used for interior trim, kitchen cabinets and bathroom cabinets. "Retarder 0987 HAPs Free" shall be the only additive used in "Bernyl Facett LV40 HAPs Free" to decrease drying time. "Super Titebond" shall be the only adhesive, other than "3M Scotch Weld Hot Melt," used to glue kitchen and bathroom cabinet joints together. "GE Contractors Grade" shall be the only adhesive used for the construction of stairs and dormers. "Bondaflex Sil-A700 Acrylic Sealant" and "Bondaflex Sil-100" shall be the only adhesives used to glue walls to floors and ceilings and seal around doors and windows. "Star Stuk HT" and "Dorus KS 208/2" shall be the only adhesives used to glue edgbanding to shelves, drawers and rollouts. "Seamseal Plus Sealant" shall be the only adhesive used to seal around tubs, sinks, showers and white molding. "Amstone Plastic Roof Cement" shall be the only roof cement used to seal around skylights, vents and pipes and under exterior doors. "CKD MUR 8225 BH Adhesive" shall be the only adhesive used to secure floor joists and to secure wallboard to studs. "3M Scotch Weld Hot Melt" shall be the only adhesive, other than "Super Titebond," used to glue cabinets and drawers. "Rectorseal No. 5" and "Slic-Tite Paste" shall be the only thread sealants used on pipes. "Orange Crush" shall be the only soldering flux used for metal pipe joining. "Weld-On PC-64 Primer/Cleaner" shall be the only primer used to remove surface dirt on PVC pipe prior to joining. "Weld-On Hot R Cold 727 PVC Cement" shall be the only cement used for PVC pipes and fittings. "Eastman DE Solvent" shall be the only solvent used to clean insulating foam and barrier spray guns. "OOPS! All Purpose Remover," "Marvel Glass Cleaner Concentrate" and "Desolve It-Contractor's Solvent" shall be the only solvents used for general cleanup. "USG Sheetrock Taping Compound" shall be the only drywall taping compound used to mud drywall. "WD-40" shall be the only lubricant used for general lubrication and cleanup. "Dutch Boy Lead Free Solder" shall be the only solder used. "Color Putty Nailhole Filler" shall be the only putty used to fill nailholes. "Dow Foam," "Enerfoam," "Duraglas," "Great Stuff Pro," "Handi-Foam Fireblock," "Jaco Firestop" and "DrafTstop" shall be the only insulating foams and barriers used for insulation. In each case, the only exception shall be that an alternate material may be used if the Department has first determined that it has an equivalent, or lower, air contaminant emission potential than the material it replaces.

4. All materials listed shall comply with the usage limitation identified as applying to that material:

<i>Material</i>	<i>Maximum Gallons Used/ 12-Consecutive Month Period</i>
Duron Pro Kote Supreme No. 59865 (and/or any alternate material)	20,000
Duron Dura Clad No. 1688014 (and/or any alternate material)	1,320
Duron Weathershield No. 03301 (and/or any alternate material)	75
Duron Rust Inhibitor Spray Enamel (and/or any alternate material)	13
Gemini No. 500 Lacquer Thinner (and/or any alternate material)	330
Minwax Fast Drying Polyurethane Clear Semi-Gloss, Euro-Clear HF40/Catalyst 2750 and Krylon Decorator Spray Paint Clear (and/or any alternate material)	1,221
Bernyl Facett LV40 HAPs Free, Bernyl Parkett LV40 HAPs Free and Care Seal Precat HAPs Free FL5312F (and/or any alternate material)	4,540
Retarder 0987 HAPs Free (and/or any alternate material)	66
Super Titebond (and/or any alternate material)	207
GE Contractors Grade (and/or any alternate material)	440
Bondaflex Sil-A 700 Acrylic Sealant and Bondaflex Sil-100 (and/or any alternate material)	959
Star Stuck HT and Dorus KS 208/2 (and/or any alternate material)	33
Seamseal (and/or any alternate material)	507
Amstone Plastic Roof Cement (and/or any alternate material)	136
Rectorseal No. 5 and Slic-Tite Paste (and/or any alternate material)	14
Orange Crush (and/or any alternate material)	9
Weld-On PC-64 Primer/Cleaner (and/or any alternate material)	42
Weld-On Hot R Cold 727 PVC Cement (and/or any alternate material)	330
Eastman DE Solvent (and/or any alternate material)	163
OOPS! All Purpose Remover, Marvel Glass Cleaner Concentrate and DeSolve It-Contractor's Solvent (and/or any alternate material)	73
USG Sheetrock Taping Compound (and/or any alternate material)	880
WD-40 (and/or any alternate material)	5

5. All materials listed shall comply with the VOC and VHAP content limitations identified as applying to that material:

<i>Material</i>	<i>Maximum Pounds VOCs/Gallon Material</i>	<i>Maximum Pounds VHAPs/Gallon Material</i>
Duron Pro Kote Supreme No. 59865 (and/or any alternate material)	.94	Zero
Duron Dura Clad No. 1688014 (and/or any alternate material)	.19	Zero
Duron Weathershield No. 03301 (and/or any alternate material)	.79	.10
Duron Rust Inhibitor Spray Enamel (and/or any alternate material)	4.65	1.85
Gemini No. 500 Lacquer Thinner (and/or any alternate material)	6.84	5.31
Minwax Fast Drying Polyurethane Clear Semi-Gloss (and/or any alternate material)	3.72	Zero
Euro-Clear HF40/Catalyst 2750 (and/or any alternate material)	5.92	.53
Krylon Decorator Spray Paint Clear (and/or any alternate material)	3.11	1.04
Bernyl Facett LV40 HAPs Free (and/or any alternate material)	5.38	Zero
Bernyl Parkett LV40 HAPs Free (and/or any alternate material)	4.11	.003
Care Seal Precat HAPs Free FL5312F (and/or any alternate material)	5.88	Zero
Retarder 0987 HAPs Free (and/or any alternate material)	7.91	Zero
Super Titebond (and/or any alternate material)	5.53	Zero
GE Contractors Grade (and/or any alternate material)	3.27	3.21
Bondaflex Sil-A Acrylic Sealant (and/or any alternate material)	.15	.09
Bondaflex Sil-100 (and/or any alternate material)	.30	Zero
Star Stuck HT (and/or any alternate material)	3.74	1.73

<i>Material</i>	<i>Maximum Pounds VOCs/Gallon Material</i>	<i>Maximum Pounds VHAPs/Gallon Material</i>
Dorus KS 208/2 (and/or any alternate material)	Zero	.01
Seamseal Plus Sealant (and/or any alternate material)	.03	Zero
Amstone Plastic Roof Cement (and/or any alternate material)	2.51	.03
CKD MUR 8225BH Adhesive (and/or any alternate material)	Zero	Zero
3M Scotch Weld Hot Melt (and/or any alternate material)	Zero	Zero
Rectorseal No. 5 (and/or any alternate material)	2.65	Zero
Slic-Tite Paste (and/or any alternate material)	Zero	Zero
Orange Crush (and/or any alternate material)	5.84	5.84
Weld-On PC-64 Primer/Cleaner (and/or any alternate material)	6.78	Zero
Weld-On Hot R Cold 727 PVC Cement (and/or any alternate material)	7.09	Zero
Eastman DE Solvent (and/or any alternate material)	8.26	8.26
OOPS! All Purpose Cleaner (and/or any alternate material)	6.63	1.39
Marvel Glass Cleaner Concentrate (and/or any alternate material)	8.13	Zero
DeSolve It-Contractor's Solvent (and/or any alternate material)	2.53	Zero
USG Sheetrock Taping Compound (and/or any alternate material)	.02	Zero
WD-40 (and/or any alternate material)	3.44	Zero
Dutch Boy Lead Free Solder (and/or any alternate material)	Zero	Zero
Color Putty Nailhole Filler (and/or any alternate material)	Zero	Zero

6. The total combined VCO emissions and VHAP emissions resulting from the use of "Dow Foam," "Enerfoam," "Duraglas," "Great Stuff Pro," "Handi-Foam Fireblock," "Jaco Firestop" and "DrafTstop" (and/or any alternate material) shall not exceed 46 pounds and 46 pounds, respectively, in any 12-consecutive month period nor shall the total combined emissions of chlorodifluoromethane (and any alternate chlorofluorocarbon, hydrochlorofluorocarbon or hydrofluorocarbon) exceed 393 pounds in any 12-consecutive month period.

7. The total combined VOC emissions resulting from the use of stains other than "Bernyl Facett LV40 HAPs Free," "Bernyl Parkett LV40 HAPs Free" and "Care Seal Precat HAPs Free FL5312F" (and/or any alternate material) plus the use of all stain tints and additives other than "Retarder 0987 HAPs Free" (and/or any alternate material) shall not exceed 2.52 tons in any 12-consecutive month period nor shall the total combined emissions of VHAPs exceed .20 ton in any 12-consecutive month period. Additionally, the VOC and VHAPs content of all such materials shall not exceed 6.81 pounds per gallon and 4.17 pounds per gallon, respectively.

8. All coatings, other than stains, shall be applied by brush, wiping cloth or by airless, air-assisted airless or HVLP (high volume, low pressure) spray technology. All stains shall be applied by brush or wiping cloth only.

9. The three spray booths shall be equipped with spray booth filters and instrumentation to monitor the pressure differential across the filters. The resultant PM emission concentration shall be no greater than .01 grain per dry standard cubic foot of effluent gas volume.

10. All containers of VOC-containing, VHAP-containing and acetone-containing materials shall be kept closed except when removing material from the containers or placing material into the containers. Any solvent flushed from spray guns or spray lines shall be flushed in a solid liquid stream into a container. Solvents shall not at any time be removed from spray guns or spray lines by

spraying into the air or by spraying an atomized stream into a container. All solvent-wet rags or cloths shall be stored in closed containers.

11. Appropriate records shall be kept to demonstrate compliance with all plan approval conditions. All records generated for each calendar quarter shall be submitted to the Department by no later than the 30th day of the month following the respective calendar quarter.

08-0002C: E. I. duPont de Nemours & Co., Inc. (R. D. 1, Box 15, Towanda, PA 18848) to modify, and install an air cleaning device on, an existing thermal color filters coater in North Towanda Township, **Bradford County**.

The facility in which the thermal color filters coater is located is a major (Title V) facility for which a Title V operating permit (No. 08-00002) has been issued.

The proposed modification consists of using organic solvent-based coatings in addition to the water-based coatings previously in use and increasing the VOC emissions from the coater from less than 2.7 tpy to a maximum of no more than 24.46 tpy and the HAP emissions from less than 1.0 tpy of any individual HAPs and less than 2.5 tpy of all HAPs combined to a maximum of no more than 24.4 tpy. The proposed air cleaning device is a regenerative thermal oxidizer.

Following the modification of the coater and the installation of the regenerative thermal oxidizer, the air contaminant emissions from the coater are not expected to exceed 24.46 tons of VOC and/or non-VOC-organic solvents (organic solvents, such as methyl acetate and acetone, which are not considered to be VOCs by the Federal Environmental Protection Agency), 24.4 tons of HAPs, .8 ton of NO_x, .4 ton of CO, .3 ton of PM/PM₁₀ and .02 ton of SO_x per year.

The Department of Environmental Protection (Department) review of the information submitted by E. I. duPont de Nemours & Co., Inc. indicates that the thermal color filters coater will comply with all applicable regula-

tory requirements pertaining to air contamination sources and the emission of air contaminants following the modification of the coater and the installation of regenerative thermal oxidizer, including the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12 and Subpart JJJJ of the National Emission Standards for HAPs, 40 CFR 63.3280—63.3420 (Paper and Other Web Coating). Based on this finding, the Department proposes to issue plan approval for the modification of the coater and the installation of the regenerative thermal oxidizer. Additionally, if the Department determines that the coater is operating in compliance with all conditions of the plan approval and all applicable regulatory requirements following its modification and the installation of the regenerative thermal oxidizer, the Department intends to incorporate the plan approval conditions to Title V Operating Permit 08-00002 in accordance with the administrative amendment requirements of 25 Pa. Code § 127.450.

The following is a summary of the conditions the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable requirements:

1. The coater (which consists of a pump room, two coating stations and a dryer) shall be designed such that 100% of the VOC, non-VOC organic solvent and VHAPs emissions are captured.

2. The only VHAPs that may be used in the coatings applied in the coater are butyl carbitol acetate, dibutyl carbitol, Dowanol DE, ethyl benzene, ethylene glycol, hexane, methanol, methyl isobutyl ketone, toluene and xylene.

3. The coater shall be controlled by the regenerative thermal oxidizer at all times that more than 7.0 pounds of VOC and/or non-VOC organic solvents or more than 6.0 pounds of VHAPs are being processed through the coater per hour.

4. The regenerative thermal oxidizer shall achieve a VOC/non-VOC organic solvent/VHAP destruction efficiency of at least 99% when the concentration of VOCs/non-VOC organic solvents/VHAPs in the inlet to the regenerative thermal oxidizer is in excess of 500 parts per million, by volume, expressed as propane. If the inlet concentration of VOC/non-VOC organic solvents/VHAPs is 500 parts per million or less, the concentration of VOC/non-VOC organic solvents/VHAPs in the exhaust of the regenerative thermal oxidizer shall not exceed 5 parts per million, by volume, expressed as propane.

5. The coater and regenerative thermal oxidizer shall not emit more than a total of 24.46 tons of VOC and/or non-VOC organic solvents or 24.4 tons of VHAPs in any 12-consecutive month period.

6. The concentration of NO_x, expressed as nitrogen dioxide, in the exhaust of the regenerative thermal oxidizer shall not exceed 55 parts per million, by volume, dry basis, corrected to 3% oxygen at any time. Additionally, the emission of NO_x, expressed as NO₂, from the regenerative thermal oxidizer shall not exceed .8 ton in any 12 consecutive month period.

7. The concentration of CO in the exhaust of the regenerative thermal oxidizer shall not exceed 50 parts per million, by volume, dry basis, corrected to 3% oxygen at any time. Additionally, the emission of CO from the regenerative thermal oxidizer shall not exceed .4 ton in any 12-consecutive month period.

a. The regenerative thermal oxidizer shall be equipped with instrumentation to continuously monitor and record

the combustion chamber temperature. At a minimum, the combustion chamber temperature shall be recorded at least once every 60 seconds. All temperature records shall be retained for at least 5 years and shall be made available to the Department upon request.

8. The regenerative thermal oxidizer shall be equipped with instrumentation to continuously monitor the pressure differential across the rotary valve seal.

9. The coater shall be equipped with instrumentation to continuously monitor the mass flow rate of the coatings being applied (or the permittee shall implement an alternate method, approved by the Department, of accurately determining this information). At a minimum, the mass flow rate shall be determined and recorded at least once every 15 minutes. The identity of the coating being applied shall also be recorded on each occasion the mass flow rate is recorded. All mass flow rate records shall be retained for at least 5 years and shall be made available to the Department upon request.

10. Within 60 days of plan approval issuance, the permittee shall submit a monitoring plan to the Department which describes the instrumentation and/or method by which the VOC and/or non-VOC organic solvent loading (pounds per hour) and VHAPs loading (pounds per hour) to the regenerative thermal oxidizer will be monitored.

11. The regenerative thermal oxidizer combustion chamber temperature shall be maintained at a minimum of 1,550° F at all times that the regenerative thermal oxidizer is in operation except that the permittee may operate the regenerative thermal oxidizer at a lower combustion chamber temperature during the performance of stack testing (but, at no time, lower than 1,400° F). Additionally, the Department reserves the right to require the maintenance of a combustion chamber temperature in excess of 1,550° F if stack testing demonstrates that a higher temperature is needed to achieve the VOC/non-VOC organic solvent/VHAP destruction efficiency and/or emission limits specified herein. The coater shall not operate at any time the regenerative thermal oxidizer combustion chamber temperature is less than 1,550° F except during the performance of stack testing.

12. Within 180 days after coater startup, stack testing shall be performed to determine the VOC/non-VOC organic solvent/VHAP destruction efficiency occurring in the regenerative thermal oxidizer as well as the regenerative thermal oxidizer's outlet non-methane VOC concentration (expressed as propane), NO_x emission rate and CO emission rate while the coater is operating at both a normal VOC/non-VOC organic solvent/VHAP generation rate and a maximum VOC/non-VOC organic solvent/VHAP generation rate.

13. The permittee shall maintain comprehensive accurate records of all VOC-containing, non-VOC organic solvent-containing and VHAP-containing coatings used on the coater. These records shall contain the following:

- a. The identity of each coating used.
- b. The amount of each coating used each month.
- c. The VOC content of each coating used.
- d. The non-VOC organic solvent content of each coating used.
- e. The VHAP content of each coating used.

The permittee shall additionally maintain comprehensive accurate records of the amount of VOCs, the amount of non-VOC organic solvents and the amount of VHAPs emitted from the coater and regenerative thermal oxidizer each month.

All records shall be retained for at least 5 years, shall be made available to the Department upon request and shall be reported to the Department on a quarterly basis.

14. The coater is subject to Subpart JJJJ of the National Emission Standards for HAPs, 40 CFR 63.3280—63.3420 (Paper and Other Web Coating).

A copy of the plan approval application is available for public inspection during normal business hours at the address listed. Persons interested in inspecting the application must schedule an appointment in advance.

Persons wishing to protest the issuance of plan approval or provide the Department with additional information which they believe should be considered in the Department's review of the respective plan approval application may do so by submitting the protest or information in writing to the Department at the address listed.

Protests or comments must be received by the Department within 30 days of the last date of publication of this notice in order to be considered. Each protest or comment should include the name, address and telephone number of the person submitting the protest or comment and a concise statement explaining the relevancy of the protest or comment being presented to the Department.

A public hearing may be held if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons protesting the issuance of plan approval, 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 in the Towanda area or by letter or telephone if the Department feels that such notification is sufficient.

