

# PENNSYLVANIA BULLETIN

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The Courts

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Department of Banking

Department of Community and Economic  
Development

Department of Environmental Protection

Department of Health

Department of Military and Veterans Affairs

Department of Public Welfare

Department of Revenue

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Fish and Boat Commission

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Independent Regulatory Review Commission

Insurance Department

Office of Attorney General

Pennsylvania Energy Development Authority

Pennsylvania Public Utility Commission

State Board of Barber Examiners

State Board of Cosmetology

State Board of Physical Therapy

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**No. 401, April 2008**

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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.

**SUBSCRIPTION INFORMATION: (717) 766-0211  
GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530**

### 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 2008.

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# THE GENERAL ASSEMBLY

## Recent Actions during the 2008 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during 2008 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2008 GENERAL ACTS OF REGULAR SESSION ENACTED—ACT 012</b>					
012	Apr 3	HB0874	PN2261	60 days	Umbilical Cord Blood Banking Education and Donation Act—enactment

\* denotes an effective date with exceptions

### Effective Dates of Statutes

The effective dates specified previously for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective date of statutes).

### Advance Copies of Statutes

Section 1106 of Title 1 of the *Pennsylvania Consolidated Statutes* provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services (Department) shall distribute advance sheets of the *Laws of Pennsylvania* to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, accompanied by a check or money order in the sum of \$20, payable to the "Commonwealth of Pennsylvania."

ROBERT W. ZECH, Jr.,  
*Director*  
*Legislative Reference Bureau*

[Pa.B. Doc. No. 08-719. Filed for public inspection April 18, 2008, 9:00 a.m.]

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT [ 204 PA. CODE CHS. 85, 87, 91 AND 93 ]

#### Amendments to Rules of Organization and Procedure of The Disciplinary Board of The Supreme Court of Pennsylvania

##### Order No. 67

The Rules of Organization and Procedure of The Disciplinary Board of The Supreme Court (Board) have been drafted to restate in full the substance of the Pennsylvania Rules of Disciplinary Enforcement. By Orders dated December 23, 2006, April 28, 2007, June 9, 2007 and July 14, 2007, the Supreme Court of Pennsylvania amended Pa.R.D.E. 102, 217(j), 219 and 402. By this Order, the Board is making conforming changes to its Rules to reflect the adoption of those amendments.

The Board is also taking this opportunity to update the address of the District IV office of the Office of Disciplinary Counsel in 204 Pa. Code § 85.5(b) and to make an editorial correction to 204 Pa. Code § 87.4.

The Disciplinary Board of the Supreme Court of Pennsylvania finds that:

(1) To the extent that 42 Pa.C.S. § 1702 (relating to rule making procedures) and Article II of the act of July 31, 1968 (P. L. 769, No. 240), known as the Commonwealth Documents Law, would otherwise require notice of proposed rulemaking with respect to the amendments adopted hereby, those proposed rulemaking procedures are inapplicable because the amendments adopted hereby relate to agency procedure and are perfunctory in nature.

(2) The amendments to the Rules of Organization and Procedure of the Board adopted hereby are not inconsistent with the Pennsylvania Rules of Disciplinary Enforcement and are necessary and appropriate for the administration of the affairs of the Board.

The Board, acting pursuant to Pa.R.D.E. 205(c)(10), orders:

(1) Title 204 of the *Pennsylvania Code* is hereby amended as set forth in Annex A hereto.

(2) The Secretary of the Board shall duly certify this Order, and deposit the same with the Administrative Office of Pennsylvania Courts as required by Pa.R.J.A. 103(c).

(3) The amendments adopted hereby shall take effect upon publication in the *Pennsylvania Bulletin*.

(4) This Order shall take effect immediately.

ELAINE M. BIXLER,  
*Secretary*

### Annex A

#### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

#### Subpart C. DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

#### CHAPTER 85. GENERAL PROVISIONS

#### § 85.2. Definitions.

(a) Subject to additional definitions contained in subsequent provisions of this subpart which are applicable to specific chapters, subchapters or other provisions of this subpart, the following words and phrases, when used in this subpart shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

\* \* \* \* \*

*Experienced hearing committee member*—An attorney who at the time is a member of the panel of hearing committee members in a disciplinary district and who has [ **previously** ] served [ **either: (i) as a member of the Board, or (ii)** ] as a member of a panel of hearing committee members for at least one year and on a hearing committee that has conducted at least one hearing into formal charges of misconduct by a respondent-attorney.

\* \* \* \* \*

*Senior hearing committee member*—An attorney who at the time is a member of the panel of hearing committee members in a disciplinary district and who has previously served either:

(i) as a member of the Board, or

(ii) a full three-year term on a panel of hearing committee members and on hearing committees that have conducted at least [ **three** ] **two** hearings into formal charges of misconduct by respondent-attorneys [ **for which formal transcripts have been prepared** ].

\* \* \* \* \*

#### § 85.5. Location of Office of Disciplinary Counsel.

\* \* \* \* \*

(b) *Disciplinary District Offices*. The present locations of the district offices of the Office of Disciplinary Counsel and the office of the Assistant Disciplinary Counsel for each such disciplinary district are:

\* \* \* \* \*

(4) District IV Office

Office of Disciplinary Counsel  
The Disciplinary Board of the Supreme Court of Pennsylvania  
[ **Suite 400 Union Trust Building** ] **Suite 1300, Frick Building**  
[ **501** ] **437** Grant Street  
Pittsburgh, Pennsylvania 15219  
(412) 565-3173  
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CHAPTER 87. INVESTIGATIONS AND INFORMAL PROCEEDINGS

Subchapter A. PRELIMINARY PROVISIONS

COMPLAINTS

§ 87.4. Preliminary screening and docketing of complaints.

Complaints received by the Office of Disciplinary Counsel against [ members of the Board or ] Disciplinary Counsel involving alleged violations of the Disciplinary Rules shall be transmitted forthwith to the Office of the Secretary for disposition pursuant to § 93.52(d)(2) [ or (3) ] (relating to communications and filings generally). All other complaints shall be assigned a docket number consisting of the letter "C," the number of the disciplinary district to which the matter will be assigned, the last two digits of the calendar year in which the matter is docketed, and the serial number of the matter in such disciplinary district in such calendar year, e.g.: "C4-73-1," etc.

CHAPTER 91. MISCELLANEOUS MATTERS

Subchapter E. FORMERLY ADMITTED ATTORNEYS

§ 91.100. Law-related activities of formerly admitted attorneys.

\* \* \* \* \*

(b) *Supervision.* Enforcement Rule 217(j)(1) provides that all law-related activities of the formerly admitted attorney shall be conducted under the [ direct ] supervision of a member in good standing of the Bar of this Commonwealth who shall be responsible for ensuring that the formerly admitted attorney complies with the requirements of this section. If the formerly admitted attorney is [ employed ] engaged by a law firm or other organization providing legal services, whether by employment or other relationship, an attorney of the firm or organization shall be designated by the firm or organization as the supervising attorney for purposes of this subsection.

\* \* \* \* \*

(d) *Communications with clients.* Enforcement Rule 217(j)(3) provides that a formerly admitted attorney may have direct communication with a client or third party regarding a matter being handled by the attorney, organization or firm for which the formerly admitted attorney works only if the communication is limited to ministerial matters such as scheduling, billing, updates, confirmation of receipt or sending of correspondence and messages. The formerly admitted attorney shall clearly indicate in any such communication that he or she is a legal assistant and identify the supervising attorney.

(e) *Prohibited activities.* Enforcement Rule 217(j)(4) provides that, without limiting the other restrictions in this section, a formerly admitted attorney is specifically prohibited from engaging in any of the following activities:

(1) performing any law-related activity for a law firm, organization or lawyer if the formerly admitted attorney was associated with that law firm, organization or lawyer on or after the date on which the acts which resulted in the disbarment or suspension occurred, through and including the effective date of disbarment or suspension;

(2) performing any law-related services from an office that is not staffed[, on a full time basis,] by a supervising attorney on a full time basis;

(3) performing any law-related services for any client who in the past was represented by the formerly admitted attorney;

(4) representing himself or herself as a lawyer or person of similar status;

(5) having any contact with clients either in person, by telephone, or in writing, except as provided in subsection (d);

(6) rendering legal consultation or advice to a client;

(7) appearing on behalf of a client in any hearing or proceeding or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, hearing officer or any other adjudicative person or body;

(8) appearing as a representative of the client at a deposition or other discovery matter;

(9) negotiating or transacting any matter for or on behalf of a client with third parties or having any contact with third parties regarding such a negotiation or transaction;

(10) receiving, disbursing or otherwise handling client funds.

(f) *Notice to Board.* Enforcement Rule 217(j)(5) provides that the supervising attorney and the formerly admitted attorney shall file with the Board a notice of [ employment ] engagement, identifying the supervising attorney[, ] and certifying that the [ formerly admitted attorney has been employed and that the ] formerly admitted attorney's activities will be monitored for compliance with this section. The supervising attorney and the formerly admitted attorney shall file a notice with the [ Disciplinary ] Board immediately upon the termination of the [ employment of ] engagement between the formerly admitted attorney and the supervising attorney.

\* \* \* \* \*

**Official Note:** This section limits and regulates the law-related activities performed by formerly admitted attorneys regardless of whether those formerly admitted attorneys are engaged as employees, independent contractors or in any other capacity. This section requires that a notice be filed with the Board when any law-related activities are performed by a formerly admitted attorney and when the engagement is terminated. This section is addressed only to the special circumstance of formerly admitted attorneys engaging in law-related activities and should not be read more broadly to define the permissible activities that may be conducted by a paralegal, law clerk, investigator, etc. who is not a formerly admitted attorney. This section is also not intended to establish a standard for what constitutes the unauthorized practice of law. Finally, this section is not intended to prohibit a formerly admitted attorney from performing services that are not unique to law offices, such as physical plant or equipment maintenance, courier or delivery services, catering, typing or transcription or other similar general office support activities.

CHAPTER 93. ORGANIZATION AND ADMINISTRATION

Subchapter F. CONFIDENTIALITY

§ 93.102. Access to disciplinary information and confidentiality.

(a) General rule. Enforcement Rule 402(a) provides that, except as provided in subsections (b) and (d) and [ § ] §§ 93.104 (relating to access by judicial system agencies to confidential information) and 93.108 (relating to restoration of confidentiality), all proceedings under these rules shall be open to the public after:

- (1) the filing of an answer to a petition for discipline;
(2) the time to file an answer to a petition for discipline has expired without an answer being filed; [ or ]
(3) the filing and service of a petition for reinstatement[ . ]; or
(4) after the expiration of any order restricting access to disciplinary information.

\* \* \* \* \*

(c) Exceptions to initial confidentiality. Enforcement Rule 402(c) provides that, until the proceedings are open under subsection (a) or (b), all proceedings involving allegations of misconduct by or disability of an attorney shall be kept confidential unless:

- (1) the respondent-attorney requests that the matter be public, or waives confidentiality for a particular purpose specified in writing,
(2) the investigation is predicated upon a conviction of the respondent-attorney for a crime or reciprocal discipline,
(3) in matters involving alleged disability, the Supreme Court enters its order transferring the respondent-attorney to inactive status pursuant to Chapter 91 Subchapter D (relating to disability),
(4) [ the proceeding is based upon allegations that have become generally known to the public, or
(5) ] there is a need to notify another person or organization, including the Lawyers' Fund for Client Security, in order to protect the public, the administration of justice, or the legal profession.

\* \* \* \* \*

§ 93.108. Restoration of confidentiality.

Enforcement Rule 402(k) provides that if a formal proceeding results in the imposition of private discipline or dismissal of all the charges, the proceeding shall cease to be open to the public when the decision to impose private discipline or dismiss the charges becomes final, unless the respondent-attorney requests that the record of the proceeding remain open to the public.

Official Note: The Note to Enforcement Rule 402(k) explains that, although a formal proceeding that becomes open to the public under § 93.102 (access to disciplinary information and confidentiality) will subsequently be closed if it results in the imposition of private discipline or dismissal of all the charges, the closing of the proceeding cannot change the fact that the proceeding was open to the public for a period or time. Thus, this section makes clear that the respondent-attorney may request that the record of the proceeding remain

open to demonstrate that the charges were dismissed or only private discipline was imposed.

Subchapter G. FINANCIAL MATTERS

ANNUAL ASSESSMENT OF ATTORNEYS

§ 93.142. Filing of annual statement by attorneys.

\* \* \* \* \*

(b) Filing of annual statement. Enforcement Rule 219(d) provides that:

(1) On or before July 1 of each year all persons required by the rule to pay an annual fee shall file with the Administrative Office a signed statement on the form prescribed by the Administrative Office setting forth:

\* \* \* \* \*

(ii) The current residence and office addresses of the attorney [ . Each address ], each of which shall be an actual street address or rural route box number, and the Administrative Office shall refuse to accept a statement that sets forth only a post office box number for either required address. A preferred mailing address different from those addresses may also be provided on the statement and may be a post office box number. The attorney shall indicate which of the addresses, the residence, office or mailing address, will be accessible through the website of the Board (http://www.padisiplinaryboard.org) and by written or oral request to the Board.

\* \* \* \* \*

Official Note: The Note to Enforcement Rule 219(d)(1)(ii) explains that public web docket sheets will show the attorney's address as entered on the court docket.

[Pa.B. Doc. No. 08-720. Filed for public inspection April 18, 2008, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[ 231 PA. CODE CH. 4000 ]

Promulgation of Rule 4003.1(c) Governing Discovery of Opinions and Contentions and Rule 4005(a) Governing Written Interrogatories to a Party; No. 492; Doc. No. 5

Order

Per Curiam:

And Now, this 8th day of April, 2008, the notes to Pennsylvania Rules of Civil Procedure 4003.1(c) and 4005(a) are promulgated to read as attached hereto.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective July 1, 2008.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE CHAPTER 4000. DEPOSITIONS AND DISCOVERY Rule 4003.1. Scope of Discovery. Generally. Opinions and Contentions.

\* \* \* \* \*

(c) Except as otherwise provided by these rules, it is not ground for objection that the information sought involves an opinion or contention that relates to a fact or the application of law to fact.