Written comments, protests or requests for a public hearing should be directed to David W. Aldenderfer, Environmental Program Manager, Air Quality Program, Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

For additional information regarding the respective plan approval application, contact Richard L. Maxwell, Jr., Chief, New Source Review Section, Air Quality Program, Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 327-3640.

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

AMS 07126: Digital Realty Trust (833 Chestnut Street, Philadelphia, PA 19108) for installation of a 2,000 kW diesel Cummins emergency generator in the City of Philadelphia, **Philadelphia County**. There will be a potential annual emission increase of 3.5 tons of NO_x for the facility. The plan approval will contain operating, monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

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

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

46-00243: Upper Montgomery Joint Authority—UMJA (1100 Mensch Dam Road, Pennsburg, PA 18073) for a non-Title V, State-only, Natural Minor Operating Permit for operation of a thermal fluid sludge dryer at their wastewater treatment facility in Upper Hanover Township, **Montgomery County**. A wet scrubber/condenser and biofilter are used as control devices. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

46-00098: Edon Corp. (1160 Easton Road, Horsham, PA 19044) for a renewal of the State-only Operating Permit in Horsham Township, **Montgomery County**. The original SOOP was issued January 29, 2003. The facility manufactures fiberglass reinforced plastic products that are used mainly in architectural ornamentation for the building and construction industries.

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

67-03113: Advanced Industrial Services, Inc. (3250 Susquehanna Trail, York, PA 17406) for operation of their metal fabrication facility in Manchester Township, **York County**. The State-only operating permit will include emission restrictions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the State-only operating permit issued in 2002.

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

14-00017: Supelco, Inc. (595 North Harrison Road, Bellefonte, PA 16823) for operation of a chromatographic equipment manufacturing facility in Spring Township, **Centre County**.

The facility incorporates two 6.5 mmBtu/hr natural gas-fired boilers, a 135 horsepower diesel fuel-fired fire pump, a 355 horsepower diesel fuel-fired emergency generator, a 3,000 gallon waste solvent storage tank and two solvent parts washers. The VOC and VHAP emissions from the waste solvent storage tank are controlled by an activated carbon drum.

The air contaminant emissions from the facility are not expected to exceed 36.24 tons of NO_x, 8.44 tons of VOCs, 7.81 tons of CO, 4.6 tons of HAPs, 2.57 tons of PM/PM₁₀ and 2.4 tons of SO_x per year. Some of the VOCs and most of the HAP are emitted by production areas and laboratory activities not specifically identified previously.

The facility is not a major (Title V) facility for any air contaminant.

The Department of Environmental Protection (Department) proposes to incorporate into the operating permit to be issued conditions requiring compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants as

well as conditions previously contained in Operating Permit 14-313-024, issued for the operation of the waste solvent storage tank on March 25, 1997.

The conditions previously contained in Operating Permit 14-313-024 include:

1. A condition limiting the solvents stored in the waste solvent storage tank to those identified in Plan Approval Application 14-313-024.

2. A condition limiting the annual throughput of each solvent stored in the waste solvent storage tank to no more than 150% of the throughput identified in Plan Approval Application 14-313-024.

3. A condition prohibiting the waste solvent storage tank from being vented to atmosphere except through an activated carbon drum, the tank's pressure relief valve (which shall have a pressure setting of at least five pounds per square inch) or, in the case of tank repair or maintenance only, the tank's access hatch or manhole.

4. A condition requiring the permittee to monitor the exhaust of the activated carbon drum associated with the waste solvent tank on a regular basis and replace the carbon, or drum, as soon as breakthrough is detected.

The Department additionally proposes to incorporate a number of other conditions into the operating permit to be issued including:

5. A condition limiting the total combined VOC emissions from the facility to less than 50 tons in any 12-consecutive month period, the total combined emissions of any single HAP to less than 10 tons in any 12-consecutive month period and the total combined emissions of all HAPs to less than 25 tons in any 12-consecutive month period.

6. Conditions requiring the maintenance, and annual submission, of records of the identity, amount used, VOC content and content of each individual VHAP for each VOC-containing material and/or VHAP-containing material used in the facility each month as well as the amount of VOCs and the amount of each individual HAP emitted each month.

7. Conditions limiting the fuel used in the two natural gas-fired boilers to natural gas and the fuel used in the fire pump and emergency generator to virgin diesel fuel to which no reclaimed/reprocessed oil, waste oil or other waste materials have been added.

8. Conditions prohibiting the operation of emergency generator for more than 500 hours in any 12-consecutive month period and requiring the maintenance of records of the number of hours the generator is operated each month.

9. A condition requiring the maintenance of records of the identity and annual throughput of all solvents stored in the waste solvent tank as well as the date, time and a brief summary of the results of each occurrence that monitoring of the exhaust of the activated carbon drum takes place and the date of each occurrence that the carbon, or drum, is replaced.

10. Conditions prohibiting the emission of 2.7 or more tons of VOCs from the solvent parts washers as well as the use, in the parts washers, of halogenated solvents or solvents which contain a HAP as an intentionally-added ingredient.

11. A condition requiring the maintenance of records of the amount of solvent added to each parts washer each month as well as the amount of parts washer solvent shipped offsite each month.

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

43-00040: John Maneely Co.—Wheatland Tube Division—Sharon Plant (200 Clark Street, Sharon, PA 16146) a Natural Minor Operating Permit for operation of the facility's air contamination sources in the City of Sharon, **Mercer County** consisting of one natural gas-fired boilers, natural gas heating units, one conduit zinc coating line, cold solvent cleaners and three small VOC storage tanks. Emission Reduction Credits from the shut-down of source 101 (CW Furnace) and source 104 (pipe coating operation) were also administratively amended into the operating permit during renewal.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal 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			

¹The 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.

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

Permit Number: 03840401 and NPDES Permit No. PA0214558, TJS Mining, Inc. (2340 Smith Road, Shelocta, PA 15774), to revise the permit for the Coal Refuse Disposal Area No. 2 in Plumcreek Township, **Armstrong County** to reconfigure the refuse site and install PVC liner. No additional discharges. Application received August 2, 2007.

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

11850102 and NPDES No. PA0608483. Cooney Brothers Coal Company, P. O. Box 246, Cresson, PA 16630, permit renewal for reclamation only of a bituminous surface mine in Gallitzin and Logan Townships, **Cambria and Blair Counties**, affecting 225.0 acres. Receiving stream: UNTs to Little Laurel Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received October 15, 2007.

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

03020115 and NPDES Permit No. PA0250295. Bedrock Mines, LP (111 Freeport Road, Pittsburgh, PA 15215). Application received for transfer of permit currently issued to Walter L. Houser Coal Company, Inc., for continued operation and reclamation of a bituminous surface/auger mining site located in Sugarcreek Township, **Armstrong County**, affecting 195.6 acres. Receiving streams: UNTs to Snyder Run and Huling Run, classified for the following use: CWF. There are no

downstream potable water supply intakes within 10 miles from the point of discharge. Transfer application received October 5, 2007.

03830116 and NPDES Permit No. PA0599727. Bedrock Mines, LP (111 Freeport Road, Pittsburgh, PA 15215). Application received for transfer of permit currently issued to Walter L. Houser Coal Company, Inc., for continued operation and reclamation of a bituminous surface/auger mining site located in Kittanning Township, **Armstrong County**, affecting 812 acres. Receiving streams: UNTs of Mill Run to Cowanshannock Creek to the Allegheny River, classified for the following use: WWF. There are no downstream potable water supply intakes within 10 miles from the point of discharge. Transfer application received July 25, 2007.

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

33030110 and NPDES Permit No. PA0242454. Hepburnia Coal Company (P. O. Box I, Grampian, PA 16838). Renewal of an existing bituminous surface strip operation in Snyder Township, **Jefferson County** affecting 122.5 acres. Receiving streams: UNTs to Little Toby Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received October 15, 2007.

24980104 and NPDES Permit No. PA0227854. Fairview Coal Company (P. O. Box R, Ridgway, PA 15853). Renewal of an existing bituminous surface strip and auger operation in Horton Township, **Elk County** affecting 29.5 acres. Receiving streams: UNTs to Johnson Run, Two UNTs to Brandy Camp Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received October 16, 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* pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

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

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

65070601 and NPDES Permit No. PA0251241. Delmont Quality Limestone, LLC (111 Freeport Road, Pittsburgh, PA 15215). Application for commencement, operation and reclamation for a noncoal surface mine, located in Washington and Bell Townships, **Westmoreland County**, affecting 307.8 acres. Receiving streams: Beaver Run and UNTs to Beaver Run, classified for the following use: TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received October 5, 2007.

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

10070303 and NPDES Permit No. PA0258440. Allegheny Mineral Corporation (Box 1022, Kittanning, PA 16201). Commencement, operation and restoration of a limestone and incidental coal extraction operation in Slippery Rock Township, **Lawrence County** affecting 57.3 acres. Receiving streams: Slippery Rock Creek, classified for the following use: CWF. There are no potable surface water supply intakes 10 miles downstream. Request to change the post mining land use on a portion of the property from Noncommercial Forestland or Residential to Unmanaged Natural Habitat. Application received October 15, 2007.

1270-10070303-E-1. Allegheny Mineral Corporation (Box 1022, Kittanning, PA 16201). Application for a stream encroachment to place erosion and sedimentation controls within the 100 foot barrier of a UNT to Wolf Creek in Slippery Rock Township, **Butler County**. Receiving streams: Slippery Rock Creek, classified for the following use: CWF. There are no potable surface water supply intakes 10 miles downstream. Application received October 15, 2007.

1270-10070303-E-2. Allegheny Mineral Corporation (Box 1022, Kittanning, PA 16201). Application for a stream encroachment to place erosion and sedimentation controls within the 100 foot barrier of a UNT to Slippery Rock Creek in Slippery Rock Township, **Butler County**. Receiving stream: Slippery Rock Creek, classified for the following use: CWF. There are no potable surface water supply intakes 10 miles downstream. Application received October 15, 2007.

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

54070301. Rolling Rock Building Stone, Inc. (40 Rolling Rock Road, Boyertown, PA 19512), commencement, operation and restoration of a quarry operation in Wayne Township, **Schuylkill County** affecting 71.0

acres, receiving stream: Bear Creek and UNT to Little Swatara Creek, classified for the following use: CWF. Application received October 9, 2007.

7774SM1A1C8 and NPDES Permit No. PA004455. Eastern Industries, Inc. (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Oley Township, **Berks County**, receiving stream: UNT to Limekiln Creek, classified for the following use: WWF. Application received October 10, 2007.

7874SM3A1C8 and NPDES Permit No. PA0612537. Eastern Industries, Inc. (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Whitehall Township, **Lehigh County**, receiving stream: Coplay Creek, classified for the following use: CWF. Application received October 10, 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

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

E20-564, Crawford County Commissioners, County Courthouse, 1st Floor, Meadville, PA 16335. T-899 Kreitz Road Bridge, in Cambridge Township, **Crawford County**, ACOE Pittsburgh District (Cambridge Springs, PA Quadrangle N: 15.9 inches; W: 8.6 inches).

The applicant proposes to remove the existing structure and to construct and maintain a prestressed concrete spread box beam bridge having a clear span of 103.9 feet and an underclearance of 11.06 feet on a 60° skew across Little Conneautee Creek on T-899 (Kreitz Road) approximately 1.1 mile NE of the intersection of SR 99 and Mt. Pleasant Road. Project includes 0.023 acre of permanent PSS wetland impact (de minimis), 0.022 acre of temporary PSS wetland impact, and replacement of an existing 15-inch-diameter culvert that connects an adjacent pond to a wetland. Little Conneautee Creek is a perennial stream classified as a CWF. The project proposes to directly impact approximately 125 feet of stream and

0.023 acre of PSS wetland (de minimis) and to temporarily impact 0.022 acre of PSS wetland.

ENVIRONMENTAL ASSESSMENTS

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

EA05-008: Broad Top Township, P. O. Box 57, Defiance, PA 16633. SXO-D6 AMD Discharge Remediation Growing Greener Project in Broad Top Township, **Bedford County**. Baltimore ACOE District

To construct and maintain a temporary stream crossing of Six Mile Run and a vertical flow wetland system and a limestone pond system in the floodway of Six Mile Run in order to treat acid mine drainage that discharges into the stream. The site is located approximately 0.5 mile south-east of Coaldale, PA (Saxton, PA Quadrangle N: 7.18 inches, W: 11.21 inches; Latitude: 40° 9' 52.3"; Longitude: 78° 12' 18.8") in Broad Top Township, Bedford County.

EA01-006: Kenneth Young, 203 Beaver Street, East Berlin, PA 17316, Borough of East Berlin, **Adams County**, ACOE Baltimore District

To construct and maintain a 200 foot long vegetated drainage swale in the floodway of Beaver Creek (WWF) and install headwall structures and rip rap outlet aprons to existing culvert pipes that drain to the site in order to properly convey increased stormwater runoff and mitigate existing erosion problems to the site. The site is located in the Borough of East Berlin, Adams County, on a property off of Beaver Street next to Beaver Creek (Abbottstown, PA Quadrangle N: 22.5 inches; W: 13 inches, Latitude: 39° 59' 54.9"; Longitude: 77° 13' 7.3").

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

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>
PA0034118 (Minor Sewage)	Blue Ridge Real Estate Company (Jack Frost STP) P. O. Box 707 Blakeslee, PA 18610-0707	Kidder Township Carbon County	Porter Run 02A	Y
PA0062332 (Sewage)	Eaton Sewer & Water Company, Inc. P. O. Box 316 Nicholson, PA 18446	Wyoming County Eaton Township	North Branch Susquehanna River 4G	Y
PA0060054	Mount Airy No. 1, LLC Carleton Road Mount Airy, PA 18362-1226	Paradise Township Monroe County	Forest Hills Run 1E HQ-CWF	Y

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 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>
PA0088480 (SEW)	Laverne Leese Double L Partners 982 Bollinger Road Littlestown, PA 17340	Adams County Mount Pleasant Township	UNT South Branch Conewago Creek 7-F	Y
PA0084751 (SEW)	Doubling Gap Center, Inc. 1550 Doubling Gap Road Newville, PA 17241-9757	Cumberland County Lower Mifflin Township	Doubling Gap Creek 7-B	Y
PA0082082 (SEW)	Jerry Millard Bolyard 309 Bear Gap Road Clearville, PA 15535-9110	Bedford County Southampton Township	UNT to Lost Run 13-A	Y

Northcentral Region: Water Management Program Manager, 208 West Third Avenue, 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>
PA0114081 (Nonmunicipal)	Clear Run, Inc. Woods Edge Estates 181 Draketown Road Bloomsburg, PA 17815	Columbia County Orange Township	UNT to Fishing Creek 5C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0102679	Robert A. Ramaley Runamuck Camping Area 8896 US Highway 6 Conneaut Lake, PA 16316	Sadsbury Township Crawford County	UNT to Conneaut Lake 16-D	Y
PA0100129	Seneca Hills Bible Conference P. O. Box 288 Franklin, PA 16323	Victory Township Venango County	UNT to Sandy Creek 16-G	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>
PA0210005	Thomas M. Bunk 608 Sharon Bedford Road West Middlesex, PA 16159-2326	Shenango Township Mercer County	UNT to Little Deer Creek 20-A	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. PA0045021, IW, **Material Sciences Corporation**, 120 Enterprise Avenue, Morrisville, PA 19067, Falls Township, **Bucks County**.

The following notice reflects changes to the notice published at 37 Pa.B. 3270 (July 14, 2007).

Concentration Daily Maximum limits have been removed and Average Monthly Concentration limits have been replaced with monitoring requirement for total chromium, total cyanide, total iron and total aluminum.

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

NPDES Permit No. PA0246387, Sewage, **Rustic Meadows Camping and Golf Resort, Inc.**, 1980 Turnpike Road, Elizabethtown, PA 17022. This proposed facility is located in West Donegal Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to a UNT to Snitz Creek in Watershed 7-J.

NPDES Permit No. PA0084255, Sewage, **Swatara Mobile Homes**, 2222 Grace Avenue, Lebanon, PA 17046. This proposed facility is located in Swatara Township, **Lebanon County**.

Description of Proposed Action/Activity: Authorization to discharge to a UNT to Swatara Creek in Watershed 7-D.

NPDES Permit No. PA0084646, Sewage, **Southern Fulton School District, Southern Fulton Elementary School**, 3072 Great Cove Road No. 100, Warfordsburg, PA 17267. This proposed facility is located in Bethel Township, **Fulton County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT White Oak Run in Watershed 13-B.

NPDES Permit No. PA0082031, Industrial Waste, **Robert Stoner, Manheim Borough Authority**, 15 East High Street, Manheim, PA 17545. This proposed facility is located in Manheim Borough, **Lancaster County**.

Description of Proposed Action/Activity: Cancellation of Permit.

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

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

WQM Permit No. 4807405, Sewerage, **Hickory Hills Mobile Home Community**, 121 Hickory Hills Drive, Bath, PA 18014. This proposed facility is located in Moore Township, **Northampton County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit.

WQM Permit No. 4507201, Industrial Waste, **Sanofi Pasteur, Inc.**, Discovery Drive, Swiftwater, PA 18370-0187. This proposed facility is located in Pocono Township, **Monroe County**.

Description of Proposed Action: Issuance of Water Quality Management Permit for spray irrigation system.

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

WQM Permit No. 2107405, Sewerage, **Silver Spring Township Authority**, 31 East Main Street, P. O. Box 1001, New Kingston, PA 17072-1001. This proposed facility is located in Silver Spring Township, **Cumberland County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewerage facilities consisting of 4,000 feet of collection sewers, a duplex suction life pump station with back-up generator and 5,721 feet of 6-inch diameter force main serving the Avalon development.

WQM Permit No. 2107407, Sewerage, **Mr. and Mrs. Richard Roush**, 125 Frytown Road, Carlisle, PA 17015. This proposed facility is located in Upper Frankford Township, **Cumberland County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewerage facilities consisting of septic tank, dosing tank, 750 square foot subsurface sand filter and tablet chlorination system to serve their single-family residence.