**Official Note:** Interrogatories that generally require the responding party to state the basis of particular claims, defenses or contentions made in pleadings or other documents should be used sparingly and, if used, should be designed to target claims, defenses or contentions that the propounding attorney reasonably suspects may be the proper subjects of early dismissal or resolution or, alternatively, to identify and to narrow the scope of claims, defenses and contentions made where the scope is unclear.

**Rule 4005. Written Interrogatories to a Party.**

(a) Subject to the limitations provided by Rule 4011, any party may serve upon any other party written interrogatories to be answered by the party served or, if the party served is a public or private corporation or similar entity or a partnership or association, by any officer or agent, who shall furnish such information as is available to the party. Interrogatories may be served upon any party at the time of service of the original process or at any time thereafter. Interrogatories which are to be served prior to service of the complaint shall be limited to the purpose of preparing a complaint and shall contain a brief statement of the nature of the cause of action. Interrogatories shall be prepared in such fashion that sufficient space is provided immediately after each interrogatory or subsection thereof for insertion of the answer or objection.

**Official Note:** Rule 440 requires the party serving interrogatories upon any other party to serve a copy upon every party to the action. **Interrogatories that generally require the responding party to state the basis of particular claims, defenses or contentions made in pleadings or other documents should be used sparingly and, if used, should be designed to target claims, defenses or contentions that the propounding attorney reasonably suspects may be the proper subjects of early dismissal or resolution or, alternatively, to identify and to narrow the scope of claims, defenses and contentions made where the scope is unclear.**

\* \* \* \* \*  
**Explanatory Comment**

**Civil Discovery Standard No. 8 of the American Bar Association (2004) establishes a guideline for the use of contention interrogatories. This standard has been added as a note to Rule 4003.1(c) governing discovery of opinions and contentions and as the second paragraph to the present note to Rule 4005(a) governing written interrogatories to a party.**

The rationale for the proposal is succinctly set forth in the Comment to Civil Discovery Standard No. 8:

**\*\*\* Contention interrogatories, like all forms of discovery, can be susceptible to abuse. Among other things, they can be used as an attempt to tie up the opposing party rather than to obtain discovery. The legitimate purpose of contention interrogatories is to narrow the issues for trial, not to force the opposing side to marshal all its evidence on paper. \*\*\***

**The potential for overreaching is particularly present when interrogatories seeking the detailed underpinnings of the opposing party's allegations are served early in the case. Although, when used with discretion, interrogatories served near the outset of the case can be useful in narrowing the issues to define the scope of necessary discovery, contention interrogatories ordinarily are more appropriate after the bulk of discovery has already taken place. At that point, the party on whom the interrogatories are served should have the information necessary to give specific, useful responses. [Citations omitted.]**

*By the Civil Procedural Rules Committee*

R. STANTON WETTICK, Jr.,  
*Chair*

[Pa.B. Doc. No. 08-721. Filed for public inspection April 18, 2008, 9:00 a.m.]

PART I. GENERAL

[ 231 PA. CODE CH. 1915 ]

**Order Amending Rule 1915.4-1(c); No. 491; Doc. No. 5**

**Order**

*Per Curiam:*

*And Now,* this 8th day of April, 2008, the Note to Rule 1915.4-1(c) of the Pennsylvania Rules of Civil Procedure is amended as follows.

This order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective immediately.

**Annex A**

**TITLE 231. RULES OF CIVIL PROCEDURE**

**CHAPTER 1915. ACTIONS FOR CUSTODY, PARTIAL CUSTODY AND VISITATION OF MINOR CHILDREN**

**Rule 1915.4-1. Alternative Hearing Procedures for Partial Custody or Visitation Actions.**

\* \* \* \* \*

(c) The president judge or the administrative judge of the family division of each county shall certify that custody proceedings generally are conducted in accordance with either Rule 1915.4-2 or Rule 1915.4-3. The certification shall be filed with the Domestic Relations Procedural Rules Committee of the Supreme Court of Pennsylvania and shall be substantially in the following form:

I hereby certify that \_\_\_\_\_ County conducts its custody proceedings in accordance with Rule \_\_\_\_\_.

\_\_\_\_\_  
(President Judge) (Administrative Judge)

*Note:* Pursuant to Rule 1915.4-1, the following counties have certified to the Domestic Relations Procedural Rules Committee that their custody proceedings generally are conducted in accordance with the rule specified below:

COUNTY	RULE
Adams	1915.4-3
Allegheny	1915.4-2
Armstrong	1915.4-3
Beaver	1915.4-3
Bedford	1915.4-3
Berks	1915.4-3
Blair	1915.4-3
Bradford	1915.4-2
Bucks	1915.4-3
Butler	1915.4-3
Cambria	1915.4-2
Cameron	1915.4-3
Carbon	1915.4-2
Centre	1915.4-3
Chester	1915.4-3
Clarion	1915.4-3
Clearfield	1915.4-3
Clinton	1915.4-3
Columbia	1915.4-3
Crawford	1915.4-3
Cumberland	1915.4-3
Dauphin	1915.4-3
Delaware	1915.4-2
Elk	1915.4-3
Erie	1915.4-3
Fayette	1915.4-2
Forest	1915.4-2
Franklin	1915.4-3
Fulton	1915.4-3
Greene	1915.4-2
Huntingdon	1915.4-3
Indiana	1915.4-3
Jefferson	1915.4-3
Juniata	1915.4-3
Lackawanna	1915.4-2
Lancaster	1915.4-3
Lawrence	1915.4-3
Lebanon	1915.4-3
Lehigh	1915.4-2
Luzerne	1915.4-2
Lycoming	1915.4-3
McKean	1915.4-3
Mercer	1915.4-3
Mifflin	1915.4-3
Monroe	1915.4-3
Montgomery	1915.4-3
Montour	1915.4-3
Northampton	1915.4-3

COUNTY	RULE
Northumberland	1915.4-3
Perry	1915.4-3
Philadelphia	1915.4-2
Pike	1915.4-2
Potter	1915.4-3
Schuylkill	1915.4-2
Snyder	1915.4-3
Somerset	1915.4-3
Sullivan	1915.4-3
Susquehanna	1915.4-3
Tioga	1915.4-2
Union	1915.4-3
Venango	1915.4-3
Warren	1915.4-2
Washington	1915.4-3
Wayne	1915.4-2
Westmoreland	1915.4-3
Wyoming	1915.4-3
York	1915.4-3

\* \* \* \* \*

*By the Civil Procedural Rules Committee*

R. STANTON WETTICK, Jr.,  
*Chair*

[Pa.B. Doc. No. 08-722. Filed for public inspection April 18, 2008, 9:00 a.m.]

## Title 234—RULES OF CRIMINAL PROCEDURE

### PART I. GENERAL

#### [ 234 PA. CODE CH. 6 ]

#### Proposed Amendments to Rule 644

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rule 644 to make permanent the procedures permitting jurors to take notes in criminal cases. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Please note that the Committee's Report should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

The text of the proposed changes to Rule 644 precedes the Report. Additions are shown in bold and deletions are in bold and brackets.

We request that interested persons submit suggestions, comments, or objections concerning this proposal in writing to the Committee through counsel,

Anne T. Panfil, Chief Staff Counsel  
 Supreme Court of Pennsylvania  
 Criminal Procedural Rules Committee  
 5035 Ritter Road, Suite 100  
 Mechanicsburg, PA 17055  
 fax: (717) 795-2106  
 e-mail: criminal.rules@pacourts.us

no later than Friday, May 30, 2008.

*By the Criminal Procedural Rules Committee*

NICHOLAS J. NASTASI,  
*Chair*

### Annex A

## TITLE 234. RULES OF CRIMINAL PROCEDURE

### CHAPTER 6. TRIAL PROCEDURES IN COURT CASES

#### PART C(2). Conduct of Jury Trial

#### Rule 644. Note Taking by Jurors.

\* \* \* \* \*

**[ (C) This rule is rescinded three years from the effective date. ]**

#### Comment

This rule was adopted in 2005 to permit the jurors to take notes during the course of any trial that is expected to last more than two days. Pursuant to this rule, except for trials expected to last two days or less, the jury may take notes as a matter of right without the permission of the court. See, e.g., ABA Standards For Criminal Justice, Second Edition, Standard 15-3.2 (Note taking by jurors) (1980). **[ This is a temporary rule promulgated for the purpose of assessing whether juror note taking in criminal cases is beneficial to the system of justice in Pennsylvania. ]** This rule was originally adopted as a temporary rule for the purpose of assessing whether juror note taking in criminal cases is beneficial to the system of justice in Pennsylvania. As the rule has found favor with the bench, bar, and public, the sunset provision of paragraph (C) has been rescinded and the rule has been made permanent.

\* \* \* \* \*

**Official Note:** Rule 1113 adopted January 24, 1968, effective August 1, 1968; renumbered Rule 644 and Comment revised March 1, 2000, effective April 1, 2001. Rule 644 rescinded June 30, 2005, effective August 1, 2005. New Rule 644 adopted June 30, 2005, effective August 1, 2005 [ . ]; **amended \_\_\_\_\_, 2008, effective, 2008.**

#### *Committee Explanatory Reports:*

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the provisions of new Rule 644 allowing note taking by jurors published with the Court's Order at 35 Pa.B. 3917 (July 16, 2005).

**Report explaining the proposal to make permanent the provisions of Rule 644 allowing note taking by jurors published at 38 Pa.B. 1817 (April, 2008).**

## REPORT

*Amendments to Pa.R.Crim.P. 644*

### NOTE TAKING BY JURORS

Rule 644 was adopted on June 30, 2005, effective August 1, 2005, as a temporary measure, due to expire three years after the effective date.

During the time since the adoption of this temporary rule, the Committee has received nothing but positive comments on the procedure from several sources. First, during the three-year trial period, as part of the regularly scheduled Committee meetings, the Committee hosted several "Meet the Judges" sessions. All the judges who participated in these sessions were asked about their experience with juror note taking. Their comments were uniformly positive and in favor of making the rule permanent. Additionally, the Committee members reported anecdotally that communications with the bench and bar have been uniformly positive. Finally, the Committee Staff has tracked press reports regarding cases using juror note taking and these too have been positive.

With the impending expiration of Rule 644 in August 2008, the Committee intends to recommend that the rule be made permanent. This would be accomplished by deleting paragraph (C) that contains the "sunset" provision. Additional language comparable to the 2005 Explanatory Comment to Civil Rule 223.2, added when juror note taking in civil cases was made permanent, would be added to the Comment to elaborate on this point.

[Pa.B. Doc. No. 08-723. Filed for public inspection April 18, 2008, 9:00 a.m.]

## Title 246—MINOR COURT CIVIL RULES

### PART I. GENERAL

#### [ 246 PA. CODE CH. 200 ]

#### Proposed Amendments to Rule 202 and New Rule 215 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges

The Minor Court Rules Committee (Committee) is planning to recommend that the Supreme Court of Pennsylvania amend Rule 202 and promulgate an entirely new Rule 215 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges to permit use of advanced communication technology in civil actions. The Committee has not yet submitted this proposal for review by the Supreme Court of Pennsylvania.

The following explanatory *Report* highlights the Committee's considerations in formulating this proposal. The Committee's *Report* should not be confused with the Committee's Notes to the rules. The Supreme Court does not adopt the Committee's Notes or the contents of the explanatory reports.

The text of the proposed changes precedes the *Report*. Additions are shown in bold.

We request that interested persons submit written suggestions, comments, or objections concerning this proposal to the Committee through counsel,

Paula Knudsen Burke, Counsel  
 Minor Court Rules Committee  
 Supreme Court of Pennsylvania  
 5035 Ritter Road, Suite 700  
 Mechanicsburg, PA 17055  
 Fax: 717-795-2175

or email to: [minorcourt.rules@pacourts.us](mailto:minorcourt.rules@pacourts.us)

no later than May 31, 2008.

By *The Minor Court Rules Committee*:

M. KAY DUBREE,  
*Chair*

### Annex A

## TITLE 246. MINOR COURT CIVIL RULES

### PART I. GENERAL

#### CHAPTER 200. RULES OF CONSTRUCTION; GENERAL PROVISIONS

##### Rule 202. Definitions.

As used in these rules, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise or the particular word or phrase is expressly defined in the chapter in which the particular rule is included:

“adult” means an individual eighteen years of age or older;

“advanced communication technology” is any communication equipment that is used as a link between parties in physically separate locations, and includes, but is not limited to:

- (1) systems providing for two-way simultaneous communication of image and sound;
- (2) close-circuit television;
- (3) telephone;
- (4) facsimile equipment; and
- (5) electronic mail.

\* \* \* \* \*

##### Rule 215. Advanced Communication Technology.

Magisterial district judges may use advanced communication technology during any civil proceeding.

*Note:* This rule was adopted in 2008 to specify that magisterial district judges may use advanced communication technology in their courtrooms during adversarial proceedings. In an ex parte proceeding, such as an action pursuant to the Protection From Abuse Act, 23 Pa.C.S. § 6101 et seq., magisterial district judges also may permit the use of advanced communication technology. Compare Pa.R.Crim.P. No. 119.

### REPORT

#### *Proposed Amendment to Rule 202 and Proposed New Rule 215 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges*

### DEFINITIONS

#### I. Background

In 2007, the Minor Court Rules Committee (Committee) became aware of several counties enacting local rules that allowed for use of advanced communication technology in proceedings for emergency relief pursuant to the Protection From Abuse Act, 23 Pa.C.S. § 6101 et seq. Some counties apparently have taken this action, or are consid-

ering this action, in an attempt to fill a perceived gap in the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges. While there is a rule addressing the use of advanced communication technology in criminal proceedings (Pa.R.Crim.P. No. 119), there is no rule either prohibiting or permitting the practice on the civil side.

In order to foster a uniform, statewide practice, the Minor Court Rules Committee is recommending a new rule authorizing the use of advanced communication technology in civil actions.

#### II. Discussion

The Committee reviewed several counties' local rules authorizing the use of advanced communication technology in civil actions and/or emergency protection from abuse actions. In addition, the Committee reviewed Pa.R.Crim.P. No. 103 (Definitions) and 119 (Use of Two-Way Simultaneous Audio-Visual Communication in Criminal Proceedings). Although the Committee recognizes that two definitions pertaining to advanced communication technology are contained within the criminal definitions<sup>1</sup>, the Committee decided to include only one of those definitions—“advanced communication technology.” By choosing to exclude “advanced communication technology site,” the Committee believes that more individuals will be able to access the magisterial district courts, especially in times of crisis, such as when seeking emergency protection from abuse orders.

The Committee also weighed the benefits of the proposed Rule 215 in accommodating individuals with special circumstances. Some of the hypotheticals mentioned included new rule's ability to assist individuals with disabilities; allow telephonic use for interpreters (such as “Language Line”); or permit remote testimony of a non-critical witness for whom travel would present extreme difficulty.

The Committee chose not to enumerate specific mandatory conditions in Rule 215, believing that each individual magisterial district judge should have the discretion to decide when, and if, advanced communication technology was appropriate for his or her courtroom. In addition, the Committee chose not to include any language about a party's objection to the use of advanced communication technology. The Committee believes that as with any decision rendered by a magisterial district judge which a party believes unfavorable, the proper course of action would be an appeal or praecipe for writ of certiorari.

#### III. Proposed Rule Changes

To address the issues discussed above, the Committee proposes the following rule changes.

##### A. Rule 202

The Committee proposes the inclusion of a new definition in Rule 202—“advanced communication technology.” The proposed definition is derived from Pa.R.Crim.P. 103 (“Definitions”). However, its format has been changed to increase readability.

##### B. New Rule 215

The Committee proposes an entirely new Rule 215 (Advanced Communication Technology) to provide a procedure for parties to participate in civil hearings using any manner of technological devices. As provided by the companion amendment to Rule 202, “advanced communication technology” is not strictly limited; instead it allows

<sup>1</sup> The criminal rules define both “advanced communication technology” and “advanced communication technology site.”



the judge to decide when, and if, a method is most appropriate for the courtroom and/or hearing. The note to the rule will direct parties to the criminal rules for comparison. In addition, it will clarify that advanced communication technology is available in both adversarial and ex parte proceedings.

[Pa.B. Doc. No. 08-724. Filed for public inspection April 18, 2008, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### DAUPHIN COUNTY

**Change to Warrant Handling Procedures; AO-9-2008; Rescinding AO-01-2008 and AO-05-2008; No. 0004-7 MD 2008**

#### Order

*And Now*, this 8th day of April, 2008, *It Is Hereby Ordered and Decreed* that AO-01-2008 (dated January 7, 2008) and AO-05-2008 (dated March 3, 2008) are hereby rescinded. It is further ordered that, effective June 1, 2008:

#### A. Responsibilities of Police Departments and DCEMA

All warrants, whether summary, misdemeanor or felony, shall be retained by the initiating officer's police department. Dauphin County Emergency Management Agency (DCEMA) shall no longer act as the repository for warrant hard copies. DCEMA shall also discontinue entry of misdemeanor/felony warrant information into the METRO system; however, DCEMA shall continue to receive Wanted Person Entry Forms for entry into NCIC/CLEAN.

#### B. Summary Warrants

(1) When a summary warrant in a Dauphin County case is listed as active on:

- the Administrative Office of Pennsylvania Courts (AOPC) MDJ system,
- an AOPC Warrant Summary Sheet ([aopcapps.jnet.state.pa.us/Restricted/StateWarrants/WarrantIndex.aspx?id=56](http://aopcapps.jnet.state.pa.us/Restricted/StateWarrants/WarrantIndex.aspx?id=56)) (see example at Appendix A),
- JNET ([www.jnet.state.pa.us/FindWarrantWebApp/index.jsp](http://www.jnet.state.pa.us/FindWarrantWebApp/index.jsp)) (see example at Appendix B), or
- METRO (See example at Appendix C),

paperwork from those repositories shall be accepted as proof of an outstanding summary warrant and given the same force and effect as the warrant itself.

(2) When a defendant arrested on a METRO summary warrant is brought in front of the Magistrate, the arresting/detaining agency shall present the corresponding AOPC or JNET paperwork as well as the METRO

warrant. A defendant arrested on a summary warrant shall be brought into Night Court or before the Magisterial District Judge who issued the warrant.

(3) Police officers and constables are reminded that Pa.R.Crim.P.431(B) allows the officer/constable to accept from the defendant the full amount of fines and costs, or collateral, as stated on the summary warrant; a receipt must then be issued.

#### C. Warrants in Court Cases (Felony/Misdemeanor)

(1) In the case of a bench warrant (formerly referred to as a *capias*) issued in a court case by any Court of Common Pleas or any Magisterial District Court, the Dauphin County Prison shall detain and commit the defendant upon presentation of the AOPC Warrant Summary sheet or a hard copy of the bench warrant.

(2) Upon service of an arrest warrant in a court case, the defendant may be detained by the magistrate based on an AOPC Warrant Summary Sheet or a METRO warrant. When a defendant arrested on a METRO warrant is brought before the magistrate, the arresting/detaining agency shall present the corresponding AOPC paperwork as well as the METRO warrant. The arresting/detaining agency shall obtain the CLEAN/NCIC confirmation and faxed copies of the warrant from the agency in possession of such warrant. The defendant will receive a copy of the warrant and supporting documents from the issuing authority at the time of preliminary arraignment in accordance with Pa.R.Crim.P. 540(C). If the NCIC/CLEAN hit is from outside of Dauphin County and the agency is not immediately available to pick up the defendant, the officer shall file the appropriate charge under 42 Pa.C.S.A. Sections 9161, et seq.

#### D. Certified Copies of Warrants

A warrant issued by the Court of Common Pleas or any Magisterial District Judge is a public record. Upon request, the Clerk of Court and any Magisterial District Judge shall provide a certified copy of any warrant to any police officer without charge. Judges may not restrict who may serve a particular warrant.

#### E. Distribution/Interpretation of this Order

The District Attorney's Office of Dauphin County is directed to forward a copy of this Administrative Order to all law enforcement agencies operating in Dauphin County. It should be noted that the procedures outlined in this order will continue to be updated to correspond with further modifications to the AOPC, CPCMS, JNET and METRO systems. While total compatibility amongst these systems remains a laudable goal, this court recognizes that discrepancies occasionally surface. In the interest of uniformity, Magisterial District Judges shall resolve any such discrepancies in favor of AOPC records. The District Court Administrator's Office is directed to distribute this Administrative Order to the appropriate agencies pursuant to Pa.R.Crim.P. 105.

*By the Court*

RICHARD A. LEWIS,  
*President Judge*





[Pa.B. Doc. No. 08-725. Filed for public inspection April 18, 2008, 9:00 a.m.]



# RULES AND REGULATIONS

## Title 43—MILITARY AFFAIRS

### DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

[ 43 PA. CODE CH. 9 ]

#### Persian Gulf Conflict Veterans' Benefit Program

##### *Statutory Authority*

The Adjutant General, acting by and through the Department of Military and Veterans Affairs (Department), by this order, adopts the regulations in Annex A under the authority of section 9 of the Persian Gulf Conflict Veterans' Benefit Act (act) (51 P. S. §§ 20301—20315) which authorizes the Adjutant General to promulgate rules and regulations to implement, administer and enforce the provisions of the act.

##### *Omission of Proposed Rulemaking*

Notice of proposed rulemaking is omitted in accordance with section 204(1)(i) and (iv) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(1)(i) and (iv)) and 1 Pa. Code § 7.4(1)(i) and (iv) (relating to omission of notice of proposed rulemaking). This final-omitted rulemaking relates to military affairs in that determination of eligibility for the Persian Gulf Conflict Veterans' Benefit (bonus) Program (Program) is based on a review and determination of criteria related to the military status and service of the applicants. In addition, the Program, which pays a bonus to eligible Pennsylvania veterans of the first Persian Gulf Conflict (August 1990 to August 1991) is by its very nature a Commonwealth benefits program.

##### *Purpose*

The purpose of this final-omitted rulemaking is to implement a new Program providing a veterans' benefit, in the form of a "bonus" payment, to an estimated 32,000 eligible Pennsylvania veterans of the first Persian Gulf War (August 2, 1990 to August 31, 1991) and to survivors of veterans who died in performance of active service during the period or as a result of service-connected wounds, diseases or injuries.

This final-omitted rulemaking is needed to provide clear guidance on how the authorizing statute will be administered to determine eligibility for the Program payments and in determining the amounts of the payments. Eligibility in terms of establishing legal residence in this Commonwealth during the period of the Persian Gulf Conflict and in establishing qualifying active service in the Persian Gulf Theater of Operations will be determined using the veterans' military service records. This final-omitted rulemaking explains how this will be done. It also explains the varying calculations for military personnel who were on active duty during the Persian Gulf Conflict and those who were members of the National Guard and reserve components who served during the conflict.

##### *Background*

Since World War I, the Commonwealth has recognized its war veterans by paying a veterans' benefit, commonly called a "bonus," to veterans who served honorably during specified war or armed conflict periods. These bonus payments have been funded by bond issues that were approved by the voters of this Commonwealth. For the Persian Gulf Conflict (August 1990 to August 1991), the

General Assembly passed legislation establishing the Program in April 2006, and the funding for the bonus payments was approved by the voters of this Commonwealth in the November 2006 general election.

##### *Requirements*

This final-omitted rulemaking implements the requirements in the act for this new Program.

*Eligibility.* Under the statute and the regulations, an applicant for the Program is required to show that he is a qualified veteran in that he served on active duty in the Persian Gulf Theater of Operations during any part of the period from August 2, 1990, until August 31, 1991, and received the Southwest Asia Service Medal. In addition to establishing veteran status, an applicant shall show that he was a legal resident of this Commonwealth at the time of qualifying service. For deceased veterans, the applicant shall show that the veteran died while in performance of qualifying service or from service-connected wounds, diseases or injuries incurred in the conflict. For applicants claiming a bonus payment as a prisoner of war during the Persian Gulf Conflict, the applicant shall show that he was designated an eligible prisoner of war in applicable military records.

*Calculation of benefit payments.* This final-omitted rulemaking requires that benefit payments be calculated in accordance with a formula set forth in the statute. The basic calculation is that the veteran should receive a payment of \$75 per month of qualifying active service during the Persian Gulf Conflict up to a maximum of \$525. For veterans who were POWs during the conflict or who died in performance of duty during the Persian Gulf Conflict or from service-connected wounds, diseases or injuries incurred during the Persian Gulf Conflict, an additional payment of \$5,000 is authorized.

*Applications for deceased or incompetent veterans.* The final-omitted rulemaking sets forth requirements, consistent with the statute, for applications of deceased or incompetent veterans.

*Procedures, reconsideration and appeals.* The final-omitted rulemaking sets forth requirements for filing applications as well as procedures for the reconsideration and appeals of a determination denying benefits.

##### *Affected Individuals and Organizations*

This final-omitted rulemaking affects approximately 32,000 Pennsylvania veterans of the Persian Gulf Conflict (August 1990 to August 1991) as well as survivors of veterans who died in performance of duty during the conflict or died of service-connected wounds, diseases or injuries incurred during the conflict. The Program will also have some impacts on veterans' service officers, including county directors of veterans' affairs and veterans' organizations, which may assist veterans in applying for and securing the bonus payments. Neither this final-omitted rulemaking nor the Program authorized by the statute have any negative impacts on individuals or organizations. This final-omitted rulemaking implements the authorizing statute and provides guidance for the affected individuals or organizations.

##### *Accomplishments and Benefits*

This final-omitted rulemaking is important in that it provides clear, concise and understandable guidance and processes for implementing the new Program and getting bonus payments into the hands of about 32,000 Persian

Gulf Conflict veterans. The principal accomplishment of this final-omitted rulemaking is that it will allow for fair, prompt and appropriate implementation of this new benefit Program.

#### *Fiscal Impact*

The costs associated with administering this act are a result of the act itself rather than the regulations. This final-omitted rulemaking results in no incremental costs.

The Department plans to employ a contractor to receive applications, determine eligibility and process payments. Since it is anticipated that the bulk of applications will be submitted in the early years of this Program, the administrative costs are concentrated in the early years of the Program. The costs of administering the Program are estimated at \$850,000 for the first fiscal year and \$720,000 for the second fiscal year. In later fiscal years, the administrative costs are estimated to decline to \$475,000 in the third year, \$415,000 in the fourth year and \$180,000 in the fifth year. The deadline for applications is in 2015, but it is expected that nearly all the applications will be received in the first years of the Program. These costs are not the result of the regulations themselves but of the Program itself.

The Department estimates bonus payments will range from about \$3 million in the first year (current fiscal year), \$5.5 million in the second year, \$5 million in the third year, \$2 million in the fourth year and \$1.5 million in the fifth year. These payments will be made from bond funds approved by the voters of this Commonwealth in the November 2006 general election.

Neither the regulations nor the Program impose any costs on local governments. In terms of costs on affected individuals, the only costs would be nominal costs of copying required military records and mailing applications and documentation. The statute prohibits charging a fee to assist veterans or families in applying for the bonus payments.

#### *Paperwork Requirements*

The Program creates paperwork requirements for applicants to submit written applications together with supporting documentation to qualify for the Program. It should take most applicants fewer than 1 to 2 hours to complete the application for the bonus payment. Gathering and copying the supporting documentation (Department of Defense Forms 214, proof of active service and Southwest Asia Service Medal, proof of legal residence) may take some veterans longer. In some cases, a veteran may need to apply to the United States Government for copies of documentation needed to support the application. The Department believes the paperwork required to support the applications is the minimum required to meet the statutory requirements.

#### *Public Comment*

In developing this final-omitted rulemaking, the Department solicited, considered and incorporated comments and suggestions from the Pennsylvania State Veterans' Commission, an advisory commission within the Department, which has representation from all the major State-wide veterans' organizations in this Commonwealth. Although this final-omitted rulemaking is being adopted without publication as proposed rulemaking, interested persons are invited to submit written comments, suggestions or objections regarding this final-omitted rulemaking to the Department at the following address: David Heiland, Veterans' Services, Department of Military and Veterans Affairs, Bldg S-0-47, Fort Indiantown

Gap, Annville, PA 17003-5002, (717) 861-2856 or Dennis Guise, Chief Counsel, Bldg. 7-1, Fort Indiantown Gap, Annville, PA 17003-5002, (717) 861-8503. Comments will be reviewed and considered for any subsequent revisions of this final-omitted rulemaking.