WQM Permit No. WQG02010701, Sewerage, **Gettysburg Municipal Authority**, 601 East Middle Street, Gettysburg, PA 17325. This proposed facility is located in Straban Township, **Adams County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewage pumping station to serve the Granite Lake subdivision

WQM Permit No. 6707407, Sewerage, **Windsor Township**, 1480 Windsor Road, Red Lion, PA 17356. This proposed facility is located in Windsor Township, **York County**.

Description of Proposed Action/Activity: Approval for the construction/operation of the Panorama Hills interceptor, the Panorama Hills pump station and force main and the Bell Road interceptor.

WQM Permit No. 0107402, Sewerage, **New Oxford Municipal Authority**, 409 Water Works Road, New Oxford, PA 17350-1511. This proposed facility is located in Oxford Township, **Adams County**.

Description of Proposed Action/Activity: Approval for the construction/operation of a centrifuge to replace an existing belt filter press.

WQM Permit No. 2807201, CAFO, **Tim Stoner, Stoner's Hijos Hill, Inc.**, 8512 Oellig Road, Mercersburg, PA 17236. This proposed facility is located in Peters Township, **Franklin County**.

Description of Proposed Action/Activity: Approval for the construction/operation of a manure and food processing waste storage facilities as follows: The existing earthen manure storage facility at the Stoner's Hijos Hill Farm—Heifer Farm will be decommissioned and a new 70 foot diameter by 10 foot deep concrete manure storage structure will be constructed in its place. The structure will be sized to accommodate 3 months of manure storage for the heifer barnyard serving up to 125 heifers and barnyard runoff. Gutters and downspouts will be installed on animal housing units to divert stormwater away from the storage structure. A perimeter subsurface drain will be installed at the footer of the structure to relieve groundwater and serve as a leak detection system.

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

WQM Permit No. 1473406-A1, Sewerage, **Philipsburg Borough**, 4 North Centre Street, Philipsburg, PA 16866. This proposed facility is located in Philipsburg Borough, **Centre County**.

Description of Proposed Action/Activity: Permit issuance for the replacement of approximately 60,800 LF of sewer collection piping, 40,000 LF of laterals, manholes and associated appurtenances.

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

WQM Permit No. 0207405, Sewerage, **Elizabeth Township Sanitary Authority**, 2420 Greenock Buena Vista Road, McKeesport, PA 15135. This proposed facility is located in Elizabeth Township, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a sanitary sewer interceptor.

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

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>
PAI011507026	Birch Run Village, LLC 1220 Valley Forge Road Unit 25 P. O. Box 967 Valley Forge, PA 19482	Chester	West Vincent Township	Birch Run EV
PAI011507028	East Brandywine Township 1214 Horseshoe Pike Downingtown, PA 19335	Chester	East Brandywine Township	Culbertson Run Beaver Creek East Branch Brandywine Creek HQ, TSF, MF
PAI011507038	Michael Pelet P. O. Box 56 Atglen, PA 19310-0056	Chester	West Caln Township	Birch Run HQ, TSF, CWF

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>
PAI024806022	Mohammed Hussein 9 Morningside Drive Easton, PA 18045	Northampton	Bethlehem Township	Bushkill Creek HQ-CWF
PAI024506006	C & M at Mountain Hollow, LP 2421 Bristol Road Warrington, PA 18976	Monroe	Stroud Township	Brodhead Creek HQ-CWF
PAS10U157R	CTHL-1, Inc. 824 Eighth Avenue Bethlehem, PA 18018	Northampton	Palmer Township Tatamy Borough	Bushkill Creek HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024505027	Arcadia Homes of Lehigh Valley No. 2, LLC 100 Gateway Drive Suite 310 Bethlehem, PA 18017	Monroe	Coolbaugh Township	Clear Run HQ-CWF
PAI024506027	Nish Nick, Inc. 30 Jade Lane Phillipsburg, NJ 08865-7327	Monroe	Tobyhanna Township	Tobyhanna Creek HQ-CWF
PAS10S105R	Price Township Development Corp. 1 Empire Plaza SR 611 Stroudsburg, PA 18360	Monroe	Price Township Smithfield Township	Michael Creek HQ-CWF
PAS10Q218R	Atlantic Equity Cetronia Road, LLC 485A Route 1 South Iselin, NJ 08830	Lehigh	Upper Macungie Township	Iron Run HQ-CWF Little Lehigh Creek HQ-CWF
PAS10S043R	Mount Pocono Borough 303 Pocono Boulevard Mount Pocono, PA 18344	Monroe	Mt. Pocono Township	Forest Hill Run HQ-CWF
PAI024806031	RAME Properties, LLC 1348 West Hamilton Street Allentown, PA 18102	Northampton	Moore Township	Monocacy Creek HQ-CWF Catasauqua Creek CWF Hokendauqua Creek CWF
PAI023907020	Devonshire Properties, LLC 1348 Hamilton Street Allentown, PA	Lehigh	South Whitehall Township	Cedar Creek HQ-CWF

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

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

List of NPDES and/or Other General Permit Types

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

General Permit Type—PAG-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>
East Rockhill Township Bucks County	PAG2000907090	Beverly Hall Corporation P. O. Box 220 Quakertown, PA 18951	Tohickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Quakertown Borough Bucks County	PAG2000907066	Morningstar Fellowship Church 429 South North Street Quakertown, PA 18951	Beaver Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Springfield Township Bucks County	PAG2000907088	Peter R. Cuff 876 Passer Road Coopersburg, PA 18038	Tumble Brook Saucon Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Wrightstown Township Bucks County	PAG2000907041	Jenta Corporation 2990 Southampton Road Philadelphia, PA 19154	UNT Mill Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Falls Township Bucks County	PAG2000907036	Marquis Corporation 261 Lower Morrisville Road Fallsington, PA 19054	Pidcock—Mill Creeks WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Britain Township Bucks County	PAG2000906051	Kenneth Orlando 185 Sellersville Road Chalfont, PA 18914	Railroad Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bensalem Township Bucks County	PAG2000906172	C & M Homes at Bensalem, LP 2421 Bristol Road Warrington, PA 18975	Poquessing Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Charlestown Township Chester County	PAG2001507046	Charlestown Township 4030 Whitehorse Road Devault, PA 19432	French Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Kennett Township Chester County	PAG2001507056	Kennett Medical Association 908 Sheridan Drive West Chester, PA 19382	East Branch Red Clay Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Pennsbury Township Chester County	PAG2001507051	First Blackhawk, LLC P. O. Box 467 Concordville, PA 19331	UNT Bennetts Run WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Salford Township Montgomery County	PAG2004607050	Two Berry Property, LP 322 Coddington Avenue Harleysville, PA 19438	UNT Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015107031	Disney Core Services 77 West 66th Street New York, NY 10023	Schuylkill River CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015107034	Norris Square Civic Association 149 West Susquehanna Avenue Philadelphia, PA 19122	Delaware River CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015107035	Mt. Zion Community Development Corporation 1401 South 50th Street Philadelphia, PA 19143	Schuylkill River CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<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>
Salem Township Luzerne County	PAG2004007027	DMB Land Company 7612 Columbia Boulevard Berwick, PA 18603	Susquehanna River WWF	Luzerne Co. Cons. Dist. (570) 674-7991
City of Scranton Lackawanna County	PAG2003507004	Compression Polymers, Inc. 801 East Corey Street Scranton, PA 18505	Keyser Creek CWF	Lackawanna Co. Cons. Dist. (570) 281-9495
Williams Township Northampton County	PAG2004807022	Michael Moss Quantico Properties 50 Hilton Street Suite 100 Easton, PA 18042	Lehigh River WWF	Northampton Co. Cons. Dist. (610) 746-1971
East Allen Township Northampton County	PAG2004807024	Raymond Yee 5384 Green Meadow Road Northampton, PA 18067	Catasauqua Creek CWF	Northampton Co. Cons. Dist. (610) 746-1971
Greene Township Franklin County	PAG2002807030	5 K Logistics Paul McGrath 1090 York Road Warminster, PA 18974	UNT to Conococheague Creek CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074 Ext. 5
Hamilton Township Franklin County	PAG20028070501	Harold Brake Multilee, Inc. P. O. Box 275 St. Thomas, PA 17252	UNT to Conococheague Creek CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074 Ext. 5
Chambersburg Borough Greene Township Franklin County	PAR10M130RRR	GS & G Properties 691 Montgomery Avenue Chambersburg, PA 17201	Conococheague Creek CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074 Ext. 5
Greene Township Franklin County	PAG2002807033	Mike Ross FCADC 1900 Wayne Road Chambersburg, PA 17201	UNT to Rowe Run CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074 Ext. 5
Greene Township Franklin County	PAG2002807024	Whitetail Mountain Resort 13805 Blairs Valley Road Mercersburg, PA 17236	UNT to Licking Creek CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074 Ext. 5
City of Reading Berks County	PAG2000607073	Timothy Howe Birchcraft Kitchens 1612 Thorn Street Reading, PA 19601	Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201

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<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>
Colebrookdale Township Berks County	PAG2000607038	Wayne Rosen Danny Jake Corporation 3625 Welsh Road Willow Grove, PA 19090	Swamp Creek CWF-MF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201
West Hempfield Township Lancaster County	PAG2003607070	Creek, LLC 227 Granite Run Drive Lancaster, PA 17601	UNT to Swarr Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361 Ext. 5
Elizabethtown Borough Lancaster County	PAG2003607074	Elizabethtown College One Alpha Drive Elizabethtown, PA 17022	UNT to Conoy Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361 Ext. 5
West Lampeter Township Lancaster County	PAG2003607075	George Desmond 1085 Manheim Pike Lancaster, PA 17601	Mill Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361 Ext. 5
East Earl Township Lancaster County	PAG2003607077	J. Douglas Martin 1442 Briertown Road East Earl, PA 17519	UNT to Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361 Ext. 5
Clearfield County Becarria Township	PAG2001707012	Tomorrow's Hope Facility c/o Mike Millward P. O. Box 42402 Flinton, PA 16640	Blain Run CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Clearfield County Decatur Township	PAG2001707015	Clearfield Creek Watershed Association 216 Beldin Hollow Road Ashville, PA 16613	Morgan Run CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Lycoming County Wolf Township	PAG2004107016	Robert Yoder—Yoder Development Group 5960 Susquehanna Trail Turbotville, PA 17702	Muncy Creek TSF	Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 (570) 433-3003
Lycoming County City of Williamsport	PAG2004107017	Susquehanna Health System 777 Rural Avenue Williamsport, PA 17701	Grafius Run WWF	Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 (570) 433-3003

<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>
Montour County Valley Township	PAG2004707005	Elijah Evans P. O. Box 973 Bloomsburg, PA 17815	Mausers Creek CWF	Montour County Conservation District 112 Woodbine Lane Suite 2 Danville, PA 17821 (570) 271-1140
Armstrong County Bethel/Parks Townships	PAG2000307006	Parks Township Municipal Authority 1106 Highland Avenue Vandergrift, PA 15690	Kiski River Crooked Creek WWF	Armstrong County CD (724) 548-3425
Greene County Perry, Dunkard and Greene Townships	PAG2003007010	Equitable Gathering 539 US Highway 33E Suite A Weston, WV 26452	Dunkard Creek Whiteley Creek UNTs to Dunkard Creek Mundell Hollow WWF	Greene County CD (724) 852-5278
Butler County Slippery Rock Borough	PAG2001007015	RBI Development, LLC 11075 Parker Drive North Huntingdon, PA 15642	UNT Wolf Creek CWF	Butler Conservation District (724) 284-5270
Erie County City of Erie	PAG2002507023	YNCA of Greater Erie 31 West 10th Street Erie, PA 16501	Erie City Storm Sewer	Erie Conservation District (814) 825-6403
Erie County Millcreek Township	PAG2002507024	Towne Place Suites Stacy Holmes Tharaldson Lodging 1202 Westrac Drive Fargo, ND 58103	Walnut Creek Lake Erie CWF; MF	Erie Conservation District (814) 825-6403
Mercer County City of Hermitage	PAG2004307010	Richard Salata Mill Creek Enterprises, Inc. 6175 Tippecanoe Road Building B Suite 101 Canfield, OH 44406	Pine Hollow Run WWF	Mercer Conservation District (724) 662-2242
Butler County Clay Township	PAG2091007007	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Glade Run WWF	Department of Environmental Protection Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 (814) 472-1800
Pittston Township Luzerne County	PAG2114007003	Bureau of Abandoned Mine Reclamation 2 Public Square Fifth Floor Wilkes-Barre, PA 18711-0790	UNT to Mill Creek CWF	Department of Environmental Protection Bureau of Abandoned Mine Reclamation 2 Public Square Fifth Floor Wilkes-Barre, PA 18711-0790 (570) 826-2371
Scranton City and Dunmore Borough Lackawanna County	PAG2113507003	Department of Environmental Protection Bureau of Abandoned Mine Reclamation 2 Public Square Fifth Floor Wilkes-Barre, PA 18711-0790	Lackawanna River CWF	Department of Environmental Protection Bureau of Abandoned Mine Reclamation 2 Public Square Fifth Floor Wilkes-Barre, PA 18711-0790 (570) 826-2371

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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>
Lebanon County Lebanon City	PAR123518	Murry's, Inc. (Lebanon Food Processing Plant) 8300 Pennsylvania Avenue Upper Marlboro, MD 20772-2073	Brandywine Creek 7-D TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lebanon County Lebanon City	PAR603528	Brandywine Recyclers, Inc. 328 North 14th Street Lebanon, PA 17046	Brandywine Creek 7-D TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lawrence Township Clearfield County	PAR904802	Clearfield Municipal Authority 107 East Market Street Clearfield, PA 16830-2405	West Branch Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Morgan Township Greene County	PAR226123	Wilson Forest Products, Inc. P. O. Box 269 Jefferson, PA 15344	Ten Mile Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
New Castle Lawrence County	PAR238330	Consolidated Container Company, LP 400 Indeco Boulevard Suite B Atlanta, GA 30336	Neshannock Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Oil City Venango County	PAR238329	Consolidated Container Company, LP 400 Indeco Boulevard Suite B Atlanta, GA 30336	Allegheny River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Zelienople Borough Butler County	PAR218305	BNZ Materials, Inc. 191 Front Street Zelienople, PA 16063	UNT to Connoquenessing Creek and Connoquenessing Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Jackson Township Butler County	PAR208303	Berry Metal Company 2408 Evans City Road Harmony, PA 16037-7724	UNT to Connoquenessing Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Hermitage City Mercer County	PAR128302	Joy Cone Company 3435 Lamor Road Hermitage, PA 16148-3097	Shenango River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Freehold Township Warren County	PAR228341	Briggs Transport, Inc. R. D. 1 Bear Lake, PA 16402	Deer Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-4**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>
Buckingham Township Bucks County	PAG040080	Andrew C. Azzara 1650 Mill Road West Furlong, PA 18925	Dry swale tributary of Neshaminy Creek Watershed Neshaminy 2F	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Berks County Caernarvon Township	PAG043585	LaRue Moore 1499 Elverson Road Elverson, PA 19520	East Branch Conestoga River WWF 7-J	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Manheim Township	PAG043602	Jan Schaefer P. O. Box 234 Smoketown, PA 17576	Conestoga River WWF 7-J	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Spring Township Crawford County	PAG049376	David E. Davis Box 2 Springboro, PA 16435	UNT of Conneaut Creek Watershed 15	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Hayfield Township Crawford County	PAG048844	Michael B. Frazier 16295 Ridge Road Meadville, PA 16335	UNT to Cussewago Creek 16-D	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
East Mead Township Crawford County	PAG048853	Scott E. and Theresa J. Anthony 22922 Hobbs Road Meadville, PA 16335	UNT to Little Sugar Creek 16-D	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

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

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Springfield Township Montgomery County	PAG050011	BP North America 1 West Pennsylvania Avenue Suite 440 Towson, MD 21204	Wissahickon Creek 3F	Southeast Regional Office Water Management 2 East Main Street Norristown, PA 19401 (484) 250-5970
Bedminster Township Bucks County	PAG050082	Topper Petroleum, Inc. 1425 South Mountain Drive Bethlehem, PA 18015	Cabin Run 2D Three Mile Run	Southeast Regional Office Water Management 2 East Main Street Norristown, PA 19401 (484) 250-5970

*General Permit Type—PAG-8 (SSN)**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Millcreek Township Lebanon County	PAG083521 PAG083565	Ephrata Borough 124 South State Street Ephrata, PA 17522	Proland Properties Farm	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

NOTICES

5937

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Site Name &
Location*

*Contact Office &
Phone No.*

Ayr Township
Fulton County

PAG080002
PAG080003
PAG080004
PAG080006
PAG080008
PAG080018
PAG082201
PAG082203
PAG082211
PAG083501
PAG083502
PAG083506
PAG083515
PAG083517
PAG083518
PAG083522
PAG083535
PAG083540
PAG083542
PAG083547
PAG083551
PAG083556
PAG083565
PAG083567
PAG083596
PAG083600
PAG083825
PAG089903
PAG089904
PAG089905

Synagro
1605 Dooley Road
P. O. Box B
Whiteford, MD 21160

Bryan Hoover Farm

DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110-8200
(717) 705-4707

Fairview Township
York County

PAG083510

Lower Allen Township
Authority
120 Limekiln Road
New Cumberland, PA
17070

Flurie Farm

DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110-8200
(717) 705-4707

*Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Site Name &
Location**Contact Office &
Phone No.*Reading Township
Adams CountyPAG070003
PAG070005
PAG073508
PAG080002
PAG080003
PAG080004
PAG080006
PAG080008
PAG080018
PAG082201
PAG082203
PAG082211
PAG083501
PAG083502
PAG083506
PAG083510
PAG083515
PAG083517
PAG083518
PAG083522
PAG083535
PAG083540
PAG083542
PAG083547
PAG083551
PAG083556
PAG083565
PAG083567
PAG083596
PAG083600
PAG083825
PAG089903
PAG089904
PAG089905
PABIG9903Synagro
1605 Dooley Road
P. O. Box B
Whiteford, MD 21160

Spahr Family Farms

DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110-8200
(717) 705-4707East Mahoning
Township
Indiana CountySynagro
3239 Route 981
New Alexandria, PA
15670

Black Farm

Southwest Regional Office
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000Brush Valley
Township
Indiana CountySynagro
3239 Route 981
New Alexandria, PA
15670

Stutzman Farm

Southwest Regional Office
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000*General Permit Type—PAG-9**Facility Location &
County/Municipality**Permit No.**Applicant Name &
Address**Site Name &
Location**Contact Office &
Phone No.*Lower Augusta
Township
Northumberland
County

PAG094806

Roland H. Neidig
1151 Boyer Hill Road
Sunbury, PA 17801J. Neidig Septic Cleaning
Lower Augusta Township
Northumberland CountyNorthcentral Regional
Office
Water Management
Program
208 West Third Street
Suite 101
Williamsport, PA 17701
(570) 327-3664

<i>Facility Location & County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Pike Township Potter County	PAG094805	David Hinman P. O. Box 211 Galeton, PA 16922	Leslie's Septic Service Pike Township Potter County	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664

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>
Juniata County Delaware Township	PAG123628	Dan Benner Benner Family Farm CAFO R. R. 1 Box 377 Thompsontown, PA 17094	Delaware Creek TSF and Juniata River WWF	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.