Persons with a disability who require an auxiliary aid or service may submit comments by using the AT&T Relay Service at (800) 654-5984 (TDD users or (800) 654-5988 (voice users).

#### *Sunset Date*

Consistent with the authorizing statute, this final-omitted rulemaking will sunset 6 months after the statutory deadline for submitting applications for bonus payments under the act. This final-omitted rulemaking will expire on February 29, 2016.

#### *Regulatory Review Act*

Under section 5.1(c) of the Regulatory Review Act (act) (71 P. S. § 745.5a(c)), on February 29, 2008, the Department submitted a copy of this final-omitted rulemaking, with proposed rulemaking omitted, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Veterans' Affairs and Emergency Preparedness and the Senate Committee on Veterans' Affairs and Emergency Preparedness. On the same date, this final-omitted rulemaking was submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

In accordance with section 5.1(j.1) and (j.2) of the act, final-omitted rulemaking was deemed approved by the Committees on April 2, 2008. IRRC met on April 3, 2008, and approved the final-omitted rulemaking.

In addition to submitting the final-omitted rulemaking, the Department has provided IRRC and the committees with a copy of a Regulatory Analysis Form prepared by the Department. A copy of this form is available to the public upon request.

#### *Findings*

The Adjutant General finds that:

(1) Public notice of proposed rulemaking is omitted in accordance with section 204(1)(i) and (iv) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204 (1)(i) and (iv)) and 1 Pa. Code § 7.4(1)(i) and (iv) because the regulations relate to military affairs and implement a Commonwealth benefits program.

(2) The adoption of this final-omitted rulemaking in the manner provided by this order is necessary and appropriate for the administration and enforcement of the act.

#### *Orders*

The Adjutant General, acting under the act orders that:

(a) The regulations of the Department, 43 Pa. Code, are amended by adding §§ 9.1—9.13 to read as set forth in Annex A.

(b) The Adjutant General shall submit this order and Annex A to the Offices of General Counsel and Attorney General for approval as to legality and form as required by law.

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

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

JESSICA L. WRIGHT,  
Major General, PAARNG  
The Adjutant General

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 38 Pa.B. 1905 (April 19, 2008).)*

**Fiscal Note:** 13-5 final-omitted. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 43. MILITARY AFFAIRS**

**PART I. DEPARTMENT OF MILITARY AFFAIRS**

**CHAPTER 9. PERSIAN GULF CONFLICT VETERANS' BENEFIT PROGRAM**

Sec.	
9.1.	Purpose.
9.2.	Definitions.
9.3.	Veteran status.
9.4.	Legal residence.
9.5.	Calculation of bonus payments based on months of active service.
9.6.	Compensation on behalf of deceased veterans.
9.7.	Compensation of prisoner of war.
9.8.	Applications on behalf of deceased veterans.
9.9.	Applications on behalf of incompetent veterans.
9.10.	Compensation of eligible veterans who die after submitting application but before payment.
9.11.	Penalty for charging fees.
9.12.	Application procedures.
9.13.	Reconsideration and appeals.

**§ 9.1. Purpose.**

Section 9 of the act (51 P.S. § 20309) directs the Adjutant General to promulgate rules and regulations to implement, administer and enforce the act establishing the Program.

**§ 9.2. Definitions.**

In addition to the definitions in section 2 of the act (51 P.S. § 20302), the following words and terms have the following meanings, unless the context clearly indicates otherwise:

*Act*—The Persian Gulf Conflict Veterans' Benefit Act (51 P.S. §§ 20301—20315).

*Active duty*—The meaning as defined in 10 U.S.C. § 101(d)(1) (relating to definitions).

*Active service*—

(i) For a member of an active component of the armed forces of the United States, the time served on active duty for which the member has received or is eligible to receive the Southwest Asia Service Medal for service related to the Persian Gulf Conflict Theater; for a member of the Pennsylvania National Guard or a reserve component of the armed forces of the United States, time served on active duty for the support of operations in the Persian Gulf Conflict Theater whether or not that service was in the Theater.

(ii) The term includes time spent in hospitals as a result of service-connected wounds, diseases or injuries sustained on active service. Proof of this service shall be the official military records of the United States or other evidence as deemed sufficient by the Adjutant General.

(iii) The term does not include time served on active duty for annual training or schooling, except for training and schooling in preparation for active duty in the Persian Gulf Conflict Theater.

*Applicant*—The individual who, or facility which, submits an application for payment under the Program.

*Bonus*—The benefit payment made to eligible veterans or their survivors under the act.

*Bureau*—The Bureau for Veterans' Affairs of the Department.

*Department*—The Department of Military Affairs.

*Deputy Adjutant General for Veterans' Affairs*—The Deputy Adjutant General of the Department with general responsibilities for administration of veterans programs who oversees the Bureau for Veterans' Affairs and exercises the powers and duties described generally in 51 Pa.C.S. Chapter 17, Subchapter B (relating to Deputy Adjutant General for Veterans' Affairs).

*Facility*—A mental health establishment, hospital, clinic, institution, center, day-care center, base service unit, community mental health center or other organizational unit, or treatment, care, rehabilitation or detention of mentally disabled persons.

*Legal resident of this Commonwealth*—A member of the United States Armed Forces, a reserve component of the United States Armed Forces or the Pennsylvania National Guard whose home of record at the time of the Persian Gulf Conflict was this Commonwealth or any specific place in this Commonwealth without regard to the place of enlistment, commission or induction.

*Member*—A member of the Armed Forces of the United States or a reserve component of the Armed Forces of the United States, including the Army National Guard of the United States or the Air National Guard of the United States.

*Parent*—

(i) The natural or adoptive parent of the veteran.

(ii) The term includes persons who, for a period of at least 1 year, acted in the capacity of a foster parent to the veteran immediately prior to the veteran having attained 18 years of age.

*Persian Gulf Conflict Theater or Theater*—The area defined as the Persian Gulf Conflict Theater of Operations as established by the United States Department of Defense for the awarding of the Southwest Asia Service Medal for the period of time from August 2, 1990, through August 31, 1991.

*Program*—The Persian Gulf Conflict Veterans' Benefit Program established by the act.

*Veteran*—

(i) A member or former member of the armed forces of the United States, including a member of the Army National Guard of the United States, the Air National Guard of the United States or a reserve component of the armed forces, who was ordered into or volunteered to serve on active duty in the Persian Gulf Theater of Operations during the period from August 2, 1990, to August 31, 1991, and has received the Southwest Asia Service Medal established by Executive Order 12754, 12 March 1991.

(ii) The term does not include an individual who:

(A) At any time during the Persian Gulf Conflict or thereafter, was separated from the armed forces under other than honorable conditions.

(B) Has renounced his United States citizenship.

**§ 9.3. Veteran status.**

(a) To qualify for payment of the bonus under the Program, an applicant shall establish to the satisfaction of the Department that the person for whom the bonus payment is sought is a veteran as defined in the act and § 9.2 (relating to definitions). The applicant shall show

that the person to whom or on behalf of whom the bonus payment is sought meets the following requirements:

(1) Was a member of the armed forces of the United States or a reserve component of the armed forces, including the Army National Guard of the United States and the Air National Guard of the United States.

(2) Served on active duty in the Persian Gulf Theater during any part of the period from August 2, 1990, to August 31, 1991.

(3) Received the Southwest Asia Service Medal established by Executive Order 127564, 12 March 1991. Individuals authorized the Southwest Asia Service Medal shall have served in support of Operation Desert Shield or Desert Storm, in one or more of the following areas, between 2 August 1990 and 31 August 1991: Persian Gulf, Red Sea, Gulf of Oman, Gulf of Aden, that portion of the Arabian Sea that lies north of 10° North latitude and west of 68° East longitude, as well as the total land areas of Iraq, Kuwait, Saudi Arabia, Oman, Bahrain, Qatar, and the United Arab Emirates. Individuals serving in Israel, Egypt, Turkey, Syria and Jordan (including the airspace and territorial waters) directly supporting combat operations between 17 January 1991 and 11 April 1991 are also eligible for this award.

(b) In addition, to be considered a veteran for purposes of the Program, the applicant shall certify that he:

(1) Was not, at any time during the Persian Gulf Conflict or thereafter, separated from the armed forces under other than honorable conditions (including a bad conduct or dishonorable discharge or an administrative discharge under other than honorable conditions).

(2) Did not, at any time, renounce United States citizenship.

#### § 9.4. Legal residence.

(a) *Proof of residence.* In addition to establishing the veteran status of the person for or on behalf of whom the bonus payment is sought, the applicant shall establish to the satisfaction of the Department that the individual was a legal resident of this Commonwealth at the time of service qualifying for payment of the bonus during the period August 2, 1990, to August 31, 1991. The proof of residence shall be the official records of the United States or other evidence deemed sufficient by the Adjutant General. A legal resident of this Commonwealth is an individual for whom this Commonwealth was the state of domicile and who did not claim legal residence in any other state for any purpose. A service member's legal residence in this Commonwealth is not changed by virtue of military assignment to another state.

(b) *Home of record in this Commonwealth shown in official military records.* A veteran whose home of record is listed in this Commonwealth in official military records showing qualifying service during the period August 2, 1990, to August 31, 1991, will be considered a legal resident of this Commonwealth without regard to the veteran's place of enlistment, commission or induction.

(c) *Home of record in this Commonwealth not shown in official military records.* In making a determination of legal residence in cases where official military records do not show this Commonwealth as the applicant's home of record for the period of service, the Department will apply a rebuttable presumption that the veteran was not a legal resident of this Commonwealth. The applicant can rebut this presumption by showing facts and circumstances establishing that this Commonwealth was the applicant's

legal residence in that it was his permanent place of abode to which the applicant had an intent to return.

(d) *Documentation.* If an applicant is unable to show legal residence in this Commonwealth by means of official military records showing a home of record in this Commonwealth during the period of service, the Department may consider the following documentation when determining whether sufficient evidence exists to show by a preponderance of the available evidence that the veteran was a legal resident of this Commonwealth who did not claim legal residence in any other state at that time:

(1) Voter registration records for the period August 2, 1990, to August 31, 1991.

(2) Proof of payment of State Income Tax as a resident for 1990 or 1991.

(3) Pennsylvania driver's license or Pennsylvania Identification Card and similar documentation for 1990 or 1991.

(4) Other proof of Pennsylvania residence address in 1990 or 1991, including high school diploma or attendance record for Pennsylvania high school, real estate records, utility receipts and other records showing residence in this Commonwealth.

(5) An affidavit of residence submitted by the applicant under penalty of law in which the applicant swears or affirms that the veteran on whose behalf the bonus payment was sought remained a legal resident of this Commonwealth and did not claim legal residence in any other state for any purpose during the period August 2, 1990, to August 31, 1991. A service member's legal residence in this Commonwealth is not changed by virtue of military assignment to another state.

(e) *Exclusion.* An individual who received from any other state in the United States, a bonus, gratuity or compensation similar in nature or purpose to the bonus payable under the act is ineligible for a bonus payment under the act. Applicants shall certify as part of the application that the veteran did not receive the compensation or benefit payment from any other state. This exclusion does not apply to bonus, gratuity, compensation or benefit payments from the United States Government.

#### § 9.5. Calculation of bonus payments based on months of active service.

(a) *Eligible veterans of Persian Gulf Conflict active service in the active armed forces.* Bonus payments, not to exceed \$525, will be calculated on the basis of \$75 for the first month for which the member completed 1 day of active service, as described in this chapter, and \$75 for each full month or major fraction of a month thereafter for which the eligible veteran completed active service. For eligible veterans of Persian Gulf Conflict service in the active armed forces, "active service" is considered:

(1) Active duty in the Persian Gulf Theater of Operations for which the member received or was eligible to receive the Southwest Area Service Medal for service related to the Persian Gulf Conflict Theater.

(2) Time spent in hospitals during the period August 2, 1990, to August 31, 1991 as a result of service-connected wounds, diseases or injuries sustained while on active duty in the Persian Gulf Theater.

(b) *Eligible veterans of Persian Gulf Conflict active service in reserve components.* Bonus payments, not to exceed \$525, will be calculated on the basis of \$75 for the first month for which the member completed 1 day of active service and \$75 for each full month or major



fraction of a month thereafter for which the eligible veteran completed active service. For eligible veterans of Persian Gulf Conflict service in the reserve components of the armed forces, active service is considered:

(1) Active duty in the Persian Gulf Theater for which the member received or was eligible to receive the Southwest Area Service Medal for service related to the Persian Gulf Conflict Theater.

(2) Time spent in hospitals during the period August 2, 1990, to August 31, 1991 as a result of service-connected wounds, diseases or injuries sustained while on active duty in the Persian Gulf Theater.

(3) Time served on active duty during the period August 2, 1990, to August 31, 1991, for support of operations in the Persian Gulf Theater whether or not the service was in the Theater, provided that, to be considered eligible a reserve component, a veteran shall still demonstrate service in the Theater sufficient to qualify for award of the Southwest Asia Service Medal.

(4) Time served on active duty in training and schooling (other than annual training or schooling), during the period August 2, 1990, to August 31, 1991, when the applicant can demonstrate to the satisfaction of the Department that the training and schooling was in direct preparation for deployment on active duty to the Persian Gulf Theater. To be considered eligible, a reserve component veteran shall still demonstrate service in the Theater of Operations sufficient to qualify for award of the Southwest Asia Service Medal.

(c) *Documentation.* Completion of qualifying active service shall ordinarily be documented by official military service records showing dates and places of services. Evidence contained in official military service records will be deemed sufficient documentation. The Department will, upon request, consider documentary evidence submitted by applicants.

**§ 9.6. Compensation on behalf of deceased veterans.**

(a) *Compensation.* In addition to bonus payments calculated based on months of active service under § 9.5 (relating to calculation of bonus payment based on months of active service), the eligible survivors of a deceased veteran as described in section 5(b) of the act (51 P. S. § 20305(b)) shall be eligible for payment of \$5,000 when one of the following applies:

(1) The veteran died while in performance of "active service" as defined in section 2 of the act (51 P. S. § 20302) and § 9.5 during any part of the period from August 2, 1990, to August 31, 1991.