Permit No. 2207514 MA, Minor Amendment, Public Water Supply.

Applicant	PA American Water Co.
Municipality	South Hanover Township
County	Dauphin
Type of Facility	Replacement of an Alum storage tank.
Consulting Engineer	Scott M. Thomas, P. E. Pennsylvania American Water Company 800 West Hersheypark Drive Hershey, PA 17033
Permit to Construct Issued:	October 22, 2007

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

Permit No. 1707502—Construction, Public Water Supply.

Applicant	Covington-Karthaus-Girard Area Authority
Township or Borough	Karthaus Township
County	Clearfield
Responsible Official	Jack E. Reese, Vice Chairperson Covington-Karthaus-Girard Area Authority P. O. Box 104 Frenchville, PA 16836
Type of Facility	Public Water Supply—Construction
Consulting Engineer	F. Gregory Nadeau Worley Parsons 2675 Morgantown Road Reading, PA 19607-9676
Permit Issued Date	October 19, 2007

Description of Action Construction of a transmission line and booster pump station to convey finished water from Covington-Karthus-Girard Area Authority water system to the River Hill Power site. The proposed 1,000 gallon finished water storage tank is not included in this permit because River Hill Power will own and operate it. The tank is not a component of the Covington-Karthus-Girard Area Authority water system.

Permit No. 5305502—Operation, Public Water Supply.

Applicant **Austin Borough Water System**
 Township or Borough Austin Borough
 County **Potter**
 Responsible Official Robert Hooftallen
 Austin Borough
 81 Scoville Street
 P. O. Box 297
 Austin, PA 16720
 Type of Facility Public Water Supply—Operation
 Consulting Engineer Mike Peleschak, P. E.
 alfred benesch & company
 400 One Norwegian Plaza
 Pottsville, PA 17901
 Permit Issued Date October 19, 2007

Description of Action Operation of a new water filtration plant, including coagulant, polymer, soda ash and sodium hypochlorite chemical feed systems, duplicate Siemans Tri-Mite TM-75-A treatment units, clearwell and related appurtenances and the rehabilitated Cold Spring, Foster Street Spring and Foster Street Well.

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

Permit No. 6507508MA, Minor Amendment, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**
 6064 Route 30
 P. O. Box 730
 Greensburg, PA 15601
 Borough or Township Penn Township
 County **Westmoreland**
 Type of Facility Sunrise water storage tank
 Consulting Engineer The EADS Group, Inc.
 450 Aberdeen Drive
 Somerset, PA 15501
 Permit to Construct Issued October 22, 2007

Permit No. 0307502MA, Minor Amendment, Public Water Supply.

Applicant **Worthington-West Franklin Joint Municipal Authority**
 102 West Main Street
 Worthington, PA 16262
 Borough or Township West Franklin Township
 County **Armstrong**
 Type of Facility 488,000 gallon water storage tank
 Consulting Engineer Bankson Engineers, Inc.
 267 Blue Run Road
 P. O. Box 200
 Indianola, PA 15051
 Permit to Construct Issued October 22, 2007

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

Operations Permit issued to Edinboro Mobile Home Village, PWSID No. 6250019, Washington Township, Erie County. Operation Permit issued October 17, 2007, for the operation of Well No. D6 as a satisfactory groundwater source of supply. Construction and Operation Permit is issued simultaneously under Number 2507504.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Paradise Township	82 Beaver Creek Road Abbottstown, PA 17301	York County

Plan Description: Spring Run Estates, A3-67949-194-3: The approved plan provides for a 49 lot single-family residential subdivision on 84.3341 acres with total proposed sewage flows of 11,000 gpd tributary to the Abbottstown Paradise Joint Sewer Authority Wastewater Treatment Plant. The proposal also includes plans for construction of a new pump station. The proposed subdivision is located at the end of Mary Street between Country Club and Pine Roads, just south of the Lincoln Highway (US Route 30) in Paradise Township, York County. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Windsor Township	1480 Windsor Road P. O. Box 458 Red Lion, PA 17356	York County

Plan Description: Dale and Barbara Torbert, A3-67966-409-2/3s: The approved plan provides for a two lot single-family residential subdivision on 10.58 acres with total proposed sewage flows of 400 gpd to be treated by an individual onlot disposal system. The proposed replacement systems for the new building lot and the

residual tract are Small Flow Treatment Facilities with two separate discharges to a UNT of Fishing Creek. The proposed subdivision is located on the east and west sides of Gebhart Road, approximately 400 feet north of Craley Road in Windsor Township, York County. 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:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Sewickley Heights Borough	Borough Hall Country Club Road Sewickley, PA 15143-9402	Allegheny

Plan Description: The approved plan provides for a proposal to install a small-flow treatment facility located along Scaife Road in Sewickley Heights Borough, Allegheny County. The proposed treatment facility will discharge to a UNT of Kilbuck Run and service an existing three bedroom single-family dwelling that has an existing malfunctioning onlot system. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

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.

Byberry State Hospital, City of Philadelphia, **Philadelphia County**. Darryl Borrelli, Manko, Gold Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004, Henry Alexander, Conestoga-Rovers & Associates, 559 West Uwchlan Avenue, Suite 120, Exton, PA 19341 on behalf of Bryan Cullen Westrum Byberry, LLC, 370 Commerce Drive, Fort Washington, PA 19034 has submitted a Final Report concerning remediation of site soil contaminated with Pcb and Pah's. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Nicolet and Reading Parcel, Norristown Borough, **Montgomery County**. Steven Brower, Environmental Standards, Inc., 1140 Valley Forge Road, Valley Forge, PA 19482 on behalf of Brain Finnegan Chadds Ford Properties, LP, 2701 Renaissances Boulevard, King of Prussia, PA 19401 has submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of site Soil and groundwater contaminated with Pah's. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Mattie Tire, City of Philadelphia, **Philadelphia County**. Benjamin Shaw, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Timothy Mattie, Mattie, Tire Co., 2035 Washington Avenue, Philadelphia, PA 19148 has submitted a Remedial Investigating/Final Report concerning remediation of site Soil contaminated with lead. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Heintz Corporation Parcel B (soil), City of Philadelphia, **Philadelphia County**. Steve Coe, Brown Environmental Services, 301 South State Street, Suite S201, Newtown, PA 18940 on behalf of has submitted a Final Report concerning remediation of site soil contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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 Fredrick Remelius, Upper Merion School District, 435 Crossfield Road, King of Prussia, PA 19406 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

Sunoco, Inc. Plymouth Pump Station, Jackson Township, **Luzerne County**. Lisa Strobridge, Project Manager, Aquaterra Technologies, Inc., P. O. Box 744,

West Chester, PA 19381 has submitted a Final Report (on behalf of her client Sunoco, Inc. (R & M), P. O. Box 1135, Post Road and Blueball Avenue, Marcus Hook, PA 19061), concerning the remediation soils and groundwater found to have been impacted by gasoline as a result of an accidental pipeline release. The report was submitted to document attainment of the Residential Statewide Health Standard. A public notice regarding the submission of the final report was published in the *Times Leader* on October 1, 2007. Future use of the site will be residential and nonresidential.

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

D & A Truck Lines, Inc. Diesel Fuel Spill, Womelsdorf Borough, **Berks County.** Taylor GeoServices, Inc., 38 Bishop Hollow Road, Newtown Square, PA 19073, on behalf of Valley Forge Flag Co., Inc., 8875 Berkshire Boulevard, Wyomissing, PA 19610-1246 and D & A Truck Lines, Inc., 926 North Front Street, New Ulm, MN 56073-1193, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel from a ruptured tractor trailer saddle tank. The report is intended to document remediation of the site to the Nonresidential Statewide Health Standard and was submitted to the Department of Environmental Protection within 90 days of the release that occurred on July 23, 2007.

Suburban Heating Oil Partners, City of Lancaster, **Lancaster County.** Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110, on behalf of Esther M. Goropoulos, 1010 Wood Lot Lane, Lancaster, PA 17601 and Suburban Heating Oil Partners, 5793 Widewaters Parkway, Suite 100, Syracuse, NY 13214, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soils and groundwater contaminated with petroleum products from historical aboveground storage tanks. The report and plan is intended to document remediation of the site to the Site-Specific Standard.

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

OMG Americas, Sugarcreek Borough, **Venango County.** Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of OMG Americas, P. O. Box 111, Franklin, PA has submitted a Risk Assessment Report concerning remediation of site soil, groundwater, surface water and sediment contaminated with lead, heavy metals, solvents, BTEX, PHCs and PAHs. The report is intended to document remediation of the site to meet the Site-Specific Standards.

Markovitz Enterprises Flowline Div., Shenango Township, **Lawrence County.** American Geosciences, Inc., 3925 Reed Boulevard, Suite 400, Murrysville, PA 15668 on behalf of Markovitz Enterprises, Inc.—Flowline Division, 1400 New Butler Road, New Castle, PA 16107 has submitted a Risk Assessment Report concerning remediation of site soil contaminated with cis-1,2-dichloroethene, trichloroethene, nickel, vinyl chloride and site groundwater contaminated with 1,1,2-trichloroethane, 1,1-dichloroethene, cis-1,2-dichloroethene, tetrachloroethene, trans-1,2-dichloroethene, trichloroethene, vinyl chloride and dissolved nickel. The report is intended to document remediation of the site to meet the Site-Specific Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a Site-Specific Standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

Jesse Jones Box Company, City of Philadelphia **Philadelphia County.** Craig Herr, RT Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf

of William Fenkel, B & SF Realty, P. O. Box 250, Villanova, PA 19085 has submitted a Remedial Investigation/Final Report concerning the remediation of site soil and groundwater contaminated with No. 2 fuel oil. The Remedial Investigation/Final Report was approved by the Department of Environmental Protection on October 10.

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

S & L Plastics, Inc., Upper Nazareth Township, **Northampton County**. Samuel Kucia, Environmental Consulting, Inc., 500 East Washington Street, Norristown, PA 19401 submitted a Final Report (on behalf of his client, Nazareth Realty, LLC, 2860 Bath Pike, Nazareth, PA 18064), concerning the remediation of site soils impacted by historical releases of chlorinated solvents. The report demonstrated attainment of the Statewide Health Standard and was approved on October 18, 2007.

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

Lot 1A, Former Teledyne Readco Holdings, LLC, Spring Garden Township, **York County**. Gannett Fleming, Inc., 805 Estelle Drive, Suite 102, Lancaster, PA 17601, on behalf of York College of Pennsylvania, 439 Country Club Road, York, PA 17403, submitted a Final Report concerning the remediation of site soils contaminated with metals. The final report demonstrated attainment of the Residential Site-Specific Standard and was approved by the Department of Environmental Protection on October 15, 2007.

Franklin & Marshall College, City of Lancaster, **Lancaster County**. GemChem, Inc., 53 North Cedar Street, Lititz, PA 17543, on behalf of Franklin & Marshall College, 415 Harrisburg Pike, P. O. Box 3003, Lancaster, PA 17604-3003, submitted a Final Report concerning the remediation of site soils contaminated with No. 2 fuel oil. The final report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on October 15, 2007.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit No. 301306. Sunbury Generation LP, Old Susquehanna Trail General Delivery, Shamokin Dam, PA 17876. Located in Shamokin Dam Borough, **Snyder County**. The Change of ownership of the Residual Waste Disposal Impoundment from Sunbury Generation, LLC to Sunbury Generation, LP reissuance application was approved on October 17, 2007, by the Williamsport Regional Office.

Persons interested in reviewing the permit should contact David Garg, Facilities Manager, Northcentral Regional Office, 208 West Third Street, Williamsport, PA 17701 or (570) 327-3740. TDD users should contact the

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

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

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit ID No. 100281. Greenridge Reclamation Landfill, Greenridge Reclamation, LLC, R. D. 1, Box 717, Landfill Road, Scottdale, PA 15683. Operation of a municipal waste landfill in East Huntingdon Township, **Westmoreland County**. Permit renewal issued in the Regional Office on October 22, 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.

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

35-310-047GP3: E. R. Linde Construction 9 Collan Park, Honesdale, PA 18431) on October 15, 2007, to construct and operate a Portable Crushing Operation with watersprays at their site in Covington Township, **Lackawanna County**.

40-320-028GP10: Quebecor World Hazleton, Inc. (Humboldt Industrial Park, R. R. 1, Box 409Z, Hazleton, PA 18201) on October 17, 2007, to construct and operate a Lithographic Printing Press at their site in Hazle Township, **Luzerne County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Chief, (717) 705-4702.

GP1-67-03141: Sonoco—CorrFlex (200 Boxwood Lane, York, PA 17402) on October 15, 2007, for Small Gas and No. 2 Oil Fired Combustion Units under GP1 in Hellam Township, **York County**.

GP4-67-03119: Sipe's Electric Motor Repairs, Inc. 4848 Walter's Hatchery Road, Spring Grove, PA 17362) on October 15, 2007, for Burn Off Ovens under GP4 in North Corderus Township, York County. This is a renewal of the GP4 permit.

GP14-06-03022: Perkiomen Animal Hospital (919 Gravel Pike, Palm, PA 18070) on October 15, 2007, for Human and Animal Crematories under GP 14 in Hereford Township, **Berks County**.

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

GP-25-1010: American Biodiesel Energy, Inc. (4680 Iroquois Drive, Erie, PA 16511) on October 15, 2007, for storage tanks for volatile organic liquids BAQ/GPA/GP-2 in **Erie County**.

GP-37-327: R. Cunningham Funeral Home, Inc. (2429 Wilmington Road, New Castle, PA 16105) on Octo-

ber 18, 2007, for a human and animal crematory BAQ/GPA/GP-14 in **Lawrence 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.

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

21-03080A: Keystone Bio Fuels (485 St. Johns Church Road, Shiremanstown, PA 17011) on October 17, 2007, to install four additional biodiesel production lines in Hampden Township, **Cumberland County**.

28-03041A: A & B Industrial Coatings, LLC (9226 Mountain Brook Road, Saint Thomas, PA 17252-9778) on October 16, 2007, to install and operate a surface coating operation at their facility in St. Thomas Township, **Franklin County**.

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

25-951A: Bay City Forge—Division of Patriot Forge (1802 Cranberry Street, Erie, PA 16502) on October 22, 2007, to add a 16,000,000 Btu/hr forge furnace at their Bay City Forge facility in the City of Erie, **Erie County**. This is not a Title V facility.

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

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

09-0031: Eureka Stone Quarry, Inc. (P. O. Box 249, Chalfont, PA 18914) on October 17, 2007, to operate a replacement asphalt Plant in Wrightstown Township, **Bucks County**.

15-0010B: ISG Plate, LLC (139 Modena Road, Coatesville, PA 19320) on October 17, 2007, to operate a new fabric collector in City of Coatesville, **Chester County**.

09-0031A: Eureka Stone Quarry, Inc. (P. O. Box 249, Chalfont, PA 18914) on October 17, 2007, to operate a dust suppression system in Wrightstown Township, **Bucks County**.

09-0032: Eureka Stone Quarry, Inc. (P. O. Box 249, Chalfont, PA 18914) on October 17, 2007, to operate a dust suppression system in Warrington Township, **Bucks County**.

09-0186: Kinder Morgan Bulk Terminals, Inc. (1 Sinter Road, Fairless Hills, PA 19030) on October 17, 2007, to operate a bulk product handling in Falls Township, **Bucks County**.

09-0189: Eureka Stone Quarry, Inc. (P. O. Box 249, Chalfont, PA 18914) on October 17, 2007, to operate a dust suppression system in Warrington Township, **Bucks County**.

15-0015C: Sartomer Co. (502 Thomas Jones Way, Exton, PA 19341) on October 17, 2007, to operate a control device in West Chester Borough, **Chester County**.

46-0221: Upper Moreland Hatboro Joint Sewer Authority (P. O. Box 535-2875 Terwood Road, Willow Grove, PA 19090) on October 17, 2007, to operate tri-mer odor scrubbers in Upper Moreland Township, **Montgomery County**.

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

06-05069I: East Penn Manufacturing Co., Inc. (Deka Road, P. O. Box 147, Lyon Station, PA 19536) on October 9, 2007, to modify various sources at their storage battery assembly plant in Richmond Township, **Berks County**. This plan approval was extended.

36-03116A: Cargill Cocoa & Chocolate (20 North Broad Street, Lititz, PA 17543) on October 15, 2007, to install a new roasting system at their chocolate manufacturing facility in Mount Joy Borough, **Lancaster County**. This plan approval was extended.

50-03004A: Tuscarora Hardwoods, Inc. (2240 Shermans Valley Road, Ellittsburg, PA 17024-9182) on September 16, 2007, to install a 27.4 mmBtu/hr wood fired boiler in Spring Township, **Perry County**. This plan approval was extended.

67-05004I: P. H. Glatfelter (228 South Main Street, Spring Grove, PA 17362) on October 6, 2007, to install a fluidized bed scrubber on the Fluo-Solids Calciner in Spring Grove Borough, **York County**. This plan approval was extended.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.

65-00613: International Mill Service, Inc. (1155 Business Center Drive, Horsham, PA 19044) on October 5, 2007, to allow time to complete construction, to arrange for the Department of Environmental Protection to conduct an Initial Operating Permit inspection and to update the Operating Permit application to include the provisions of this Plan Approval at the Patton Site in Rostraver Township, **Westmoreland County**. This plan approval was extended.

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

16-132B: Clarion Boards, Inc. (1 Fiberboard Avenue, Shippensburg, PA 16245) on October 31, 2007, to modify the fiberboard plant in Paint Township, **Clarion County**.

24-083D: Carbone of America—Graphite Materials Div. (1032 Trout Run Road, St. Mary's, PA 15857) on October 31, 2007, to construct a CBH Kiln in Benzinger Township, **Elk County**.

33-175A: Matson Lumber Co. (132 Main Street, Brookville, PA 15825) on October 31, 2007, to construct a wood fired boiler in Union Township, **Jefferson County**.

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

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

46-00032: SPS Technologies, LLC (301 Highland Avenue, Jenkintown, PA 19046) on October 18, 2007, for renewal of their Title V Operating Permit in Abington Township, **Montgomery County**. The initial permit was

issued on December 19, 2001. The facility manufactures metal nuts, bolts and fasteners for the aerospace industry. The facility operates a number of electroplating lines; spray coating booths; two boilers; heat treat units and a vapor degreaser that uses trichloroethylene as a solvent. As a result of potential emissions of NO_x, SO_x, VOCs and HAPs, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal does not adopt any new regulations and does not reflect any change in air emissions from the facility. The facility is not subject to Compliance Assurance Monitoring under 40 CFR Part 64. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

36-05015: Dart Container Corp. (60 East Main Street, P. O. Box 546, Leola, PA 17540-0546) on October 17, 2007, to operate a plastic products manufacturing facility in Upper Leacock Township, **Lancaster County**. This Title V operating permit was administratively amended to incorporate plan approval 36-05015C. This is revision No. 1.

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.

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

13-00015: Arfan, Inc. (517-519 Delaware Avenue, Rear, Palmerton, PA 18701) on October 11, 2007, to operate their Human Crematory facility in Palmerton Borough, **Carbon County**. This is a renewal of the State-only (Natural Minor) Operating Permit.

48-00084: Michelman Cancelliere Iron Works, Inc. (P. O. Box 20431, Lehigh Valley, PA 18002) on October 18, 2007, to issue a State-only (Synthetic Minor) Operating Permit for operation of steel shot and paint spray booths at their facility in East Allen Township, **Northampton County**.

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

07-03039: Altoona Area Crematory, Inc. (2036 Broad Avenue, Altoona, PA 16601-2014) on October 15, 2007, to operate a human crematory in the City of Altoona, **Blair County**. This is a renewal of the State-only operating permit.

67-03079: Hercon Laboratories Corp. (101 Sinking Spring Lane, P. O. Box 467, Emigsville, PA 17318-0467) on October 17, 2007, to operate a transdermal patch solvent coater controlled by a natural gas fired, 2.1 mmBtu/hr incinerator in Manchester Township, **York County**. This is a renewal of the State-only operating permit.

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

63-00874: Therm-O-Rock East, Inc.—Donora Plant (P. O. Box 429, Pine Street, New Eagle, PA 15067) on October 18, 2007, in the Borough of Donora, **Washington**

County. The facility's major sources of emissions at this plant include raw material storage silos, blending and bagging stations, product bins and unpaved roadway fugitive emissions.

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

10-00333: Penn United Technologies, Inc. (799 North Pike Road, PA 16023) on October 16, 2007, for a State-only permit to manufacture special dies, tools, jigs and fixtures in Jefferson Township, **Butler County**. The facility's major emission sources include three small boilers, batch vapor degreaser and three cold cleaning degreasers. This is an original issuance of the State-only permit.

25-00916: Ridg-U-Rak—North East Plant (120 South Lake Street, North East, PA 16428) on October 16, 2007, a Natural Minor Operating Permit was issued to operate a Metal Shelving Manufacturing Facility, in North East Borough, **Erie County**.

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.

23-00051: Riddle Memorial Hospital (1068 West Baltimore Pike, Media PA 19063) on October 18, 2007, to issue a Title V Operating Permit was amended to incorporate Plan Approval PA-23-0051 to install a carbon injection system for the incinerator flue gas scrubber in Middletown Township, **Delaware County**. 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.

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

04-00043: Centria (P. O. Box 198, Ambridge, PA 15003) on October 15, 2007, for an administrative amendment for their facility in Ambridge, PA, **Beaver County**. The owner/operator requested a change in permit contact person and address. The company submitted a complete application on September 18, 2007.

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.

56010104 and NPDES No. PA0249041, Godin Brothers, Inc., 128 Colton Drive, Stoystown, PA 15563, permit renewal for continued operation and restoration of a bituminous surface-auger mine in Lincoln and Jenner Townships, **Somerset County**, affecting 117.8 acres. Receiving streams: UNTs to/and Quemahoning Creek classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Quemahoning SWI. Application received May 8, 2007. Permit issued October 16, 2007.

Permit No. 56050107 and NPDES No. PA0249866. Future Industries, Inc., P. O. Box 157, Meyersdale, PA 15552, revision of a bituminous surface mine to include variance for mining within 100 feet of a UNT to Buffalo Creek and Township Road 653 in Brothersvalley Township, **Somerset County**, affecting 124.4 acres. Receiving streams: Buffalo Creek and UNTs to Buffalo Creek classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Meyersdale Municipal Authority. Application received December 27, 2006. Permit issued October 19, 2007.

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

03070101 and NPDES Permit No. PA0251089. AMFIRE Mining Company, LLC (One Energy Place, Suite 2800, Latrobe, PA 15650). Commencement, operation and reclamation of a bituminous surface mine/auger, located in Burrell Township, **Armstrong County**, affecting 120.1 acres. Receiving streams: Crooked Creek and UNTs to Crooked Creek. Application received February 27, 2007. Permit issued October 18, 2007.

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

33070101 and NPDES Permit No. PA0258253. P. and N. Coal Company, Inc. (P. O. Box 332, Punxsutawney, PA 15767) Commencement, operation and restoration of a bituminous strip operation in Oliver Township, **Jefferson County** affecting 53.6 acres. Receiving streams: UNT to Hadden Run. Application received January 25, 2007. Permit issued October 11, 2007.

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

17960107 and NPDES No. PA0220329. Waroquier Coal Company (P. O. Box 128, Clearfield, PA 16830), permit renewal for reclamation only of a bituminous surface mine in Greenwood Township, **Clearfield County**, affecting 41.3 acres. Receiving streams: UNT to West Branch of the Susquehanna River. There are no potable water supply intakes within 10 miles downstream. Application received September 21, 2007. Permit issued October 12, 2007.

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

54851332R4 and NPDES Permit No. PA0595756. RS & W Coal Company, (207 Creek Road, Klingertown,

PA 17941), renewal of an existing anthracite underground mine operation in Norwegian Township, **Schuylkill County** affecting 2.1 acres, receiving stream: West Branch Schuylkill River. Application received February 13, 2006. Renewal issued October 16, 2007.

49910201R3. Rosini Enterprises, Inc., (P. O. Box 568, Shamokin, PA 17872), renewal of an anthracite coal refuse reprocessing operation in Coal Township, **Northumberland County** affecting 68.0 acres, receiving stream: none. Application received January 25, 2007. Renewal issued October 16, 2007.

54920201R3. Northeastern Power Company, (P. O. Box 7, McAdoo, PA 18237), renewal of an existing anthracite surface mine, coal refuse reprocessing and refuse disposal operation in Kline and Packer Townships, **Schuylkill and Carbon Counties** affecting 876.0 acres, receiving stream: none. Application received March 8, 2007. Renewal issued October 16, 2007.

Noncoal Permits Actions

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

26071001-GP-103. Fayette Coal & Coke, Inc. (2611 Memorial Boulevard, Connellsville, PA 15425). General permit for short-term construction project to construct a parking lot at the Industrial Park Site, located in Bullsken Township, **Fayette County**, affecting 5.0 acres. This project includes the removal of incidental Pittsburgh coal. Receiving stream: UNT of Mounts Creek, classified for the following use: WWF. GP-103 application received October 4, 2007. Permit issued October 16, 2007.

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

25800306. Ronald and Susan Bole (9696 Old Route 99, McKean, PA 16426) Transfer of an existing sand and gravel operation from Sibleyville Land and Gravel Co. in McKean Township, **Erie County** affecting 25.7 acres. Receiving streams: UNT to Elk Creek. Application received July 25, 2007. Permit issued October 16, 2007.

SM449-1. William R. Cummings (37 East Gilmore Road, Grove City, PA 16127) Transfer of an existing small noncoal sand and gravel operation in Pine Township, **Mercer County** affecting 5.0 acres. Receiving streams: none. Application received October 10, 2007. Permit issued October 18, 2007.

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

14022801. Cynthia E. Russell, 208 Laurel Run Road, Curwensville, PA 16833. Transfer of an existing small noncoal sandstone operation from Raducz Stone Corporation in Howard Township, **Centre County**, affecting 5.0 acres. Receiving streams: Lick Run and Bald Eagle Creek, tributary to Bald Eagle Creek. Application received April 6, 2007. Permit issued October 9, 2007.

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

58060851. Joseph M. Vibbard, (R. R. 1, Box 35 B, Springville, PA 18844), commencement, operation and restoration of a quarry operation in Springville Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received June 26, 2006. Permit issued October 16, 2007.

58070833. Norman Wright, Sr. (R. R. 2, Box 2341, Factoryville, PA 18419), commencement, operation and restoration of a quarry operation in Lenox Township,

Susquehanna County affecting 5.0 acres, receiving stream: none. Application received May 31, 2007. Permit issued October 16, 2007.

8274SM1C and NPDES Permit No. PA0595705. ICM of Pennsylvania, Inc., (638 Lancaster Avenue, Malvern, PA 19355), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Manheim and Upper Leacock Townships, **Lancaster County**, receiving stream: Conestoga Creek. Application received August 29, 2007. Renewal issued October 16, 2007.

8274SM5T and NPDES Permit No. PA0123480. ICM of Pennsylvania, Inc., (638 Lancaster Avenue, Malvern, PA 19355), permit depth correction and permit transfer of an existing quarry operation in Fulton Township, **Lancaster County** affecting 321.82 acres, receiving stream: Oclararo Creek. Applications received December 13, 2005 and April 7, 2006. Permit correction and transfer issued October 17, 2007.

58072803. Stoney Mountain Quarries, Inc., (R. R. 9, Box 9433, Moscow, PA 18444), commencement, operation and restoration of a quarry operation in Harmony Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received February 20, 2007. Permit issued October 17, 2007.

58070823. Joshua A. Tomchick, (2055 Lillie Hill Road, Apalachin, NY 13732), commencement, operation and restoration of a quarry operation in Apolacon Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received March 19, 2007. Permit issued October 17, 2007.

58070848. Mark Magnotti, (R. R. 1, Box 199, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Bridgewater Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received August 6, 2007. Permit issued October 19, 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.

01074119. M & J Explosives, Inc., P. O. Box 608, Carlisle, PA 17013-0608, blasting activity permit issued for single dwelling development in Reading Township, **Adams County**. Blasting activity permit end date is October 31, 2008. Permit issued October 12, 2007.

28074151. David H. Martin Excavating, Inc., 4961 Cumberland Highway, Chambersburg, PA 17201-9655, blasting activity permit issued for residential development in Chambersburg Borough, **Franklin County**. Blasting activity permit end date is December 8, 2008. Permit issued October 12, 2007.

28074150. David H. Martin Excavating, Inc., 4961 Cumberland Highway, Chambersburg, PA 17201-9655, blasting activity permit issued for commercial develop-

ment in Guilford Township, **Franklin County**. Blasting activity permit end date is December 8, 2008. Permit issued October 12, 2007.

11074005. Oldaker Salvage, 220 High Street, Westover, PA 16692, blasting activity permit issued for silo demolition in Westover Township, **Cambria County**. Blasting activity permit end date is October 15, 2008. Permit issued October 15, 2007.

32074009. Great Lakes Geophysical, Inc., P. O. Box 127, Williamsburg, MI 49690, blasting activity permit issued for oil and gas well exploration in Washington Township, **Indiana County**. Blasting activity permit end date is June 18, 2008. Permit issued October 18, 2008.

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

16074002. Appalachian Geophysical Services, LLC (2659 Star Route 60, P. O. Box 426, Killbuck, OH 44637-0426). Blasting activity permit for well exploration in Washington, Farmington and Highland Townships, **Clarion County**. This blasting activity permit will expire on December 31, 2007. Application received October 15, 2007. Application Issued October 18, 2007.

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

14074019. Douglas Explosives, Inc. (P. O. Box 77, Philipsburg, PA 16866), construction blasting for Mierly home foundation located in Harris Township, **Centre County**. Permit issued October 3, 2007. Permit expires November 1, 2007.

14074020. Glenn O. Hawbaker, Inc. (P. O. Box 135, State College, PA 16804), construction blasting for Phase 2, Fox Hill located in Spring Township, **Centre County**. Permit issued October 3, 2007. Permit expires September 28, 2008.

14074022. Douglas Explosives, Inc. (P. O. Box 77, Philipsburg, PA 16866), construction blasting for a house foundation, Lot 31, Mt. Nittany Terrace located in College Township, **Centre County**. Permit issued October 11, 2007. Permit expires November 8, 2007.

14074021. Ameron Construction (2501 North Atherton Street, State College, PA 16803), construction blasting for Stearns Crossing, Phase 7 located in College Township, **Centre County**. Permit issued October 16, 2007. Permit expires October 16, 2008.

53074002. Pennsylvania General Energy (208 Liberty Street, Warren, PA 16365), construction blasting located in East Fork and Eulalia Townships, **Potter County**. Permit issued October 15, 2007. Permit expires October 15, 2008.

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

54074107. J. Roy's, Inc., (Box 125, Bowmansville, PA 17507), construction blasting for Highwood Lot 38 in Rush Township, **Schuylkill County** with an expiration date of October 10, 2008. Permit issued October 15, 2007.

13074106. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Boulder Creek Resort in Kidder Township, **Carbon County** with an expiration date of October 31, 2008. Permit issued October 16, 2007.

06074126. J. Roy's, Inc., (Box 125, Bowmansville, PA 17507), construction blasting for Clematis Road Subdivision in Sinking Spring Borough, **Berks County** with an expiration date of October 12, 2008. Permit issued October 17, 2007.

06074127. Gerlach's Drilling & Blasting, (172 Bender Mill Road, Lancaster, PA 17603), construction blasting for The Highlands Cottages in Wyomissing Borough, **Berks County** with an expiration date of November 1, 2008. Permit issued October 17, 2007.

360741110. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Keystone Opportunity Zone in the City of Lancaster, **Lancaster County** with an expiration date of October 1, 2008. Permit issued October 17, 2007.

360741111. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Cedar Chase in West Hempfield Township and Mountville Borough, **Lancaster County** with an expiration date of October 1, 2007. Permit issued October 17, 2007.

360741112. Keystone Blasting Service, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for CNY of America in New Holland Borough, **Lancaster County** with an expiration date of December 30, 2007. Permit issued October 17, 2007.

360741113. Keystone Blasting Service, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for a single dwelling in Paradise Township, **Lancaster County** with an expiration date of December 30, 2007. Permit issued October 17, 2007.

360741114. Keystone Blasting Service, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Kreider Poultry Farm chicken house in East Donegal Township, **Lancaster County** with an expiration date of November 30, 2007. Permit issued October 17, 2007.

38074121. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Greystone Development in Jackson Township, **Lebanon County** with an expiration date of October 1, 2008. Permit issued October 17, 2007.

67074147. J. Roy's, Inc., (Box 125, Bowmansville, PA 17507), construction blasting for Stonebridge Plaza in Hopewell Township, **York County** with an expiration date of October 12, 2008. Permit issued October 17, 2007.

67074148. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Buttermilk Farms in Fairview Township, **York County** with an expiration date of October 1, 2008. Permit issued October 17, 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.

E54-331. Randy and Amanda Zimmerman, 71 East Pottsville Street, Pine Grove, PA 17963-1518. Pine Grove Borough, **Schuylkill County**, United States Army Corps of Engineers Baltimore District.

To construct and maintain a 12-foot wide by 24-foot long inground swimming pool in the floodway of Swatara Creek. The project is located between Swatara Creek and East Pottsville Street, north of Laurel Street (Pine Grove, PA Quadrangle N: 9.8 inches; W: 1.0 inch).

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

E50-241: James and Mary Morrow, 64 Miller Lane, Landisburg, PA 17040, Spring Township, **Perry County**, ACOE Baltimore District.

To construct and maintain twin 30-foot long, 87" by 63" CMP culverts in Green Valley Run (CWF) and to construct and maintain two PEM exceptional value wetland road crossings totaling approximately 0.05 acre for the purpose of constructing a private driveway off of Valley Road (Landisburg, PA Quadrangle N: 8.3 inches; W: 4.5 inches, Latitude: 40° 17' 45"; Longitude: 77° 16' 56") in Spring Township, Perry County.

E01-272: David Rice, Rice Fruit Company, Inc./ Rice Fruit Company Land Development, P. O. Box 66, Gardners, PA 17324-0066, Commercial Building in Menallen Township, Adams County.

To fill 0.13 acre of palustrine emergent wetlands associated to a UNT to Opossum Creek (WWF) at a point just west of Route 34 (Biglerville, PA Quadrangle N: 22.5 inches; W: 13.0 inches, Latitude: 39° 59' 55"; Longitude: 77° 13' 7.0") in Menallen Township, Adams County. The Applicant proposes 0.15 acre of wetland mitigation.