(2) The veteran died as result of service-connected wounds, diseases or injuries incurred during the period of "active service" as defined in section 2 of the act and § 9.5. The cause of death shall be documented by the United States Armed Forces or the United States Department of Veterans Affairs to be the direct and proximate result of the service-connected wounds, diseases or injuries, and there may be no intervening cause of death.

(b) *Documentation.* Official military records of the United States Armed Forces or the United States Department of Veterans Affairs describing the circumstances of the death of an eligible veteran while performing active service or as result of service-connected wounds, diseases or injuries incurred in active service will be considered sufficient documentation.

**§ 9.7. Compensation of prisoner of war.**

(a) *Compensation.* Consistent with section 3(d) of the act (51 P. S. § 20303(d)), a veteran who was declared and

recognized as a prisoner of war as a result of active service during any part of the period from August 2, 1990, until August 31, 1991, shall be eligible for a bonus payment of \$5,000 in addition to any compensation paid under § 9.5 or § 9.6 (relating to calculation of bonus payment based on months of active service; and compensation on behalf of deceased veterans) and regardless of the duration of imprisonment.

(b) *Documentation.* Official military records of the United States Armed Forces designating the eligible veteran as a prisoner of war during the Persian Gulf Conflict will be considered sufficient documentation.

**§ 9.8. Applicants on behalf of deceased veterans.**

(a) *Payment.* Consistent with section 5(b) of the act (51 P. S. § 20305(b)), the following individuals shall be eligible for payment of compensation on behalf of eligible deceased veterans. Eligible deceased veterans may include eligible veterans who died in performance of active service or as a result of service-connected wounds, diseases or injuries as described in § 9.6 (relating to compensation on behalf of deceased veterans), and veterans who would, but for their death prior to submission of an application for benefits, been eligible for bonus payments based on active service under § 9.5 (relating to calculation of bonus payment based on months of active service). Applicants will be considered in the following order:

(1) The surviving spouse of the eligible veteran unless the surviving spouse was living separate and apart from the veteran at the time the veteran commenced active service. Proof of spousal status shall be the same as would be accepted by the United States Department of Veterans Affairs. The surviving spouse shall certify that he was not living separate and apart from the eligible veteran when the veteran commenced active service. If a surviving spouse applies or is qualified to apply, the entire payment shall be made to the surviving spouse.

(2) The surviving children of the eligible veteran in equal shares, share and share alike, provided there is no eligible surviving spouse. The surviving children shall certify that there is no eligible surviving spouse as part of the application for the benefit.

(3) The surviving parents of the eligible veteran in equal shares, share and share alike, provided there is no eligible surviving spouse and no eligible surviving children. The surviving parents shall certify that there are no eligible surviving spouse or children as part of the application for the benefit.

(b) *Disputes.* If the eligibility of a surviving spouse, surviving children or surviving parents is disputed, the Department will defer payment of the bonus until the parties resolve the dispute or a court of competent jurisdiction issues an order making a determination on the issue.

**§ 9.9. Applicants on behalf of incompetent veterans.**

(a) *Payment.* Consistent with section 5(a) of the act (51 P. S. § 20305(a)), the following individuals shall be eligible for payment of compensation on behalf of eligible incompetent veterans. A veteran shall be considered as an incompetent veteran if he has been so declared by a court of competent jurisdiction. Payments shall be used for the benefit of the incapacitated veteran. Applicants will be considered in the following order:

(1) Court-appointed guardian of the eligible veteran.

(2) The surviving spouse of the eligible veteran unless the spouse was living separate and apart from the

veteran at the time the veteran commenced "active service" as defined in section 2 of the act (51 P. S. § 20302). Proof of spousal status shall be the same as would be accepted by the United States Department of Veterans' Affairs. The spouse shall certify that he was not living separate and apart from the eligible veteran when the veteran commenced active service. The spouse shall certify that there is no court-appointed guardian of the eligible veteran.

(3) The surviving children of the eligible veteran. The children shall certify that there is no court-appointed guardian or eligible spouse as part of the application for the benefit.

(4) The surviving parents of the eligible veteran provided there are no court-appointed guardian, eligible spouse and no eligible children. The parents shall certify that there are no eligible court-appointed guardian, spouse or children as part of the application for the benefit.

(5) The facility, as defined in section 5(c) of the act, providing care and services to the eligible veteran, provided that there are no court-appointed guardian, eligible spouse, children or parents and the facility so certifies. The bonus payment shall be used for clothing and incidental needs of the veteran and may not be used to pay for the maintenance of the veteran in the facility.

(b) *Disputes.* If the eligibility of an applicant under subsection (a) is disputed, the Department will defer payment of the bonus until the parties resolve the dispute or a court of competent jurisdiction issues an order making a determination on the issue.

**§ 9.10. Compensation of eligible veterans who die after submitting application but before payment.**

(a) An applicant for compensation under the Program shall, in the application, set forth the name and address of one or more designated beneficiaries who would receive compensation in the event the applicant dies before payment.

(b) If an applicant dies after applying for the bonus but before payment and has designated a beneficiary as part of the application for the benefit, the Department will pay the designated beneficiary the benefit upon proof of identity.

(c) If an applicant fails to designate a beneficiary or no person designated as a beneficiary survives the applicant, payment will not be made and the right to compensation under the Program will cease.

**§ 9.11. Penalty for charging fees.**

In the event the Department receives a complaint under section 8 of the act (51 P. S. § 20308) that a person has charged a fee for assisting a veteran in applying for the benefits provided by the act, the Department will refer the complaint to the appropriate district attorney or law enforcement agency.

**§ 9.12. Application procedures.**

(a) *Forms.* Application for benefits under the Program must be made on forms provided by the Department. Forms may be obtained from the Department, county directors of veterans' affairs, veterans' services organizations and on-line at the Department's web site at [www.dmva.state.pa.us](http://www.dmva.state.pa.us).

(b) *Submission.* Applications shall be submitted to the address designated by the Department on the application form.

(c) *Additional documentation.* Applications must be accompanied by copies of supporting documentation from official military records of the United States Armed Forces or its reserve components including DD Form 214s or similar documentation showing periods of active service, military orders, certificate of award of Southwest Asia Service Medal, documentation of home of record, and other documentation specified in this chapter and the application form.

(d) *Review of applications.* The Department, or a contractor or designee, will conduct a review of applications for completeness. If the application is deemed complete, the Department, or a contractor or designee, will review the application to determine eligibility for the benefits provided by the Program and to calculate the amount of compensation.

(e) *Incomplete applications.* Incomplete applications will be returned to the applicant, but the date of receipt of the incomplete application will be noted and considered the date of application provided a completed application is submitted within 6 months after the return of the incomplete application.

(f) *Denial.* The Bureau will review and approve all denials of benefits proposed by a contractor or designee before notice of the denial is sent to an applicant.

(g) *Time.* The Department will, by notice published in the *Pennsylvania Bulletin*, provide official notice of when applications will be available and when they may be submitted. Notice will also be provided by news release and by publication on the DMVA web site at [www.dmva.state.pa.us](http://www.dmva.state.pa.us). Applications will not be accepted after August 31, 2015.

**§ 9.13. Reconsideration and appeals.**

(a) *Reconsideration.* An applicant who is dissatisfied with the disposition of the application may ask the Deputy Adjutant General for Veterans' Affairs to reconsider the disposition. A request for reconsideration shall be filed within 30 days of receipt of the initial disposition of the application. The request for reconsideration, which may be in the form of a letter or memorandum, should state why the applicant is dissatisfied with the disposition and state the reasons, including facts and circumstances, why the applicant believes the disposition should be altered. The Deputy Adjutant General will respond in writing to requests for reconsideration within 60 days of receipt.

(b) *Appeal.* A person aggrieved by decision of the Deputy Adjutant General for Veterans' Affairs after reconsideration under subsection (a) may, within 30 days of receipt of the decision, appeal in writing to the Adjutant General. The Adjutant General will adjudicate the appeal in accordance with the 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

[Pa.B. Doc. No. 08-726. Filed for public inspection April 18, 2008, 9:00 a.m.]

# Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

## STATE BOARD OF PHYSICAL THERAPY [ 49 PA. CODE CH. 40 ]

### Rescission of Athletic Trainer Regulations

The State Board of Physical Therapy (Board) rescinds Subchapter B (relating to athletic trainers).

#### *Statutory authority*

Prior to the adoption of the acts of December 10, 2001 (P. L. 859, No. 92) and (P. L. 863, No. 93) (Acts 92 and 93), the Board regulated athletic trainers under sections 10.1 and 10.2 of the Physical Therapy Practice Act (act) (formerly 63 P. S. §§ 1310.1 and 1310.2). Acts 92 and 93 repealed those provisions and placed the responsibility for the regulation of athletic trainers with the State Board of Medicine and State Board of Osteopathic Medicine (Boards). Acts 92 and 93 further provided that until those Boards adopted final-form regulations, the regulations in Subchapter B would continue to govern the activities of athletic trainers. The Boards adopted final-form rulemaking governing athletic trainers, at 37 Pa.B. 3230 (July 14, 2007). Therefore, the regulations of the Board in Subchapter B are no longer necessary and must be rescinded to avoid confusion.

#### *Omission of Proposed Rulemaking*

Under section 204 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204), known as the Commonwealth Documents Law (CDL), the Board is authorized to omit the procedures for proposed rulemaking in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) if the Board finds that the criteria of section 204 of the CDL are met.

Under authority of section 204(3) of the CDL, proposed rulemaking has been omitted as unnecessary because the amendments are merely rescinding outdated regulations that have been replaced by regulations of the Boards adopted on July 14, 2007.

#### *Description of the Amendments*

The final-form rulemaking rescinds Subchapter B in its entirety.

#### *Fiscal Impact and Paperwork Requirements*

The final-form rulemaking will not have a fiscal impact on, or create additional paperwork for, the regulated community or the political subdivisions of this Commonwealth.

#### *Regulatory Review*

Under section 5.1(c) of the Regulatory Review Act (act) (71 P. S. § 745.5a(c)), on February 27, 2008, the Board submitted copies of the final-form rulemaking with proposed rulemaking omitted to the Independent Regulatory Review Commission (IRRC), and the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) and the House Professional Licensure Committee (HPLC). On the same date, IRRC submitted a copy of the final-form rulemaking to the Office of Attorney General under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(j.2) of the act (71 P. S. § 745.5(j.2)), the final-form rulemaking was approved by the HPLC on March 12, 2008, and deemed approved by the SCP/PC on

April 2, 2008. Under section 5.1(e) of the act (71 P. S. § 745.5a(e)), IRRC met on April 3, 2008, and approved the final-form rulemaking.

#### *Additional Information*

For additional information about the final-form rulemaking, submit inquiries to Beth Michlovitz, Counsel, State Board of Physical Therapy, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7200.

#### *Findings*

The Board finds that:

(1) Public notice of the Board's intention to amend its regulations under the procedures in sections 201 and 202 of the CDL has been omitted under the authority of section 204 of the CDL, because public comment is unnecessary in that the amendment merely rescinding outdated regulations have been invalidated by Acts 92 and 93 of 2001 and regulations of the Boards adopted at 37 Pa.B. 3230.

(2) The rescission of the Board's regulations in the manner provided in this order is necessary and appropriate for the administration of the act and Acts 92 and 93 of 2001.

#### *Order*

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

(a) The regulations of the Board, 49 Pa. Code Chapter 40, are amended by deleting §§ 40.71—40.75, 40.81—40.88, 40.101—40.103, 40.121 and 40.131 as set forth in Annex A.

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

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

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

CHARLES E. MEACCI, PT,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 38 Pa.B. 1905 (April 19, 2008).)*

**Fiscal Note:** 16A-6512. No fiscal impact; (8) recommends adoption.

#### **Annex A**

### **TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

#### **PART I. DEPARTMENT OF STATE**

#### **Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

#### **CHAPTER 40. STATE BOARD OF PHYSICAL THERAPY**

#### **Subchapter B. (RESERVED)**

- § 40.71—40.75 (Reserved).
- § 40.81—40.88. (Reserved).
- § 40.101—40.103. (Reserved).
- § 40.121. (Reserved).
- § 40.131. (Reserved).

[Pa.B. Doc. No. 08-727. Filed for public inspection April 18, 2008, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF AGRICULTURE

[ 7 PA. CODE CH. 139 ]

### Amusement Rides and Attractions Erected Permanently or Temporarily at Carnivals, Fairs and Amusement Parks; Advance Notice of Final Rulemaking

The Department of Agriculture (Department) provides this advance notice of final rulemaking regarding Amusement Rides and Attractions Erected Permanently or Temporarily at Carnivals, Fairs and Amusement Parks. Proposed rulemaking was published at 37 Pa.B. 2823 (June 23, 2007).

#### *Statutory Authority*

The Amusement Ride Inspection Act (act) (4 P.S. §§ 401—419) provides the legal authority for this final-form rulemaking.

Section 4 of the act (4 P.S. § 404) prescribes the powers and duties of the Department with respect to amusement rides and authorizes the Department to adopt regulations necessary to its administration of the provisions of the act.

#### *Background*

The Department afforded the public a 30-day comment period with respect to the proposed rulemaking. Comments were received from several amusement park operations, as well as from the Independent Regulatory Review Commission. Early in the process of drafting the proposed rulemaking, the Department recommended to the Amusement Ride Safety Advisory Board (Board), and that Board agreed, that prospective commentators should be afforded a second window within to offer comments on the final-form rulemaking. This notice provides that second opportunity to comment.

#### *Summary of Changes from the Proposed Rulemaking*

The Department made a number of changes to the final-form rulemaking in response to comments it received. Although interested persons are encouraged to view the draft final-form rulemaking for themselves, the following presents a general summary of some of the changes from the proposed rulemaking:

*Section 139.2. Definitions.* Clarifying language has been added to the proposed definitions of "operation," "professional engineer" and "qualified inspector."

*Section 139.4. Registration.* Language has been added to address situations where the required Department-issued registration plate cannot be readily attached to an amusement ride or amusement attraction so as to be plainly visible to the riding public.