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

E65-912. Municipal Authority of Westmoreland County, SW Corner US Route 30 West and South Greengate Road, P. O. Box 730, Greensburg, PA 15601. To construct 29 utility line stream crossings in Hempfield Township and the City of Jeannette, **Westmoreland County**, Pittsburgh AOCE District. (Greensburg, PA Quadrangle N: 12.5 inches; W: 14.3 inches, Latitude: 40° 10' 06"; Longitude: 79° 36' 00"). To construct and maintain approximately 9,600 linear feet of 48-inch diameter water transmission main across several watercourses with the Brush Creek Basin (TSF). The project includes 29 utility line crossings, which will cumulatively impact approximately 320 feet of watercourse and 0.28 acres of wetlands (PEM). The project is located in Hempfield Township and the City of Jeannette. The wetlands shall be restored after the utility line crossing is completed.

STORAGE TANKS SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
07-52-001	S & M Management Incorporated P. O. Box 1429 Milford, PA 18337 Attn: Salvatore Sciascia	Pike	Milford Township	3 ASTs storing Petroleum Products	36,000 gallons total

SPECIAL NOTICES

Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Loads (TMDLs) for the Scrubgrass Creek Watershed in Butler and Venango Counties and the Leatherwood Creek and Town Run Watersheds in Clarion County

The public meetings for the above TMDLs for October 30, 2007, at 9 a. m. (Leatherwood Creek and Town Run) and 10:30 a. m. (Scrubgrass Creek) have been canceled. Public meetings will be rescheduled.

SUSQUEHANNA RIVER BASIN COMMISSION

Notice of Public Hearing Gettysburg Municipal Authority York Water Company Interconnection and Diversion of Water

The Susquehanna River Basin Commission (SRBC) and the Department of Environmental Protection, (Department), will hold a joint public hearing on November 15, 2007, beginning at 7 p. m. at the County of Adams Emergency Services Department, 230 Greenamyer Lane, Gettysburg, PA.

At this hearing, SRBC will receive testimony regarding applications by the Gettysburg Municipal Authority (GMA) and the York Water Company for a new interconnection to be located in Straban Township, Adams County,

PA and a diversion of water through the interconnection from the Susquehanna River Basin to the Potomac River Basin. SRBC also will receive testimony on including the project in the SRBC Comprehensive Plan. The Department will receive testimony on a PA public water supply allocation application from GMA relating to the interconnection with the York Water Company.

Applicant GMA has requested approval to divert a minimum of 300,000 gallons per day (gpd) up to a maximum of 3,000,000 gpd from the York Water Company system to supplement GMA's existing water sources and meet projected water demand in its service area. The proposed out of basin diversion also constitutes a consumptive water use under SRBC's regulations.

The Commission requests that anyone intending to testify at the hearing notify Richard A. Cairo, General Counsel, SRBC, 1721 North Front Street, Harrisburg, PA 17102-2391, (717) 238-0423, Ext. 306, rcairo@srbc.net. Written comments in lieu of testimony on the SRBC approval may also be submitted to Richard Cairo through close of business November 21, 2007. Written comments on the Department water allocation approval may be submitted to Scott Williamson at the Department, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4732.

By appointment during regular business hours, materials and supporting documents relating to the SRBC

approval may be reviewed and copied (at reasonable cost) by contacting Richard Cairo at SRBC (address above). Materials and supporting documents relating to the Department's water allocation approval may be inspected during regular business hours by contacting the file room at the Department's Southcentral Regional Office at the address listed previously.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act who wish to attend the hearing should contact Richard Cairo at the previous telephone number and extension to discuss how the Commission can accommodate their needs.

ENVIRONMENTAL GOOD SAMARITAN PROJECT

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

EGS02003. Montour Run Watershed Assoc. (P. O. Box 15509, Pittsburgh, PA 15244). An Environmental Good Samaritan Project application for the McCaslin Road Mine Drainage Treatment to abate mine drainage pollution, located in Findlay Township, **Allegheny County**, affecting 10 acres. Receiving stream: West Fork of Enlow Run, classified for the following use: WWF. EGS application received September 19, 2007.

EGS26005. Mountain Watershed Association, Inc. (P. O. Box 408, Melcroft, PA 15462). An Environmental Good Samaritan Project application to abate mine drainage pollution, located in Saltlick Township, **Fayette County**, affecting 13.5 acres. Receiving stream: Indian Creek, classified for the following use: CWF. EGS application received September 21, 2007.

[Pa.B. Doc. No. 07-2034. Filed for public inspection November 2, 2007, 9:00 a.m.]

Water Resources Advisory Committee; Meeting Cancellation

The November 14, 2007, meeting of the Water Resource Advisory Committee is cancelled. The next meeting is scheduled to occur on January 9, 2008, at 9:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the cancellation of the November 14, 2007, meeting or the January 9, 2008, meeting may be directed to Phil Consonery, Bureau of Water Standards and Facilities Regulation, (717) 772-2184, pconsonery@state.pa.us. The agenda and meeting materials for the January 9, 2008, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at www.depweb.state.pa.us (DEP Keywords: Participation, Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 772-5668 or through the 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. 07-2035. Filed for public inspection November 2, 2007, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of St. Mary Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that St. Mary 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.

This facilities are 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. 07-2036. Filed for public inspection November 2, 2007, 9:00 a.m.]

Applications for Exception to 28 Pa. Code § 569.35

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirement of 28 Pa. Code § 569.35 (relating to general safety precautions).

OSS Ambulatory Surgery Center
Philadelphia Surgi-Center, Inc.

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.

The facilities are 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. 07-2037. Filed for public inspection November 2, 2007, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Request for Bids

Sealed bids for the demolition and removal of the following properties located in Union Township, Union County, SR 0015-088, will be accepted by the Department of Transportation, 715 Jordan Avenue, Montoursville, PA 17754 until 10 a.m. on Wednesday, November 28, 2007. An inspection of the properties will be held from 11 a.m. until 2:30 p.m. on Thursday, November 8, 2007. Questions should be directed to Lenny Confer, R/W Administrator at (570) 368-4337 or lconfer@state.pa.us.

Property No. 1, Claim No. 5900082000, Parcel No. 28: 26' by 32', two story brick home with one story addition (16' by 32'), a 31' by 25' two car garage and block silo. Special demolition conditions will apply to this parcel.

Property No. 2, Claim No. 5900078000, Parcel No. 24: Abandoned chicken farm with a one story frame home and numerous out buildings (all are in poor condition and are collapsing).

Prequalification of bidders is required on all bids over \$25,000. Asbestos is present.

Directions: Property No. 1: Route 15 South to Winfield. After the intersection of Routes 15 and 304, take the first left (TR 364—Seven Kitchens Road). Go approximately .7 mile and turn left on Silo Lane (turn just before log home), go .2 mile to Lee Lane and Silo Road. Property is white brick house with silo at corner of Lee Lane and Silo Road.

Property No. 2: Route 15 South to Winfield. After the intersection of Routes 15 and 304, take the first left (TR 364—Seven Kitchens Road). Go approximately .5 mile and turn right on to TR 362 (Mulls Hollow Road). Go approximately .7 mile look for washed out dirt driveway on left with a burnt out building shell and numerous out buildings.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 07-2038. Filed for public inspection November 2, 2007, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Lehigh Heavy Forge Corporation v. DEP; EHB Doc. No. 2007-227-R

Lehigh Heavy Forge Corporation has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Lehigh Heavy Forge Corporation for a facility in City of Bethlehem, Northampton County, PA.

A date for the trial on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal

business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,
Acting Chairperson

[Pa.B. Doc. No. 07-2039. Filed for public inspection November 2, 2007, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Meeting Cancellation

The November 20, 2007, meeting of the Environmental Quality Board (EQB) is cancelled. The next meeting of the EQB is scheduled for Tuesday, December 18, 2007, at 9 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. An agenda and meeting materials for the December 18, 2007, meeting will be available on the Department of Environmental Protection's website at www.depweb.state.pa.us (DEP Keywords: EQB).

Questions concerning the EQB's next scheduled meeting may be directed to Michele Tate at (717) 783-8727, mtate@state.pa.us.

KATHLEEN A. MCGINTY,
Chairperson

[Pa.B. Doc. No. 07-2040. Filed for public inspection November 2, 2007, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken by the Commission

The Independent Regulatory Review Commission (Commission) met publicly at 10:30 a.m., Thursday, October 18, 2007, and announced the following:

Regulation Deemed Approved Under Section 5(g) of the Regulatory Review Act—Effective October 17, 2007

Municipal Police Officers' Education and Training Commission #17-73: Administration of the Training Program (amends 37 Pa. Code Chapter 203)

Regulations Approved:

Milk Marketing Board #47-12: Refrigeration Equipment; Records and Reports (amends 7 Pa. Code Chapters 145, 146 and 147)

Pennsylvania Gaming Control Board #125-64: Manufacturer Designees; Principal Licenses; Employees; Vendor Certification and Registration; Slot Machine Licenses (adds 58 Pa. Code Chapters 429a, 433a, 435a, 437a and 441a)

Department of Health #10-182: Sexual Assault Victim Emergency Services (amends 28 Pa. Code Chapters 101 and 117)

Approval Order

Public Meeting held
October 18, 2007

Commissioners Voting: Arthur Coccodrilli, Chairperson;
David J. DeVries, Esq.; John F. Mizner, Esq.

*Milk Marketing Board—Refrigeration
Equipment; Records and Reports;
Regulation No. 47-12 (#2564)*

On September 7, 2006, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Milk Marketing Board (Board). This rulemaking amends 7 Pa. Code Chapters 145, 146 and 147. The proposed regulation was published in the September 23, 2006 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 14, 2007.

This final-form regulation amends existing regulations to make them consistent with current industry practice. The primary amendment permits charges for the sale or lease of refrigeration equipment to wholesale customers to be collected through a fee added to the Board-established minimum prices.

We have determined this regulation is consistent with the statutory authority of the Board (31 P. S. § 700j-307) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
October 18, 2007

Commissioners Voting: Arthur Coccodrilli, Chairperson;
David J. DeVries, Esq.; John F. Mizner, Esq.

*Pennsylvania Gaming Control Board—Manufacturer
Designees; Principal Licenses; Employees; Vendor
Certification and Registration; Slot Machine Licenses;
Regulation No. 125-64 (#2614)*

On June 1, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Gaming Control Board (Board). This rulemaking adds 58 Pa. Code Chapters

429a, 433a, 435a, 437a and 441a. The proposed regulation was published in the June 16, 2007 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 12, 2007.

This regulation establishes five chapters of the Board's regulations. The chapters relate to the licensing, permitting, certification and registration of manufacturer designees, principals, employees, vendors and slot machine licensees.

We have determined this regulation is consistent with the statutory authority of the Board (4 Pa.C.S.A. §§ 1202(b)(30), 1202(b)(9), (b)(12), (b)(14)—(20) and (b)(23), 1205, 1209, 1301—1316, 1317.1, 1318, 1321, 1325—1331 and 1802) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
October 18, 2007

Commissioners Voting: Arthur Coccodrilli, Chairperson;
David J. DeVries, Esq.; John F. Mizner, Esq., Abstaining

*Department of Health—
Sexual Assault Victim Emergency Services
Regulation No. 10-182 (#2577)*

On October 11, 2006, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Health (Department). This rulemaking amends 28 Pa. Code Chapters 101 and 117. The proposed regulation was published in the October 21, 2006 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 17, 2007.

This final-form rulemaking adds minimum requirements for the treatment of sexual assault victims by hospitals.

We have determined this regulation is consistent with the statutory authority of the Department (35 P. S. §§ 448.601(a), 448.801a and 448.803(1)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 07-2041. Filed for public inspection November 2, 2007, 9:00 a.m.]

Notice of Comments Issued

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

The Commission has issued comments on the following proposed regulations. 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 Comments Period</i>	<i>IRRC Comment Issued</i>
16-A-5418	State Board of Pharmacy Sales of Hypodermic Needles and Syringes 37 Pa.B. 4652 (August 25, 2007)	9/24/07	10/24/07
16A-4314	State Board of Chiropractic Reactivation of Lapsed License 37 Pa.B. 4627 (August 25, 2007)	9/24/07	10/24/07
16A-4815	State Board of Funeral Directors Prened Funeral Arrangements 37 Pa.B. 4643 (August 25, 2007)	9/24/07	10/24/07
16A-4514	State Board of Cosmetology General Revisions 37 Pa.B. 4628 (August 25, 2007)	9/24/07	10/24/07
16A-419	State Architects Licensure Board Requirements for Examination Eligibility 37 Pa.B. 4625 (August 25, 2007)	9/24/07	10/24/07
16A-4923	State Board of Medicine Expect Witness 37 Pa.B. 4647 (August 25, 2007)	9/24/07	10/24/07
16A-5131	State Board of Nursing Faculty Requirements for Nursing Education Programs 37 Pa.B. 4649 (August 25, 2007)	9/24/07	10/24/07

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**State Board of Pharmacy
Regulation #16A-5418 (IRRC #2625)**

Sales of Hypodermic Needles and Syringes

October 24, 2007

We submit for your consideration the following comments on the proposed rulemaking published in the August 25, 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 State Board of Pharmacy (Board) to respond to all comments received from us or any other source.

1. Section 27.18.—Protection of the public health, safety and welfare; Need.

Subsection (s)(1) limits the number of hypodermic needles and syringes that may be sold to a person 18 years of age or older without a prescription to 30. In the Regulatory Analysis Form (RAF) submitted with the proposed rulemaking, the Board has indicated that they considered not placing a limit on the number of needles and syringes but decided to place a limit of 30 needles and syringes because each sale is a “teachable moment where counseling can be provided for drug rehabilitation.”

Subsection (s)(3) prohibits the sale of needles and syringes to persons under the age of 18 without a prescription. Several commentators, including Representative Babette Josephs, have questioned the need for this provision. We note that the Board has not provided an explanation for this provision in the RAF or the Preamble to the regulation. We request that the Board explain why the prohibition on sales to persons under the age of 18 is needed and how it protects the health of all citizens of the Commonwealth.

2. Fiscal impact.

The Preamble to the proposed rulemaking notes the following: “It is anticipated that many patients will continue to present a prescription to obtain prescription benefits in paying for hypodermic needles and syringes.” The Pennsylvania Medical Society has suggested a study to determine whether insurers should be mandated to preserve reimbursement for diabetics and people with other medical conditions requiring injected medications. We question how this rulemaking will affect people who currently obtain needles and syringes with a prescription and the assistance of some type of medical insurance. We urge the Board to work with necessary authorities to ensure that this rulemaking does not have a negative fiscal impact on people who obtain needles and syringes with a prescription and the assistance of medical insurance.

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**State Board of Chiropractic
Regulation #16A-4314 (IRRC #2626)**

Reactivation of Lapsed License

October 24, 2007

We submit for your consideration the following comments on the proposed rulemaking published in the August 25, 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 State Board of Chiropractic (Board) to respond to all comments received from us or any other source.

Section 5.17. Biennial registration; unregistered status and inactive status; failure to renew; address of record.—Clarity.

Subsection (m)(3) permits an individual to reactivate a license by proving “continuous licensed practice of chiropractic in one or more other jurisdictions . . . for at least 5 years immediately preceding application for reactivation.” Board staff has explained that the individual must also remain current with Pennsylvania’s continuing education requirements in order to qualify for reactivation. This requirement should be clearly stated in the final-form regulation.

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**State Board of Funeral Directors
Regulation #16A-4815 (IRRC #2627)**

Preneed Funeral Arrangements

October 24, 2007

We submit for your consideration the following comments on the proposed rulemaking published in the August 25, 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 State Board of Funeral Directors (Board) to respond to all comments received from us or any other source.

1. Section 13.1. Definitions.—Reasonableness; Consistency with other regulations; Need; Clarity.

Preneed funeral contract—

We have questions in two areas concerning this definition.

First, why does this definition only include the term “funeral entity”? In addition to “funeral entity,” the term “licensed funeral director” is defined in section 13.1 of the existing regulations. Why not include both “funeral entity” and “licensed funeral director” in the definition for preneed funeral contract?

Second, what is the intent of including the phrase “whether or not the funeral entity receives preneed funeral funds”? Why would a business enter into such a contract without receiving funds?

Furthermore, a significant focus of both section 13(c) of the Funeral Director Law (Law) (63 P. S. § 479.13(c)) and this proposed regulation is the money received for such contracts. What type of review or oversight would the Board exercise in a situation where there is no monetary transaction? Unless the Board can justify the inclusion of this phrase, it should be deleted from the final-form regulation.

Preneed funeral funds—

In Paragraph (i) of this definition, what is the purpose of the last phrase, “whether or not a contract to provide specified funeral services or merchandise exists”? How could the Board verify that money held by a licensee or funeral entity was related to “preneed” monies if no contract existed? If a customer has not finalized her or his decisions concerning which services to select but gives money to a funeral director or funeral entity, is the funeral director or entity required to document the transaction?

Finally, Paragraphs (iii) and (iv) may be inconsistent or incompatible with the proposed regulation since they involve insurance policies and not just contracts. An assignment of an insurance policy may exist with or without a preneed contract. If there is no contract, the transfer clause required by Section 13.228(a) will not apply. If an insurance policy includes a provision requiring assignment to a particular funeral entity, the Board needs to review and explain how it will regulate a change in the policy. The Board may need to develop separate provisions to address insurance policies.

2. Section 13.224. Depositing and reporting preneed funeral funds.—Fiscal impact; Reasonableness; Consistency with the statute and regulations; Implementation procedure; Feasibility; Clarity.

Subsection (a) contains new language. For example, there is a new rule that all the preneed funds received by the funeral director or entity must be deposited within ten days of receipt. We identified questions in two areas.

First, why is the ten-day rule necessary? Is there any record or history of problems with the timeliness of deposits? The Board should explain the need for the new language in this subsection or delete it from the final-form regulation.

Second, it is unclear if Subsection (a) applies to a funeral entity that receives a preneed fund transfer from another entity at the request of a customer. If this subsection does apply to such a transfer, what happens to any accumulated earnings or interest? The earnings or interest are not mentioned in the definition of “preneed funeral fund.” However, Section 13.228(b) in this proposed regulation specifically requires the transfer of “accumulated interest and earnings” with preneed funeral funds. If the first funeral entity must transfer both the preneed funds (the original money given by the customer) and any accumulated interest and earnings, then the receiving entity should be required by the final-form regulation to deposit the interest and earnings with the customer’s preneed funeral funds.

Subsection (b) mandates quarterly reporting of the information described in Subsection (c). There are four concerns.

First, why is mandated reporting necessary? What will the Board do with this information? The Board needs to explain how it plans to review and utilize these reports.

Next, what will be the costs for the Board in processing and reviewing the reports, and for funeral entities or funeral directors to transmit or submit the reports? Does the Board have adequate staff to process and review these records on a regular and timely basis? Commentators report that there are thousands of preneed contracts across the state. The Board should examine these costs and provide cost estimates when it submits the final-form regulation. If the Board opts to retain the reporting requirement, the costs for both the Board and the regu-

lated community may be reduced significantly by requiring annual or biennial reporting, rather than quarterly.

Third, the Preamble indicates that changes are necessary because the existing provisions “do not address the transferability of funds when a funeral director other than the contracting funeral director provides funeral services and merchandise or the ability of a customer to change funeral directors or transfer funds in the event of a change of funeral directors.” However, quarterly or periodic reporting is not necessary to monitor these transactions. The existing regulations require a licensee to submit a report every time the funeral director enters into a preneed contract or provides the services required by a preneed contract. The final-form regulation could mirror the current rules by requiring reports whenever there is a change or an end to the contract, a switch to another funeral entity or funeral director, or a transfer of funds.

Fourth, what is the definition of the term “rollover” in Subsection (b)? As noted by the House Professional Licensure Committee (House Committee) on October 3, 2007, the final-form regulation should include a definition for this term. In addition, the intent of the last sentence of Subsection (b) is unclear. The need for this sentence should be clarified in the final-form regulation.

Regarding Subsection (c)(2), please explain the need for deleting the phrase “100% of the money received by the funeral director on account of the contract had been deposited.” This language is consistent with Section 13(c) of the Law and should be retained.

3. Section 13.227. Limitations on preneed funeral contracts.—Fiscal impact; Consistency with the statute; Reasonableness; Clarity.

Commentators for the Pennsylvania Cemetery, Cremation and Funeral Association and the Funeral Consumers Alliance of Greater Philadelphia expressed concerns with provisions in this section. We share three concerns.

First, the new language in Subsection (b) reads:

A funeral director or funeral entity may not charge or collect any fees under a preneed funeral contract for funeral goods and services that exceed the fees for the goods and services as set forth on the funeral entity’s general price list **at the time** the goods or services are provided. [Emphasis added.]

This provision could possibly negate a benefit of preneed contracts. Price lists may be guaranteed in preneed contracts at the time when the contracts are signed. The consumer gets the benefit of the prices available at the time of the contract, and the funeral entity gets the benefit of accepting funds before they are needed. With promulgation of Subsection (b), would funeral entities be able to increase costs charged to customers based on price lists at the time of service? What happens if the preneed funds in an account do not cover the price list at the time of service? What impact would this provision have on irrevocable contracts? Should the subsection state “at the time the contract is initiated”? The Board must explain the need for this subsection or delete it from the final-form regulation.

Second, Subsection (b) refers to a “funeral entity’s general price list.” Is there any situation when a funeral director would maintain a “general price list”?

Third, we question the rationale and need for Subsection (c), which reads:

A preneed funeral contract may not incorporate a contract for funeral merchandise entered into by a person or entity other than a funeral director.

The Law does not identify any restrictions on the source of the merchandise included in a funeral director’s contract. In addition, it is our understanding that the National Funeral Directors Association recommends that “a funeral home should never refuse to service a family because they indicate that they will be using a third-party casket.” This provision appears to limit the ability of a consumer to select from a variety of products. The Board should justify this provision or delete it from the final-form regulation.

4. Section 13.228. Transfer of a preneed funeral contract by customer.—Fiscal impact; Consistency with statute; Reasonableness; Feasibility; Clarity.

Pursuant to Subsection (a), every preneed contract initiated after the effective date of this regulation must expressly permit the customer to transfer the account and funds to another funeral director or funeral entity. The Preamble offers no explanation for this change beyond generic references to protection of consumers and updating regulations to match current practices in the profession.

The statute gives the Board the authority to adopt regulations. Section 16(a) of the Law (63 P. S. § 479.16(a)) reads:

The board shall be charged with the enforcement of this act. It shall be empowered to formulate *necessary* rules and regulations not inconsistent with this act for the proper conduct of the business or profession of funeral directing and as may be deemed *necessary* or *proper* to *safeguard* the interests of the public and the standards of the profession. (Emphasis added.)

The Board has not demonstrated the need for this proposed regulation. Specifically, the Board has not explained how this proposed regulation will “safeguard the interests of the public.” Additionally, the Board has disclosed no record indicating a high level of consumer complaints or significant harm to consumers related to preneed contracts. In the final-form regulation submittal, the Board should explain the need for this regulation, and how it will protect consumers.

In its comments, the House Committee expressed concerns with the impact of this regulation on the calculation of resources in determining eligibility for benefits from Social Security or Medical Assistance (MA) programs. The Board claims that customers will be able to set aside the preneed funds and avoid having them calculated as a resource because the account, money or trust remains “irrevocable.” Subsection (b) directs the transfer of the preneed funds from one funeral entity to another at the direction of the customer. However, nothing in this section states that the funds are “irrevocable” or that none of the funds may be returned to the customer. In fact, the words “revocable,” “irrevocable” or “irrevocability” do not appear in the proposed regulation or the Preamble. In the final-form regulation, the Board should clarify whether preneed funds would be irrevocable, and how the funds would be protected from classification as an asset for the purposes of Social Security or MA programs.

The provisions of this section are very clear that the current funeral entity must transfer all the preneed funds, interest and earnings to the new funeral entity as requested by the customer. However, there is nothing that directs the actions of the new entity or what it may do with the funds. Nothing in the proposed regulation requires that the new funeral entity honor the terms and conditions of the original contract or that it use all the

preneed funds, interest and earnings for funeral services. For example, what would prevent the new funeral entity from giving a portion of the funds to the customer and reducing the list of services? The Board should clarify how the new funeral entity must treat the original contract and the funds.

The Board should also respond to the questions raised by the House Committee as to whether the preneed funds can be irrevocable yet still transferable. There is also a concern with the Law. Section 13(c) of the Law includes the following sentence:

... If any such licensed funeral entity shall accept any money for such contracts, he shall, forthwith, either deposit the same in an escrow account in, or transfer the same in trust to, a banking institution in this Commonwealth, conditioned upon its *withdrawal or disbursement only for the purposes for which such money was accepted*.... (Emphasis added.)

It is unclear how the proposed regulation is consistent with the Law since none of its provisions guarantee that the money will be used for the purposes for which it was accepted. These purposes are set forth in the original preneed contract. The final-form regulation should ensure that the purposes in the original contract are fulfilled.

In its comments, the House Committee also requested further information concerning regulations or laws in other states pertaining to the portability of preneed contracts. Portability is an important issue for both the House Committee and commentators. The difficult question appears to be providing for portability while simultaneously maintaining the irrevocability of preneed funds, especially for income and asset determinations in Social Security or MA programs.

If it was only a question of portability, it is available under the existing regulations. The Board submitted a copy of the Commonwealth Court decision *Bean v. Department of State, State Board of Funeral Directors* (855 A.2d 148, 2004) with this proposed regulation. The *Bean* decision reported that Board-approved contract forms allowed customers to select an irrevocable or revocable contract. With a revocable contract, the customer can transfer preneed funds at a later date. This is portability. If the Board believes these options are insufficient, then it could establish an additional option for these forms that is based on this section.

If the goal is to combine both portability and irrevocability, the Board needs to thoroughly review options that ensure irrevocability while allowing for consumer choice. This would allow the marketplace to provide what consumers want and need. The Board should investigate a variety of options to allow for portability when needed while also guaranteeing irrevocability of the funds and terms in the contract.

5. Section 13.229. Sale or transfer of preneed funeral contracts or preneed funeral funds by funeral director.—Fiscal impact; Consistency with statute; Reasonableness; Feasibility; Clarity.

Under Subsection (a), why is it necessary to notify each customer of a transfer within 30 days? The Board should explain the basis for the 30-day period or consider extending the time period.

—
**State Board of Cosmetology
Regulation #16A-4514 (IRRC #2628)**

General Revisions

October 24, 2007

We submit for your consideration the following comments on the proposed rulemaking published in the August 25, 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 State Board of Cosmetology (Board) to respond to all comments received from us or any other source.

1. Section 7.1. Definitions.—Implementation procedures; Clarity.

The definition of “school of cosmetology” mirrors the statutory definition of the same term found in the Cosmetology Law (63 P.S. §§ 507—526) (Law). Both definitions list a school district as an entity that could be considered a “school of cosmetology.” We have two concerns.

First, what is meant by the term “school district”? We understand that the Board intends a school district to include an area vocational-technical school. We recommend that the final-form regulation include a definition of “school district.”

Second, section 7.113a, pertaining to accreditation by a nationally-recognized accrediting agency, requires all schools to be accredited. Is there a process available for school districts to become accredited? Is there a need for school districts to become accredited? We ask the Board to consider how it will implement Section 7.113a as it relates to school districts and make the necessary adjustments to its regulations.

2. Section 7.31. Examination prerequisite for licensure; exceptions.—Implementation procedures.

Subsection (c) allows applicants to obtain a natural hair braider license without examination if certain conditions are met. The exemption from examination will expire one year after the effective date of the regulation. Subsection (c)(ii) states that the Board will accept certain information without penalty for failure to comply with the licensing provisions prior to September 5, 2006, the effective date of Act 99 of 2006. It is our understanding that the Board is not imposing penalties for non-compliance at this time, but penalties will be imposed one year from the effective date of the final-form rulemaking. We recommend that the regulation be amended to provide the regulated community with notice of the nature of these penalties.

3. Section 7.32. Deadline for examination applications.—Clarity.

Subsection (c) states that a first-time examinee must complete and pass both the theoretical and practical portions of the exam within one year. Does the phrase “within 1 year” mean within 1 year of completing the necessary course work or within 1 year of passing one portion of the exam? This issue should be clarified in the final-form regulation.

4. Section 7.32.d. Requirements for cosmetologist examination.—Reasonableness.

Subsection (d) requires applicants seeking credits for educational credit to complete the total 1,250 training hours, including those completed in the field for which the applicant is seeking credit, within four consecutive years. What is the need for this provision?

5. Sections 7.32e. Requirements for esthetician examination.—Clarity.

Subsection (a)(2)(ii) states that applicants who, among other things, have “received training from or under the auspices of the Bureau of Rehabilitation in the Department of Labor and Industry” would be eligible to take the examination. We are aware that this language comes directly from the Law and that the existing regulation found at § 7.32d, pertaining to requirements for cosmetologist examination, contains identical language. What is meant by “under the auspices”? This language also appears in §§ 7.32f(a)(2)(ii) and 7.32h(a)(2)(ii).

6. Section 7.41. Display of licenses.—Clarity.

Subsection (b) states that: “[a]n individual license shall be readily available for inspection . . .,” however it does not specifically state whose license should be available: the salon owner, the individual working in the salon, or both. In addition, it is unclear from this language whether a school also would be required to display its license. The final-form regulation should clarify these issues.

7. Section 7.43. Expiration and renewal of licenses.—Implementation procedures.

Subsection (c) requires a natural hair braider licensee to provide proof that certain requirements have been met. What kind of proof would be necessary? This should be explained in the final-form regulation.

8. Section 7.94. Sanitary use of supplies.—Reasonableness; Clarity.

Subsection (c) adds language that prohibits a spatula or similar utensil from coming in contact with the hair of a client. With various existing methods of color treatment that may require spatulas to administer the product, the Board should clarify how it is possible for these tools to avoid contact with hair.

9. Section 7.111. Application for a school license.—Clarity.

Subsection (a)(2)(ii)(B) requires an owner-applicant for a school license to acquire 1,250 hours of “satisfactory experience” and 1,800 hours of “satisfactory *work* experience” and deletes language that states the experience relates to being in charge of a cosmetology shop. (Emphasis added.) The quoted terms are vague. We recommend that the final-form regulation specify the type of experience that would be considered acceptable.

10. Section 7.120. Work done by students on the public.—Fiscal impact; Reasonableness; Implementation procedures.

Subsection (a) states the following:

A school may permit students who have completed at least 300 hours of instruction to work on the public, if the charges for the students’ services are based on the reasonable cost of materials **used on the client only.**

We have two concerns. First, commentators believe the language being added to this subsection, “used on the client,” will have a significant fiscal impact on cosmetology schools because it will prevent them from incorporating any overhead costs into the prices charged. According to the Pennsylvania Association of Private School Administrators: “[s]tudent clinic overhead costs have always been covered by the clients who use the clinic services.” Commentators believe this change will lead to higher tuition prices for students. It is also noted that a decrease in clinic revenue could result in the loss of accreditation and Federal grant eligibility for students.

We acknowledge that the new language, if enforced, will have a significant impact on the regulated community. We recommend that the Board work with the regulated community on the development and implementation of the final-form regulation to mitigate potential effects it may have.

Our second concern pertains to the 300-hour requirement. Has the Board considered revising the 300-hour requirement of this section to accommodate the limited licensure categories included in the proposed rulemaking? Why or why not?

—
State Architects Licensure Board
Regulation #16A-419 (IRRC #2629)
Requirements for Examination Eligibility
October 24, 2007

We submit for your consideration the following comments on the proposed rulemaking published in the August 25, 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 State Architects Licensure Board (Board) to respond to all comments received from us or any other source.

1. Section 9.27. Inactive records.—Clarity.

The proposed rulemaking changes this Section to require that a record of a candidate for licensure will only be considered “inactive” if an applicant does not correct a deficient application within five years. Originally, the regulation also required applicants to pass the entire examination within five years, or their record would be considered “inactive.” What effect does the rolling clock period have on the calculation of when a record becomes “inactive”?

2. Section 9.46. Requirements for examination eligibility.—Implementation procedures; Clarity.

Rolling clock requirement

Subsection (b) explains the Board’s new “rolling clock” requirement, which states that: “[i]f an applicant for licensure fails to pass all remaining divisions within a 5-year period, the applicant will automatically be given a new 5-year period” We have two concerns.

First, the proposed rulemaking indicates that with the “rolling clock”: “[t]he applicant will automatically be given a new 5-year period measured from the date of administration of the next oldest passed division . . . to pass all divisions . . . and this rolling clock will continue to automatically renew until all divisions . . . are passed” However, the last sentence added to this Section states that: “[t]he Board will **only consider the divisions of the examination passed within the 5-year time period immediately preceding the date of the latest administered division passed**” (Emphasis added.)

Therefore, based on these varying sentences, it is unclear if once the rolling clock expires, the applicant will have to take only the remaining divisions needed to pass, or all divisions administered within the new rolling clock period. The Board should clarify this issue in the final-form regulation.

Second, the Preamble mentions that the Board will adopt the National Council for Architectural Registration Boards rolling clock standards with one exception. This exception relates to candidates who had passed at least one division of the Architect Registration Exam by January 1, 2006. Has the Board considered including the January date in the final-form regulation?

—

**State Board of Medicine
Regulation #16A-4923 (IRRC #2630)**

Expert Witness

October 24, 2007

We submit for your consideration the following comments on the proposed rulemaking published in the August 25, 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 State Board of Medicine (Board) to respond to all comments received from us or any other source.

Section 16.52 Expert witnesses.—Reasonableness; Implementation procedures; Clarity.

The proposed rulemaking adopts the criteria for expert qualifications established by the Medical Care Availability and Reduction of Error Act (Mcare Act) (40 P. S. § 1303.512). While we recognize that the majority of the language contained in the proposed regulation is similar to provisions in the Mcare Act, we have four concerns.

Formatting of the Subsections

It appears that the titles of the subsections for the proposed rulemaking do not follow the appropriate alphanumeric order. For example, Subsection (c) refers to “subsections (a) and (b),” but these sections are not included in the proposed regulation. We note that the following comments reference the *Pennsylvania Bulletin* version of the proposed rulemaking. In the submittal and publication of the final-form regulation, this formatting should be reviewed.

Paragraph (1) General rule

This paragraph states that: “[a] person will not be competent to offer an expert medical opinion in a disciplinary action before the Board unless that person possesses **sufficient** education, training, knowledge, and experience . . .” (Emphasis added.) How will the Board determine what is “sufficient?”

Waiver requirements

The proposed regulation provides that the Board may waive the requisite qualifications for an expert. However, the waiver language is vague. For example, Paragraph (2)(ii) states that the Board may waive the requirements

for an expert if the Board determines the expert is “**otherwise competent**” to testify. (Emphasis added.) How the Board will make such a determination?

In Subsection (e), the Board may waive various requirements for an expert if the Board determines that the expert possesses: “**sufficient** training, experience and knowledge to provide the testimony” as a result of “**active involvement**” in or full-time teaching of medicine. (Emphasis added.) The final-form regulation should specify how the Board will determine what is “sufficient.” Additionally, we note that Paragraph (1) includes “education” as one of the qualifications the Board must determine as “sufficient” before a person can offer an expert medical opinion. Why isn’t “education” a criterion for waiver in Subsection (e)? Finally, the Board should clarify what would constitute “active involvement.”