*Section 139.5. Insurance.* Language has been added to address changes in insurance-related statutes and to simplify the required certificate that demonstrates adequate insurance coverage for an amusement ride or amusement attraction.

*Section 139.9. Qualified inspectors.* Language has been added to require the Department to report the results of a Qualified Inspector Test within 30 days of

the test, and to limit the Department's discretion with respect to continuing education of inspectors so that it would always entail at least 16 hours of continuing education during the period of certification.

*Section 139.10. Advisory board.* Although the Department originally proposed to delete this entire section, it will be retained and revised, to track with the provisions of the act addressing the composition and functions of this Board.

*Section 139.11. Accident reporting.* Language has been added to clarify that the 48-hour window within which an amusement ride or amusement attraction owner must report ride or attraction-related deaths, serious injuries or illnesses does not open until the owner acquires knowledge of the reportable incident.

*Section 139.12. Variances.* Although the Department originally proposed to delete this entire section, it will be retained and revised, to track with the provisions of the Act addressing variances.

*Section 139.75. Fire protection and prevention.* Language has been added to more clearly describe how fire extinguishers should be located with respect to gasoline-driven amusement rides and rides that might present fire hazards.

*Section 139.76. Ride and attraction operators and attendants.* Language has been added to clarify that the number of operators and attendants for an amusement ride or amusement attraction must meet or exceed the numbers recommended by the ride or attraction manufacturer or the ASTM International F-24 Committee Standards, whichever may be higher.

#### *Obtaining or Viewing the Draft Final-Form Regulation*

The draft final-form regulation can be viewed or downloaded from the Department's web site: [www.agriculture.state.pa.us](http://www.agriculture.state.pa.us). Interested persons may also obtain a copy of the document by contacting John Dillabaugh, Director, Bureau of Ride and Measurement Standards, Pennsylvania Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-4189.

#### *Comments*

Interested persons are invited to submit comments on the draft final-form regulation. The comment period expires at 4 p.m. on Tuesday, May 6, 2008. Written comments must be delivered to the Department by that date and time. The comments should be delivered to John Dillabaugh, Director, Bureau of Ride and Measurement Standards, at the address set forth in the preceding paragraph.

DENNIS C WOLFF,  
*Secretary*

[Pa.B. Doc. No. 08-728. Filed for public inspection April 18, 2008, 9:00 a.m.]

# ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CHS. 121 AND 129 ]

## Control of NO<sub>x</sub> Emissions from Glass Melting Furnaces

The Environmental Quality Board (Board) proposes to amend Chapters 121 and 129 (relating to general provisions; and standards for sources) as set forth in Annex A. This proposal will control nitrogen oxides (NO<sub>x</sub>) emissions from glass melting furnaces.

This notice is given under Board order at its meeting of February 19, 2008.

### A. *Effective Date*

These amendments will be effective upon publication in the *Pennsylvania Bulletin* as final-form rulemaking.

These amendments will be submitted to the United States Environmental Protection Agency (EPA) as a revision to the Pennsylvania State Implementation Plan upon final-form rulemaking.

### B. *Contact Persons*

For further information, contact Jane Mahinske, Air Quality Program Specialist, Division of Air Resource Management, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 783-8949 or Robert Reiley, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060.

Information regarding submitting comments on this proposal appears in Section J of this preamble. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department of Environmental Protection's (Department) web site ([www.depweb.state.pa.us](http://www.depweb.state.pa.us)).

### C. *Statutory Authority*

This action is being taken under the authority of section 5(a)(1) of the Air Pollution Control Act (35 P. S. § 4005(a)(1)), which grants to the Board the authority to adopt regulations for the prevention, control, reduction and abatement of air pollution.

### D. *Background and Summary*

When ground-level ozone is present in concentrations in excess of the Federal health-based standards, public health is adversely affected. The EPA has concluded that there is an association between ambient ozone concentrations and increased hospital admissions for respiratory ailments, such as asthma. Further, although children, the elderly and those with respiratory problems are most at risk, even healthy individuals may experience increased respiratory ailments and other symptoms when they are exposed to ambient ozone while engaged in activity that involves physical exertion. Though these symptoms are often temporary, repeated exposure could result in permanent lung damage. The implementation of additional measures to address ozone air quality nonattainment in this Commonwealth is necessary to protect the public health.

The purpose of this proposed rulemaking is to reduce emissions of NO<sub>x</sub> from glass melting furnaces to reduce levels of ground-level ozone. Ground-level ozone is not

directly emitted by pollution sources, but is created as a result of the chemical reaction of NO<sub>x</sub> and volatile organic compounds in the presence of light and heat. The reduction of NO<sub>x</sub> emissions will also help protect the public health from high levels of fine particulates, of which NO<sub>x</sub> is a precursor component. Fine particulates, as well as ozone, are health hazards. The reduction of NO<sub>x</sub> emissions also reduces visibility impairment and acid deposition. This proposed rulemaking is reasonably necessary to achieve and maintain the ozone and PM<sub>2.5</sub> National Ambient Air Quality Standards.

The glass industry in this Commonwealth produces a variety of products, including flat glass, container glass, and pressed and blown glass. In 2002, flat glass production accounted for approximately 7,450 tons of NO<sub>x</sub> emissions; container glass production accounted for approximately 1,800 tons of NO<sub>x</sub> emissions; fiberglass production accounted for approximately 150 tons of NO<sub>x</sub> emissions; and pressed and blown glass, including picture tube glass, accounted for approximately 2,500 tons of NO<sub>x</sub> emissions. Total glass melting furnace NO<sub>x</sub> emissions in 2002 were approximately 11,900 tons. Since 2002 a number of furnaces/facilities have discontinued operation or made process changes and total NO<sub>x</sub> emissions during 2004 were approximately 9,230 tons. As a result, the glass industry in this Commonwealth remains the largest unregulated source for NO<sub>x</sub> emissions in this Commonwealth.

The Commonwealth, along with the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont and Virginia, and the District of Columbia, are members of the Ozone Transport Commission (OTC), which was created under section 184 of the Federal Clean Air Act (42 U.S.C. § 7511c), to develop and implement regional solutions to the ground-level ozone problem in the Northeast and Mid-Atlantic regions. To date, States from the OTC, including the Commonwealth, have established a number of regulatory programs to reduce ozone precursor emissions, including programs related to portable fuel containers, architectural and industrial maintenance coatings and consumer products. Consistent with its strategy to achieve equitable ozone precursor emission reductions from all industrial sectors, the Commonwealth, along with other OTC States, has met with representatives of the glass industry to discuss reductions of NO<sub>x</sub> emissions from glass melting furnaces. There is general agreement that the NO<sub>x</sub> emission regulatory limits for the glass industry developed by the San Joaquin Valley Unified Air Quality Management District in California are appropriate NO<sub>x</sub> emission limits for glass melting operations located in this Commonwealth and the other OTC States. The San Joaquin Valley regulation was first adopted in 1994 and subsequently amended in 1998, 2002 and 2006. Consequently, the San Joaquin Valley regulation was used as a model when developing this proposal, but was fashioned to be a Pennsylvania-specific regulation.

Although NO<sub>x</sub> emission reduction technologies such as selective catalytic reduction and selective noncatalytic reduction can be adapted to control NO<sub>x</sub> emissions from glass melting furnaces, this Commonwealth's glass industry prefers to avoid expenditure for controls and to defer significant emission reductions until the time of glass furnace rebuilds. Furnace rebuilds occur every 10 years or so when repair and maintenance costs for furnace refractory and other furnace components become excessive or maintenance is no longer feasible. Information available from the glass industry indicates that, for many

of the furnaces in this Commonwealth, these furnace rebuilds will not occur until after 2009, the 8-hour ozone attainment deadline for this Commonwealth's ozone nonattainment areas. Consequently, the proposed regulatory provisions would allow the glass industry a number of options for demonstrating compliance with NOx emission limitations. The compliance options include allowing the purchase of Clean Air Interstate Rule (CAIR) NOx Ozone Season allowances to account for emissions in excess of the proposed limits, as a near term compliance option.

The Department worked with the Air Quality Technical Advisory Committee (AQTAC) in the development of these proposed regulations. At its July 26, 2007, meeting, the AQTAC concurred with the Department's recommendation to advance the proposal to the Board for consideration as proposed rulemaking with publication for a minimum 60-day public comment period.

The Department also conferred with the Citizens Advisory Council (CAC) concerning the proposed rulemaking on July 17, 2007. The CAC concurred with the Department's recommendation to advance the proposal to the Board for consideration as proposed rulemaking. However, the CAC raised concerns over allowing system-wide averaging as a means of compliance demonstration and specifically seeks public comment on this issue.

As part of this proposed rulemaking, the Board under § 129.309 (relating to compliance demonstration) proposes that the owner or operator of a glass melting furnace may demonstrate compliance with the requirements of § 129.304 (relating to emission requirements) as follows—for the 2009 ozone season surrendering 0.25 CAIR NOx Ozone Season allowance for each ton of NOx emissions that exceeds the allowable emissions of the applicable glass melting furnaces; for the 2010 ozone season surrendering 0.50 CAIR NOx Ozone Season allowance for each ton of NOx emissions that exceeds the allowable emissions of the applicable glass melting furnaces; for the 2011 ozone season surrendering 0.75 CAIR NOx Ozone Season allowance for each ton of NOx emissions that exceeds the allowable emissions of the applicable glass melting furnaces; and for the 2012 ozone season and beyond surrendering one CAIR NOx Ozone Season allowance for each ton of NOx emissions that exceeds the allowable emissions of the applicable glass melting furnaces. However, specific comments are requested during the public participation process on the following alternative allowance surrender compliance demonstration: for the 2009 and 2010 ozone seasons, 0.25 CAIR NOx Ozone Season allowance for each ton of NOx emissions that exceeds the allowable emissions of the applicable glass melting furnaces would be surrendered; for the 2011 ozone season, 0.50 CAIR NOx Ozone Season allowance for each ton of NOx emissions that exceeds the allowable emissions of the applicable glass melting furnaces would be surrendered; and for the 2012 ozone season and beyond, one CAIR NOx Ozone Season allowance for each ton of NOx emissions that exceeds the allowable emissions of the applicable glass melting furnaces would be surrendered.

#### E. Summary of Regulatory Revisions

The proposed amendments add the following new definitions and terms to § 121.1 (relating to definitions) used in the substantive provisions under §§ 129.301—129.310 (relating to control of NOx emissions from glass melting furnaces): “100% air-fuel fired,” “air-fuel firing,” “blown glass,” “complete reconstruction,” “container glass,” “fiber-glass,” “flat glass,” “furnace battery,” “furnace rebuild,”

“glass melting furnace,” “idling,” “multiple furnaces,” “oxyfuel fired,” “oxygen-assisted combustion,” “permitted production capacity,” “pressed glass,” “primary furnace combustion system,” “pull rate,” “shutdown,” “start-up” and “vintage or vintage year.”

Proposed § 129.301 (relating to purpose) limits the emissions of NOx from glass melting furnaces.

Proposed § 129.302 (relating to applicability) specifies that beginning May 1, 2009, the regulation applies to an owner or operator of a glass melting furnace that emits or has the potential to emit NOx at a rate greater than 50 tons per year or 20 pounds per hour.

Proposed § 129.303 (relating to exemptions) provides, among other things, that the emission requirements in § 129.304 do not apply during periods of start-up or shutdown as defined in § 121.1, if the owner or operator complies with the requirements of §§ 129.305 and 129.306 (relating to start-up requirements; and shutdown requirements). Additionally, the owner or operator of a glass melting furnace granted an exemption under § 129.303 shall maintain operating records or documentation, or both, necessary to support the claim for the exemption.

Proposed § 129.304 provides that the owner or operator of a glass melting furnace shall determine allowable NOx emissions during the interval from May 1 through September 30, 2009, and each year thereafter, by multiplying the tons of glass pulled by each furnace by: 4.0 pounds of NOx per ton of glass pulled for container glass furnaces; 7.0 pounds of NOx per ton of glass pulled for pressed or blown glass furnaces; 4.0 pounds of NOx per ton of glass pulled for fiberglass furnaces; and 7.0 pounds of NOx per ton of glass pulled for flat glass furnaces.

Proposed § 129.305 provides that the owner or operator supply specific information requested by the Department to assure proper operation of the furnace. The owner or operator of a glass melting furnace may submit a request for a start-up exemption in conjunction with the plan approval application for the construction of a new furnace or furnace rebuild. The Department may approve start-up exemptions to the extent that the request identifies, among other things, the control technologies or strategies to be used. Additionally, the owner or operator shall place the emission control system in operation as soon as technologically feasible during start-up to minimize emissions.

Proposed § 129.306 provides, among other things, that the duration of a glass melting furnace shutdown, as measured from the time the furnace operations drop below 25% of the permitted production capacity or fuel use capacity to when all emissions from the furnace cease, may not exceed 20 days.

Proposed § 129.307 (relating to idling requirements) provides, among other things, that the owner or operator of a glass melting furnace shall operate the emission control system whenever technologically feasible during idling to minimize emissions.

Proposed § 129.308 (relating to compliance determination) provides, among other things, that by May 1, 2009, the owner or operator of a glass melting furnace subject to this section and §§ 129.301—129.307, 129.309 and 129.310 shall install, operate and maintain continuous emissions monitoring systems (CEMS), (as defined in § 121.1) for NOx and other monitoring systems to convert data to required reporting units in compliance with Chapter 139, Subchapter C (relating to requirements for source monitoring for stationary sources), and calculate

actual emissions using the CEMS data reported to the Department. However, the owner or operator of a glass melting furnace may elect to install and operate an alternate NO<sub>x</sub> emissions monitoring system or method approved, in writing, by the Department.

Proposed § 129.309 (relating to compliance demonstration) requires that by October 31, 2009, and each year thereafter, the owner or operator of a glass melting furnace shall calculate and report to the Department the difference between the actual emissions from the glass melting furnace during the interval from May 1 through September 30 and the allowable emissions for that period. Compliance with § 129.304 shall be demonstrated by averaging the NO<sub>x</sub> emissions during the interval from May 1 through September 30. Compliance can be demonstrated on a furnace-by-furnace basis; facility-wide emissions averaging basis; or a system-wide emissions averaging basis among glass melting furnaces under common control of the same owner or operator in this Commonwealth. The AQTAC requested that the Board solicit comments "on allowing averaging between owners/operators" of different glass melting furnace facilities in this Commonwealth.