Subsection (f)

This subsection allows the Board to apply “its own expertise in determining the applicable standard of care in disciplinary matters before the Board.” A commentator raised the issue of what qualifies Board members as “experts” in individual cases. Like the commentator, we question not only whether permitting the Board to make such determinations would render the proposed expert witness requirements moot, but also how this application would impact a respondent physician’s right to cross-examine the expert against him/her. The Board should explain these concerns in the final-form regulation. It should be noted that the language contained in Subsection (f) is not included in the Mcare Act.

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**State Board of Nursing
Regulation #16A-5131 (IRRC #2631)**

**Faculty Requirements for Nursing Education
Programs**

October 24, 2007

We submit for your consideration the following comments on the proposed rulemaking published in the August 25, 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 State Board of Nursing (Board) to respond to all comments received from us or any other source.

1. General.—Statutory authority; Clarity.

In the Preamble, the Board states that its statutory authority to promulgate this regulation is found in section 6.1 of the Professional Nursing Law (Law) (63 P. S. § 216.1). This provision gives the Board the authority to develop standards, which are different from regulations. See *Main Line Health, Inc. v. CAT Fund*, 738 A.2d 66 (Pa. Cmwlth. 1999), *aff’d* 777 A.2d 1048 (Pa. 2001). The authority to promulgate this regulation is actually located in 63 P. S. § 212.1(k). The Board should include a reference to section 2.1 of the Law in the Preamble of the final-form regulation.

2. Section 21.71. Nurse administrator, faculty and staff requirements.—Fiscal impact; Reasonableness; Implementation procedure; Clarity.

Subsection (a)—Nurse administrator, faculty and staff requirements

Subsection (a) includes new language which reads:

A nursing education program shall employ a **sufficient number** of qualified faculty, faculty assistants, allied faculty and staff to accomplish the program objectives. [Emphasis added.]

The House Professional Licensure Committee (House Committee) submitted comments dated September 26, 2007, questioning the use of the phrase “sufficient number” and requesting information on how this amount would be quantified. If a national standard exists that provides guidance, the House Committee recommended that the regulation reference the standard. We agree that the phrase is vague and needs to be clarified in the final-form regulation.

The main paragraph of Subsection (a) ends with the sentence: “The minimum faculty and staff requirements are as follows.” Subsections (a)(1)–(5) describe these minimum requirements.

Subsection (a)(1) lists a “full-time nurse administrator” as a minimum requirement for a nursing education program. This is a new term which replaces the existing term “director of the program.” The House Committee requested more information concerning the basis for this change. The Board should explain the need for this change and whether it is a substantive change in direction for this position. Another question is if the nursing program is a school or college, then is the nurse administrator also the head of the school or college? The Board should consider adding a definition for this term in the final-form regulation.

Subsection (a)(3) reads: “Additional faculty members as needed.” In the existing regulations, the word “needed” is followed by phrase “to insure an educationally effective student-faculty ratio.” However, the latter phrase is being deleted by the proposed regulation. How will programs determine when additional faculty members are needed? While we understand the need for flexibility, the regulation should provide some guidance. Rather than note a possible need for additional faculty, this subsection in the final-form regulation should address student-faculty ratios. If the Board does not want to establish a minimum ratio, then it should require that nursing education programs submit their ratios to the Board and document the rationale for, and the effectiveness of, their approach to student-faculty ratios.

Another new term appears in Subsection (a)(4), which reads: “Allied faculty members as needed.” Based on the requirements for this position and discussion of the term in the Preamble, it appears that members of the “allied faculty” do not need to have degrees in nursing. They are required by Subsection (c)(3) to have “at least one graduate degree in a subject area pertinent to their area of teaching” and “may teach basic sciences or specialized areas of nursing practice.” Unlike the other faculty positions, there is no requirement that “allied faculty” hold a license as a registered nurse (RN) in Pennsylvania. The Preamble offers an example of this term by stating:

... this amendment will permit a nursing education program to employ an individual with a graduate degree in chemistry to teach chemistry courses and will allow a program to employ an individual with a doctoral degree in pharmacy to teach pharmacology.

If members of the “allied faculty” are not required to hold degrees in nursing or RN licenses, this should be clarified in the final-form regulation.

There is another question concerning “allied faculty.” What is meant by “as needed” in this subsection? Are allied faculty “needed” only when an RN with the appropriate degree is unavailable? Does the Board intend that there be a preference for faculty candidates who are also licensed RNs? The Board should specify which areas of the curriculum must be taught by faculty with RN licenses and which areas may be taught by others.

Subsection (a)(5) reads: “Program support services, including administrative and clerical services.” Commentators expressed concern with this change since it replaces existing language in Subsection (a)(4) which required a minimum of one full-time secretary. In addition, there is a concern with the deletion of a similar requirement in Section 21.74(a)(4). The new language does not set a minimum standard and provides no direction concerning the level of support services. In addition, there is no guidance concerning library, financial aid, or admissions services. A nursing program associated with an accredited college or university may be able to obtain services from the other institution. However, a diploma program in a hospital or other facility may not have similar access. The minimum requirements for these services should be set forth in the final-form regulation.

Subsection (b)—Nurse administrator qualifications

The Hospital and Healthsystems Association of Pennsylvania (HAP) expressed concern with the administrative functions and other responsibilities of the nurse administrator. Subsections (b)(1) and (2) describe the qualifications for this position. They mention the need for “experience in nursing practice, nursing education and administration.” However, there is no indication of the level of experience necessary. In addition, there is no indication of the need for training or education in administrative or managerial functions. The House Committee also noted a concern over the lack of detail in the experience requirements for this position. The final-form regulation should provide more detail regarding the administrative duties, functions, qualifications and experience requirements for nurse administrators.

Subsection (c)—Faculty qualifications

Commentators expressed concerns with two basic changes in this subsection.

First, current faculty at two different college nursing programs and the House Committee expressed concern with the provisions for “faculty assistants” in the proposed regulation. The two commentators from the education programs expressed grave concern and warn that strict enforcement of the “five-year rule” will only exacerbate the shortages in faculty and new licensees. The new language maintains the existing requirement that these assistants can only teach for a cumulative period of five years without obtaining a graduate degree. The commentators claim that this requirement will force many experienced and qualified people out of these positions, especially in clinical courses. If a person is content as a faculty assistant, why must he or she be forced to enroll for additional degrees? The Board needs to justify retaining the five-year rule or delete it from the regulation.

Second, Subsection (c)(5) introduces the term “preceptor” into this segment of the Board’s existing regulations. Previously, the term “preceptor” was only used in the Board’s regulations for certified registered nurse practitioners (see Sections 21.334(e) and 21.373(c)(3)(ii) and (iii)). Generally, a preceptor is defined as a teacher or instructor. Why is the Board using the term “preceptor” rather than “instructor” or “teacher”?

In addition, the Pennsylvania State Nurses Association, HAP and other commentators express serious concerns with the lack of details in the language describing “clinical preceptors.” Many commentators express confusion over the purpose of this position. The Board should work with the commentators and regulated community in resolving these concerns. The education and experience requirements for this position need to be specified in the final-form regulation.

Finally, Subsection (c)(5) includes this sentence: “A clinical preceptor shall hold a current license to practice professional nursing in the state of the clinical experience.” The intent of this sentence is unclear. Would programs be allowed to hire out-of-state nurses to be preceptors? Would they need temporary practice permits?

3. General.—Fiscal impact; Protection of the public health, safety and welfare; Reasonableness; Clarity.

The House Committee expressed concern with an “overall lowering of standards” in nursing education programs via this proposed regulation. The Board needs to review each provision in the regulation and develop a detailed explanation of how the provisions provide additional flexibility and more opportunities for greater enrollment of new nursing students while not lowering the quality of nursing education programs.

4. Miscellaneous.—Clarity.

Other sections of the Board’s existing regulations include the term “director of the school” with language relating to schools for RNs. The meaning of the term “director of the school” appears to be similar to the meaning of “director of program,” which is being replaced in this proposed regulation by the term “nurse administrator.” For example, Section 21.75(e) reads:

The director of the school and nursing faculty shall be afforded the time and opportunity to engage in leadership activities within their profession, commensurate with their responsibilities.

In addition, Section 21.124(b) includes these requirements for documentation:

Upon completion of the entire program, a transcript or photocopy of the final record of the student shall be submitted along with the application for admission to the licensing examination. The transcript shall bear the impression of the school seal and signature of the director of the school or authorized representative.

If the term “director of the school” in these sections is equivalent to “nurse administrator” in the proposed regulation, then the term “director of the school” should be replaced with the new term in the final-form regulation to ensure that terms are used consistently in the Board’s regulations.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 07-2042. Filed for public inspection November 2, 2007, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission’s public meetings are held at 333 Market Street, 14th Floor, in Harrisburg at 10:30 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy.

This schedule is tentative. Please contact the Commission at (717) 783-5417 or check our website at www.ir-rc.state.pa.us for updates.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
41-18	Board of Probation and Parole County Probation and Parole Officers’ Firearms Education and Training Commission	10/18/07	12/6/07
57-239	Pennsylvania Public Utility Commission Regulation of Interexchange Carriers and Services	10/18/07	12/6/07

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 07-2043. Filed for public inspection November 2, 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, November 8, 2007, at 9 a.m. in the Conference Room, 303 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. 07-2044. Filed for public inspection November 2, 2007, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Declaratory Order

P-00072338. Reliant Energy, Inc. Petition of Reliant Energy, Inc., for a Declaratory Order regarding the Pennsylvania Public Utility Commission's jurisdiction over Duquesne Light Company's withdrawal from PJM Interconnection, LLC.

Formal protests, petitions to intervene and answers 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 petitioner and a copy provided to the Administrative Law Judge, on or before November 13, 2007. The documents filed in support of the petition 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 petitioner's business address.

Applicant: Reliant Energy, Inc.

Through and by Counsel: Ramona C. Cataldi, Esquire, Brian J. Knipe, Esquire, Buchanan Ingersoll & Rooney, PC, 213 Market Street, 3rd Floor, Harrisburg, PA 17101-2121

This is to inform you that an initial prehearing conference on the previously captioned case will be held as follows:

Date: Wednesday, November 14, 2007
Time: 2 p.m.
Location: Hearing Room 2
Plaza Level
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Presiding: Administrative Law Judge Susan D. Colwell
P. O. Box 3265
Harrisburg, PA 17105-3265
Phone (717) 783-5452
Fax (717) 787-0481

Persons with a disability who wish to attend the prehearing, should contact the Scheduling Office at least 2 business days prior to the hearing date at (717) 787-1399 or AT&T Relay Service number for persons who are deaf or hearing-impaired (800) 654-5988.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-2045. Filed for public inspection November 2, 2007, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by November 26, 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.

Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

A-00124090. (Corrected) Majesty Coach & Tours, Inc. (P. O. Box 4579, Reading, Berks County, PA 19606), a corporation of the Commonwealth—persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Berks and Montgomery, to points in Pennsylvania and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-00124158. Donald R. Finney (687 Overly Grove Road, New Holland, Lancaster County, PA 17557)—in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return.

A-00124163. Transcare ML, Inc. (306 West Central Avenue, Paoli, Chester County, PA 19301)—persons in paratransit service, from points in the Counties of Berks, Bucks, Chester, Delaware, Lancaster, Montgomery and Philadelphia, to points in Pennsylvania, and return. *Attorney:* J. Bruce Walter, Esquire, Rhoads & Sinon, One South Market Square, 12th Floor, P. O. Box 1146, Harrisburg, PA 17108-1146.

A-00124167. Family Connect Van Service, LLC (314 Magee Avenue, Philadelphia, Philadelphia County, PA 19111)—for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the City and County of Philadelphia, to all County, State and Federal Correctional Institutions, located in Pennsylvania, and return.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as contract carriers for the transportation of persons as described under each application.

A-00123308, F2. Keystone Paratransit, Inc. (6214 Lindbergh Boulevard, Philadelphia, Philadelphia County, PA 19142-3416)—persons between points in the City and County of Philadelphia for the Medical Assistance Transportation Program through Logisticare Solutions, LLC. *Attorney:* Heather C. Winett, Two Penn Center, Suite 200, 1500 JFK Boulevard, Philadelphia, PA 19102-1706.

A-00124168. Gulfstream Transport, Inc. (309 Philmont Avenue, Feasterville, Bucks, PA 19053)—persons between points in the Counties of Philadelphia, Bucks, Chester, Montgomery and Delaware for the Medical Assistance Transportation Program through Logisticare Solutions, LLC.

Application of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.

A-00123377, F3. American Limousine, Inc., t/a American Limousine of PA (81 Franklin Turnpike, Mahway, NJ 04730), a corporation of the Commonwealth—persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Bucks, Philadelphia, Delaware, Montgomery and Chester, to points in Pennsylvania and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* William A. Gray, Vuono & Gray, LLC, 310 Grant Street, Suite 2310, Pittsburgh, PA 15219-2383.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-2046. Filed for public inspection November 2, 2007, 9:00 a.m.]

Telecommunications

A-310838F7000. Cavalier Telephone Mid-Atlantic, LLC, d/b/a Cavalier Telephone and Verizon Pennsylvania, Inc. Joint petition of Cavalier Telephone Mid-Atlantic, LLC, d/b/a Cavalier Telephone and Verizon Pennsylvania, Inc. for approval of amendment no. 4 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Cavalier Telephone Mid-Atlantic, LLC, d/b/a Cavalier Telephone and Verizon Pennsylvania, Inc., by its counsel, filed on October 17, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 4 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Cavalier Telephone Mid-Atlantic, LLC, d/b/a Cavalier Telephone and Verizon Pennsylvania, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-2047. Filed for public inspection November 2, 2007, 9:00 a.m.]

Telecommunications

A-311191F7002. United Telephone Company of Pennsylvania, d/b/a Embarq Pennsylvania and BullsEye Telecom, Inc. Joint petition of United Telephone Company of Pennsylvania, d/b/a Embarq Pennsylvania and BullsEye Telecom, Inc. for approval of a master interconnection and collocation agreement under section 252(e) of the Telecommunications Act of 1996.

United Telephone Company of Pennsylvania, d/b/a Embarq Pennsylvania and BullsEye Telecom, Inc., by its counsel, filed on October 23, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a master interconnection and collocation agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the United Telephone Company of Pennsylvania, d/b/a Embarq Pennsylvania and BullsEye Telecom, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-2048. Filed for public inspection November 2, 2007, 9:00 a.m.]

Telecommunications

A-311277F7001. Verizon North, Inc. and Syniverse Technologies, Inc. Joint petition of Verizon North, Inc. and Syniverse Technologies, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and Syniverse Technologies, Inc., by its counsel, filed on October 22, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and Syniverse Technologies, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-2049. Filed for public inspection November 2, 2007, 9:00 a.m.]

Telecommunications

A-311277F7000. Verizon Pennsylvania, Inc. and Syniverse Technologies, Inc. Joint petition of Verizon Pennsylvania, Inc. and Syniverse Technologies, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Syniverse Technologies, Inc., by its counsel, filed on October 22, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Syniverse Technologies, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-2050. Filed for public inspection November 2, 2007, 9:00 a.m.]

Water Service

A-210104F0085. Aqua Pennsylvania, Inc. Application of Aqua Pennsylvania, Inc., for approval to begin to offer, render, furnish and supply water service to the public in an additional portion of Edgmont Township, Delaware County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities), on or before November 19, 2007. 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. The documents filed in support of the application are available for inspection and copying at the Office of the

Secretary between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Aqua Pennsylvania, Inc.

Through and by Counsel: Thomas T. Niesen, Esquire, Thomas, Thomas, Armstrong & Niesen, 212 Locust Street, P. O. Box 9500, Harrisburg, PA 17101

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-2051. Filed for public inspection November 2, 2007, 9:00 a.m.]

Water Service

A-210540F0007. Columbia Water Company. Application of the Columbia Water Company for approval to begin to offer, render, furnish or supply water service to the public in an additional territory in West Hempfield Township, Lancaster County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before November 19, 2007. 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. 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: Columbia Water Company

Through and by Counsel: Jan P. Paden, Esquire, J. Bruce Walter, Esquire, Rhoads and Sinon, LLP, P. O. Box 1146, Harrisburg, PA 17108-1146

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-2052. Filed for public inspection November 2, 2007, 9:00 a.m.]

Water Service

A-21285F0149. Pennsylvania American Water Company. Application of the Pennsylvania-American Water Company for approval of the right to offer, render, furnish or supply water service to the public in additional portions of Connoquenessing Township, Butler County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities), on or before November 19, 2007. 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. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Pennsylvania-American Water Company

Through and By Counsel: Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-2053. Filed for public inspection November 2, 2007, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project No. 07-132.1, Paving Repairs—Spray Patching at PRPA Facilities until 2 p.m. on Thursday, December 13, 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 November 19, 2007. Additional information and project listings may be found at www.philaport.com. The cost of the bid document is \$35 (includes 7% PA Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractor must comply with all applicable EEO laws. Bidders must provide to the Procurement Department in writing (24 hours prior to the meeting), the names of individuals that will be attending, fax to (215) 426-6800, Attn: Procurement Dept.

Mandatory prebid job site meeting will be held November 29, 2007, 10 a.m. at PRPA's office at previously listed address.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 07-2054. Filed for public inspection November 2, 2007, 9:00 a.m.]

THADDEUS STEVENS COLLEGE OF TECHNOLOGY

Request for Bids

Thaddeus Stevens College of Technology is soliciting bids for Project 07-0003 for a TRAK K2 Knee Mill—Voltage 208. This would include a work lamp, thumb drive for USB, Vise, 6" Kurt D675 and Hardware, Move ProtoTRAK AGE2 control to new mill, 12' Y axis ballscrew, 48' X axis ballscrew, Y axis drive assembly, X axis drive assembly. Bid documents can be obtained from Nancy Froeschle, Thaddeus Stevens College of Technology, 750 East King Street, Lancaster, PA 17602, (717) 299-7787 or froeschle@stevenscollege.edu, until November 13, 2007.

DR. WILLIAM E. GRISCOM,
President

[Pa.B. Doc. No. 07-2055. Filed for public inspection November 2, 2007, 9:00 a.m.]