The owner or operator of a glass melting furnace may demonstrate compliance with the requirements of § 129.304 for the period from May 1 through September 30, 2009, by surrendering to the Department 0.25 CAIR NO<sub>x</sub> Ozone Season allowance for each ton of NO<sub>x</sub> emissions by which the combined actual emissions exceed the allowable emissions of the glass melting furnaces subject to this section. For the period from May 1 through September 30, 2010, the owner or operator may demonstrate compliance by surrendering 0.50 CAIR NO<sub>x</sub> Ozone Season allowance for each ton of NO<sub>x</sub> emissions by which the combined actual emissions exceed the allowable emissions of the glass melting furnaces subject to this section. For the period from May 1 through September 30, 2011, the owner or operator may demonstrate compliance by surrendering 0.75 CAIR NO<sub>x</sub> Ozone Season allowance for each ton of NO<sub>x</sub> emissions by which the combined actual emissions exceed the allowable emissions of the glass melting furnaces subject to this section. Lastly, for the period from May 1 through September 30, 2012, and each ozone season thereafter, the owner or operator may demonstrate compliance by surrendering one CAIR NO<sub>x</sub> Ozone Season allowance for each ton of NO<sub>x</sub> emissions by which the combined actual emissions exceed the allowable emissions of the glass melting furnaces subject to this section.

Proposed § 129.310 (relating to recordkeeping) provides that the owner or operator of a glass melting furnace subject to the requirements of this section and §§ 129.301–129.309 shall maintain certain records to demonstrate compliance.

#### F. *Benefits, Costs and Compliance*

##### *Benefits*

Overall, the citizens of this Commonwealth will benefit from these proposed regulations because the regulations will result in improved air quality by reducing ozone precursor emissions and will encourage new technologies and practices, which will reduce emissions of NO<sub>x</sub>.

##### *Compliance Costs*

The proposed rulemaking will impact approximately 16 glass melting facilities in this Commonwealth. There will be compliance costs related to the installation and operation of add-on control technology and NO<sub>x</sub> emissions monitoring equipment such as CEMS, if an owner or

operator elects to install the controls and CEMS. However, the owners and operators of these facilities will be able to apply for an alternate monitoring system or method, which would significantly reduce their monitoring cost under this proposal.

The proposed rulemaking provides compliance alternatives including emissions averaging and use of CAIR NO<sub>x</sub> Ozone Season allowances as near term compliance options. This regulatory flexibility will allow an owner or operator of an affected glass melting furnace to select the least-expensive compliance alternative, including emissions averaging or the use of CAIR NO<sub>x</sub> Ozone Season allowances, to demonstrate compliance with the NO<sub>x</sub> emission limits until the next scheduled furnace rebuild.

##### *Compliance Assistance Plan*

The Department plans to educate and assist the public and regulated community in understanding the newly revised requirements and how to comply with them. This will be accomplished through the Department's ongoing Regional Compliance Assistance Program.

##### *Paperwork Requirements*

The proposed regulations will not significantly increase the paperwork that is already generated during the normal course of business operations.

#### G. *Pollution Prevention*

The Federal Pollution Prevention Act of 1990 established a National policy that promotes pollution prevention as the preferred means for achieving State environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance. This proposed rulemaking will provide the owners and operators of all glass melting furnaces the opportunity to improve the energy efficiency at their operations, which will result in lower NO<sub>x</sub> emissions.

#### H. *Sunset Review*

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

#### I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 7, 2008, the Department submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Environmental Resources and Energy Committees (Committees). In addition to submitting the proposed rulemaking, the Department has provided the IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria that have not been met. The Regulatory

Review Act specifies detailed procedures for review of these issues by the Department, the General Assembly and the Governor prior to final-form publication of the regulations.

J. Public Comments

Written Comments—Interested persons are invited to submit comments, suggestions or objections regarding the proposed regulations to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by June 23, 2008. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by June 23, 2008. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulation will be considered.

Electronic Comments—Comments may be submitted electronically to the Board at RegComments@state.pa.us and must also be received by the Board by June 23, 2008. A subject heading of the proposal and a return name and address must be included in each transmission.

K. Public Hearings

The Board will hold three public hearings for the purpose of accepting comments on this proposal. The hearings will be held as follows:

- May 19, 2008 2 p.m. Department of Environmental Protection  
Rachel Carson State Office Building  
Room 105  
400 Market Street  
Harrisburg, PA 17105
- May 21, 2008 2 p.m. Department of Environmental Protection  
Northeast Regional Office  
Susquehanna Room—A, Second Floor  
2 Public Square  
Wilkes-Barre, PA 18711-1790
- May 23, 2008 2 p.m. Department of Environmental Protection  
Southwest Regional Office  
Waterfront A and B Conference Room  
400 Waterfront Drive  
Pittsburgh, PA 15222

Persons wishing to present testimony at a hearing are requested to contact the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Board at (717) 787-4526 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
Chairperson

Fiscal Note: 7-420. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION  
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE III. AIR RESOURCES

CHAPTER 121. GENERAL PROVISIONS

§ 121.1. Definitions.

The definitions in section 3 of the act (35 P. S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

**100% Air-fuel fired**—Operation of a glass melting furnace where the oxidant is exclusively ambient air.

\* \* \* \* \*

**Air-fuel firing**—Operation of a glass melting furnace where greater than 50% of the oxidant for the fuel comes from ambient air.

\* \* \* \* \*

**Blown glass**—Glassware shaped by blowing air into a molten glass gather.

\* \* \* \* \*

**Complete reconstruction**—For purposes of §§ 129.301—129.310 (relating to control of NOx emissions from glass melting furnaces), the replacement of components of an existing glass melting furnace to the extent that the fixed capital cost of the new components exceeds 50% of the fixed capital cost that would be required to construct a comparable entirely new glass melting furnace.

\* \* \* \* \*

**Container glass**—Glass manufactured by pressing, blowing in molds, drawing, rolling or casting which is used as a container.

\* \* \* \* \*

**Fiberglass**—Material consisting of fine filaments of glass that are combined into yarn and woven or spun into fabrics, or that are used as reinforcement in other materials or in masses as thermal or as acoustical insulating products for the construction industry.

\* \* \* \* \*

**Flat glass**—Glass produced by the float, sheet, rolled or plate glass process which is used in windows, windshields, tabletops or similar products.

\* \* \* \* \*

**Furnace battery**—Two or more glass melting furnaces at a single facility that exhaust to a common stack.

**Furnace rebuild**—A complete reconstruction which is commenced after the end of a furnace campaign period or expected life cycle of a furnace. For the purpose of the compliance deadline in § 129.304 (relating to emission requirements), the effective date of a furnace rebuild is the date of the start of the furnace shutdown.



\* \* \* \* \*

**Glass melting furnace**—A unit comprising a refractory vessel in which raw materials are charged, melted at high temperature, refined and conditioned to produce molten glass. The unit includes foundations, superstructure and retaining walls, raw material charger systems, heat exchangers, melter cooling system, exhaust system, refractory brick work, fuel supply and electrical boosting equipment, integral control systems and instrumentation and appendages for conditioning and distributing molten glass to forming apparatuses. As specified in 40 CFR 60.291 (relating to definitions), the forming apparatuses, including the float bath used in flat glass manufacturing and flow channels in wool fiberglass and textile fiberglass manufacturing, are not considered part of the glass melting furnace.

\* \* \* \* \*

**Idling**—For purposes of §§ 129.301—129.310, the operation of a glass melting furnace at less than 25% of the permitted production capacity or fuel use capacity as stated in the plan approval or operating permit.

\* \* \* \* \*

**Multiple furnaces**—Two or more glass melting furnaces at a single facility that do not exhaust to a common stack.

\* \* \* \* \*

**Oxyfuel fired**—Operation of a glass melting furnace where greater than 50% of the oxidant for the fuel is provided from enriched oxygen streams.

\* \* \* \* \*

**Oxygen-assisted combustion**—Operation of a glass melting furnace where the oxygen content in the oxidant is greater than the oxygen content in ambient air or greater than 20.9% oxygen.

\* \* \* \* \*

**Permitted production capacity**—The maximum pull rate as stated in the plan approval, operating permit or Title V permit.

\* \* \* \* \*

**Pressed glass**—Glassware formed by placing a blob of molten glass in a metal mold, then pressing it with a metal plunger or “follower” to form the inside shape. The resultant piece, termed “mold-pressed,” has an interior form independent of the exterior, in contrast to mold-blown glass, whose interior corresponds to the outer form.

\* \* \* \* \*

**Primary furnace combustion system**—The burners in a glass melting furnace that are used during production of glass.

\* \* \* \* \*

**Pull rate**—The amount of glass withdrawn from a glass melting furnace, expressed in short tons per day.

\* \* \* \* \*

**Shutdown**—For purposes of § 129.303 (relating to exemptions), the period of time during which a glass melting furnace is purposely allowed to cool

from operating temperature and molten glass is removed from the tank for the purpose of a furnace rebuild.

\* \* \* \* \*

**Start-up**—For purposes of § 129.303, the period of time, after initial construction or a furnace rebuild, during which a glass melting furnace is heated to stable operating temperature by the primary furnace combustion system.

\* \* \* \* \*

(Editor's Note: The following text is new and is printed in regular type to enhance readability.)

**CONTROL OF NO<sub>x</sub> EMISSIONS FROM GLASS MELTING FURNACES**

**§ 129.301. Purpose.**

The purpose of this section and §§ 129.302—129.310 is to limit emissions of NO<sub>x</sub> from glass melting furnaces.

**§ 129.302. Applicability.**

This section, § 129.301 (relating to purpose) and §§ 129.303—129.310 apply to an owner or operator of a glass melting furnace that emits or has the potential to emit NO<sub>x</sub> at a rate greater than 50 tons per year or 20 pounds per hour. Beginning May 1, 2009, and for each year thereafter, an owner or operator of a glass melting furnace shall comply with this section, §§ 129.301 and 129.303—129.310.

**§ 129.303. Exemptions.**

(a) This section, §§ 129.301 and 129.302 (relating to purpose; and applicability) and 129.304—129.310 do not apply to glass melting furnaces where the heat is supplied solely by an electric current from electrodes submerged in the molten glass, except that heat may be supplied by other fuels for start-up when the furnace contains no molten glass.

(b) The emission requirements in § 129.304 (relating to emission requirements) do not apply during periods of start-up or shutdown as defined in § 121.1 (relating to definitions), if the owner or operator complies with the requirements of §§ 129.305 and 129.306 (relating to start-up requirements; and shutdown requirements).

(c) The owner or operator of a glass melting furnace claiming an exemption under subsection (b) shall notify the Department in writing at least 24 hours prior to initiating shutdown or start-up. The methods for submitting the written notice may include e-mail, hand or courier delivery, mail or facsimile transmissions to the appropriate regional office described in § 121.4 (relating to regional organization of the Department). The notification must include:

(1) The date and time of the start of the exempt operation.

(2) The reason for performing the operation and an estimated completion date.

(d) The owner or operator of a glass melting furnace granted an exemption under this section shall maintain operating records or documentation, or both, necessary to

support the claim for the exemption. The records shall be maintained for 5 years onsite and made available or submitted to the Department upon request.

(e) The owner or operator of a glass melting furnace shall notify the Department in writing within 24 hours after completion of the operation for which the exemption is claimed.

**§ 129.304. Emission requirements.**

(a) During the interval from May 1 through September 30, 2009, and each year thereafter, except as specified in §§ 129.303, 129.305 and 129.306 (relating to exemptions; start-up requirements; and shutdown requirements), the owner or operator of a glass melting furnace may not operate the glass melting furnace in a manner that results in NOx emissions in excess of the allowable limits specified in subsection (b).

(b) The owner or operator of a glass melting furnace shall determine allowable NOx emissions during the interval from May 1 through September 30, 2009, and each year thereafter, by multiplying the tons of glass pulled by each furnace by:

- (1) 4.0 pounds of NOx per ton of glass pulled for container glass furnaces.
- (2) 7.0 pounds of NOx per ton of glass pulled for pressed or blown glass furnaces.
- (3) 4.0 pounds of NOx per ton of glass pulled for fiberglass furnaces.
- (4) 7.0 pounds of NOx per ton of glass pulled for flat glass furnaces.

**§ 129.305. Start-up requirements.**

(a) The plan approval issued for the construction of a new glass melting furnace or furnace rebuild must include terms and conditions consistent with the requirements of § 127.12b (relating to plan approval terms and conditions). At least no later than 30 days prior to the anticipated date of start-up, the owner or operator of the glass melting furnace shall submit, in writing, to the Department, information requested by the Department to assure proper operation of the furnace. The information must include the following:

- (1) A detailed list of activities to be performed during start-up and an explanation for the length of time needed to complete each activity.
- (2) A description of the material process flow rates and system operating parameters and other information that the owner or operator plans to evaluate during the process optimization.

(b) The owner or operator of a glass melting furnace may submit a request for a start-up exemption in conjunction with the plan approval application for the construction of a new furnace or furnace rebuild. The actual length of the start-up exemption, if any, will be determined by the Department at the time of the issuance of the plan approval for the furnace rebuild.

(c) The length of the start-up exemption following activation of the primary furnace combustion system may not exceed:

- (1) One hundred and four days for a flat glass furnace.
- (2) Seventy days for a container glass, pressed or blown glass furnace.
- (3) Forty days for a fiberglass furnace.

(d) The Department may approve start-up exemptions to the extent that the submittal clearly:

- (1) Identifies the control technologies or strategies to be used.
- (2) Describes the physical conditions that prevail during start-up periods that prevent the controls from being effective.
- (3) Provides a reasonably precise estimate as to when physical conditions will have reached a state that allows for the effective control of emissions.

(e) During the start-up period, the owner or operator of a glass melting furnace shall maintain the stoichiometric ratio of the primary furnace combustion system so as not to exceed 5% excess oxygen, as calculated from the actual fuel and oxidant flow measurements for combustion in the glass melting furnace.

(f) The owner or operator shall place the emission control system in operation as soon as technologically feasible during start-up to minimize emissions.

**§ 129.306. Shutdown requirements.**

(a) The duration of a glass melting furnace shutdown, as measured from the time the furnace operations drop below 25% of the permitted production capacity or fuel use capacity to when all emissions from the furnace cease, may not exceed 20 days.

(b) The owner or operator of a glass melting furnace shall operate the emission control system whenever technologically feasible during shutdown to minimize emissions.

**§ 129.307. Idling requirements.**

(a) The owner or operator of a glass melting furnace shall operate the emission control system whenever technologically feasible during idling to minimize emissions.

(b) The NOx emissions during idling may not exceed the amount calculated using the following equation:

Pounds per day emission limit of NOx = (Applicable NOx emission limit specified in § 129.304 (relating to emission requirements) expressed in pounds per ton of glass produced) x (Furnace permitted production capacity in tons of glass produced per day)

**§ 129.308. Compliance determination.**

(a) By May 1, 2009, the owner or operator of a glass melting furnace subject to this section, §§ 129.301—129.307, 129.309 and 129.310 shall install, operate and maintain continuous emissions monitoring systems (CEMS, as defined in § 121.1 (relating to definitions)) for NOx and other monitoring systems to convert data to required reporting units in compliance with Chapter 139, Subchapter C (relating to requirements for source monitoring for stationary sources) and calculate actual emissions using the CEMS data reported to the Department. The owner or operator of a glass melting furnace may install and operate an alternate NOx emissions monitoring system or method, approved in writing, by the Department.

(b) Data invalidated under Chapter 139, Subchapter C, shall be substituted with data calculated using the potential emission rate for the furnace, or if approved, in writing, by the Department as follows:

- (1) The highest valid 1-hour emission value that occurred during the reporting quarter.
- (2) If no valid data were collected during the reporting quarter, the most recent quarter for which valid data

were collected shall be reported to the Department unless an alternative reporting period is approved in writing by the Department.

(c) The owner or operator of a glass furnace subject to this section shall submit to the Department quarterly reports of CEMS monitoring in pounds of NO<sub>x</sub> emitted per hour, in a format approved by the Department and in compliance with Chapter 139, Subchapter C.

(d) The CEMS or approved monitoring system or method for NO<sub>x</sub> installed under this section must meet the minimum data availability requirements in Chapter 139, Subchapter C.

(e) The owner or operator of a furnace battery may use a single CEMS to determine the total NO<sub>x</sub> emissions from all the furnaces if the emission measurements are made at the common stack.

**§ 129.309. Compliance demonstration.**

(a) By October 31, 2009, and each year thereafter, the owner or operator of a glass melting furnace shall calculate and report to the Department the difference between the actual NO<sub>x</sub> emissions from the glass melting furnace during the interval from May 1 through September 30 and the allowable NO<sub>x</sub> emissions for that period. The calculations used to determine the difference in NO<sub>x</sub> emissions, including the CEMS data and glass production data used to show compliance with the allowable NO<sub>x</sub> emission limits specified in § 129.304 (relating to emission requirements), shall be included in the report submitted to the Department. The glass production data must consist of the quantity of glass, in tons, pulled per day for each furnace. Compliance with § 129.304 shall be demonstrated by averaging the NO<sub>x</sub> emissions during the interval from May 1 through September 30.

(b) The owner or operator of a glass melting furnace, multiple glass melting furnaces or furnace battery shall demonstrate compliance with the requirements of § 129.304 using one of the following methods:

- (1) On a furnace-by-furnace basis.
- (2) Facility-wide emissions averaging.
- (3) System-wide emissions averaging among glass melting furnaces under common control of the same owner or operator in this Commonwealth.

(c) The owner or operator of a glass melting furnace, multiple glass melting furnaces or furnace battery may demonstrate compliance with the requirements of § 129.304 in accordance with the following:

(1) For the period from May 1 through September 30, 2009, the owner or operator of a glass melting furnace, multiple glass melting furnaces or furnace battery shall surrender to the Department 0.25 CAIR NO<sub>x</sub> Ozone Season allowance, as defined in § 145.202 (relating to definitions), for each ton of NO<sub>x</sub> by which the combined actual emissions exceed the allowable emissions of the glass melting furnaces subject to this section.

(2) For the period from May 1 through September 30, 2010, the owner or operator of a glass melting furnace, multiple glass melting furnaces or furnace battery shall surrender to the Department 0.50 CAIR NO<sub>x</sub> Ozone Season allowance for each ton of NO<sub>x</sub> by which the combined actual emissions exceed the allowable emissions of the glass melting furnaces subject to this section.

(3) For the period from May 1 through September 30, 2011, the owner or operator of a glass melting furnace, multiple glass melting furnaces or furnace battery shall surrender to the Department 0.75 CAIR NO<sub>x</sub> Ozone

Season allowance for each ton of NO<sub>x</sub> by which the combined actual emissions exceed the allowable emissions of the glass melting furnaces subject to this section.

(4) For the period from May 1 through September 30, 2012, and each ozone season thereafter, the owner or operator of a glass melting furnace, multiple glass melting furnaces or furnace battery shall surrender to the Department one CAIR NO<sub>x</sub> Ozone Season allowance for each ton of NO<sub>x</sub> by which the combined actual emissions exceed the allowable emissions of the glass melting furnaces subject to this section.

(5) The surrendered CAIR NO<sub>x</sub> Ozone Season allowances shall be of current year vintage. For the purpose of determining the amount of allowances to be surrendered, a remaining fraction of a ton equal to or greater than 0.50 ton is deemed to equal 1 ton and a fraction of a ton less than 0.50 ton is deemed to equal 0 tons.

(6) By November 1, 2009, and by November 1 of each year thereafter, an owner or operator of a glass melting furnace, multiple glass melting furnaces or furnace battery subject to this section shall surrender the required CAIR NO<sub>x</sub> Ozone Season allowances to the Department's designated NATS-NO<sub>x</sub> allowance tracking system account as defined in § 121.1 (relating to definitions) and shall provide to the Department, in writing, the following:

- (i) The serial number of each NO<sub>x</sub> allowance surrendered.
- (ii) The calculations used to determine the quantity of NO<sub>x</sub> allowances required to be surrendered.

(7) If an owner or operator fails to comply with paragraph (6), the owner or operator shall by December 31 surrender three CAIR NO<sub>x</sub> Ozone Season allowances of the current or later year vintage for each NO<sub>x</sub> allowance that was required to be surrendered by November 1 of that year.

(d) The surrender of CAIR NO<sub>x</sub> Ozone Season allowances under subsection (c)(7) does not affect the liability of the owner or operator of the unit for a fine, penalty or assessment, or an obligation to comply with another remedy for the same violation, under the Clean Air Act or the act.

(1) For purposes of determining the number of days of violation, if a facility has excess emissions for the period May 1 through September 30 which have not been reconciled with CAIR NO<sub>x</sub> Ozone Season allowances, each day in that period (153 days) constitutes a day in violation unless the owner or operator of the unit demonstrates that a lesser number of days should be considered.

(2) Each ton of excess emissions is a separate violation.

(e) If the combined allowable emissions from glass melting furnaces at a facility from May 1 through September 30 exceed the combined actual emissions from glass melting furnaces at the facility subject to this section during the same period, the owner or operator may deduct the difference or a portion of the difference from the amount of actual emissions from glass melting furnaces at the owner or operator's other facilities located in this Commonwealth for that period.

**§ 129.310. Recordkeeping.**

(a) The owner or operator of a glass melting furnace subject to this section and §§ 129.301–129.309 shall maintain records to demonstrate compliance. The records must include an operating log maintained for each glass melting furnace that includes, on a monthly basis:

- (1) The total hours of operation.
  - (2) The type and quantity of fuel used.
  - (3) The quantity of glass pulled.
- (b) The owner or operator of a glass melting furnace shall maintain records of:
- (1) Source tests and operating parameters established during the initial source test.
  - (2) Maintenance, repairs, malfunctions, idling, start-up and shutdown.
- (c) The records required under this section shall be maintained onsite for 5 years. The records shall be made available or submitted to the Department upon request.

[Pa.B. Doc. No. 08-729. Filed for public inspection April 18, 2008, 9:00 a.m.]

### [ 25 PA. CODE CHS. 121, 129 AND 145 ]

#### Control of NOx Emissions from Cement Kilns

The Environmental Quality Board (Board) proposes to amend Chapters 121, 129 and 145 (relating to definitions; standards for sources; and interstate pollution transport reduction) as set forth in Annex A.

This notice is given under Board order at its meeting of February 19, 2008.

##### A. *Effective Date*

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

This proposed rulemaking will be submitted to the United States Environmental Protection Agency (EPA) as a revision to the Pennsylvania State Implementation Plan upon final-form rulemaking.

##### B. *Contact Persons*

For further information, contact Jane Mahinske, Air Quality Program Specialist, Division of Air Resource Management, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-9495 or Robert Reiley, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060.

Information regarding submitting comments on this proposal appears in Section J of this preamble. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department of Environmental Protection's (Department) web site ([www.depweb.state.pa.us](http://www.depweb.state.pa.us)).

##### C. *Statutory Authority*

This action is being taken under the authority of section 5(a)(1) of the Air Pollution Control Act (35 P. S. § 4005(a)(1)), which grants to the Board the authority to adopt regulations for the prevention, control, reduction and abatement of air pollution.

##### D. *Background and Summary*

When ground-level ozone is present in concentrations in excess of the Federal health-based standards, public health is adversely affected. The EPA has concluded that there is an association between ambient ozone concentrations and increased hospital admissions for respiratory

ailments, such as asthma. Further, although children, the elderly and those with respiratory problems are most at risk, even healthy individuals may experience increased respiratory ailments and other symptoms when they are exposed to ambient ozone while engaged in activity that involves physical exertion. Though these symptoms are often temporary, repeated exposure could result in permanent lung damage. The implementation of additional measures to address ozone air quality nonattainment in this Commonwealth is necessary to protect the public health.

The purpose of this proposed rulemaking is to reduce emissions of nitrogen oxides (NOx) from cement kilns to reduce levels of ground-level ozone. Ground-level ozone is not directly emitted by pollution sources, but is created as a result of the chemical reaction of NOx and volatile organic compounds in the presence of light and heat. The reduction of NOx emissions will also help protect the public health from high levels of fine particulates, of which NOx is a precursor component. Fine particulates, as well as ozone, are health hazards. The reduction of NOx emissions also reduces visibility impairment and acid deposition. This proposed rulemaking is reasonably necessary to achieve and maintain the ozone and PM<sub>2.5</sub> National Ambient Air Quality Standards.

The Commonwealth, along with the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont and Virginia, and the District of Columbia, are members of the Ozone Transport Commission (OTC), which was created under section 184 of the Federal Clean Air Act (42 U.S.C.A. § 7511c), to develop and implement regional solutions to the ground-level ozone problem in the Northeast and Mid-Atlantic regions. To date, states from the OTC, including the Commonwealth, have established a number of regulatory programs to reduce ozone precursor emissions, including programs related to portable fuel containers, architectural and industrial maintenance coatings and consumer products. Consistent with its strategy to achieve equitable ozone precursor emission reductions from all industrial sectors, the Commonwealth, along with other OTC states, has met with representatives of the cement industry to discuss reductions of NOx emissions from their kilns.

In the Commonwealth, there are 21 cement kilns, which in 2005 emitted 12,967 tons of NOx emissions in this Commonwealth. Of these 21 kilns in this Commonwealth, 14 of them are "long" kilns. These are older technology kilns and are less energy efficient than preheater kilns and the newest technology, precalciner kilns. The higher energy efficiency of the preheater and precalciner kilns results in inherently lower NOx emissions than those from long wet and dry kilns, per ton of product.

Control technologies are readily available to achieve NOx emission reductions of greater than 20% from cement kilns. These technologies include: conversion to indirect firing systems with low-NOx burners with approximately 20-30% reduction; mid-kiln firing of whole tires in long kilns with approximately 20-40% reduction; staged combustion in precalciner kilns with approximately 30-45% reduction; selective noncatalytic reduction (SNCR) in precalciner kilns with approximately 30-70% reduction; and selective catalytic reduction (SCR) with approximately 80-90% reduction. SNCR has been used on preheater kilns and has been proposed for long kiln applications. All of these technologies, except SCR, are demonstrated on kilns in the United States.

The proposed NOx emission limits should allow a number of this Commonwealth's cement manufacturers to develop and implement compliance strategies without the need for widespread installation of control equipment on long kilns which will likely be replaced with more energy efficient technologies over time. However, an additional compliance option includes allowing the purchase of Clean Air Interstate Rule (CAIR) NOx Ozone Season Allowances to account for emissions in excess of the proposed limits, as a near term compliance option.

The Department worked with the Air Quality Technical Advisory Committee (AQTAC) in the development of these proposed regulations. At its July 26, 2007, meeting, the AQTAC concurred with the Department's recommendation that the Board consider the adoption of these proposed regulations. However, the AQTAC would like to receive comment on the ability of owners and operators to demonstrate compliance on an intercompany emissions averaging basis. For instance, under the proposal, the owner or operator of a Portland cement kiln or multiple Portland cement kilns shall demonstrate compliance with the emission requirements specified in § 129.402 (relating to emission requirements) on a kiln-by-kiln basis, a facility-wide emissions averaging basis or a system-wide averaging basis among Portland cement kilns under the common control of the same owner or operator in this Commonwealth. The AQTAC recommends that the Board seek comment on whether averaging should be expanded to cement kilns that are not under the common control of the same owner or operator.

The Department also conferred with the Citizens Advisory Council (CAC) concerning the proposed rulemaking on July 17, 2007. The CAC concurred with the Department's recommendation that the Board consider the adoption of these proposed regulations. The CAC, however, raised concerns over allowing system-wide averaging as a means of compliance demonstration and specifically seeks public comment on this issue.

#### E. Summary of Regulatory Revisions

The proposed amendments add the following new definitions and terms to § 121.1 (relating to definitions) used in the substantive provisions under §§ 129.401—129.405 (relating to emissions of NOx from cement manufacturing): "calcine," "clinker," "long dry-process cement kiln," "long wet-process cement kiln," "Portland cement," "Portland cement kiln," "precalciner cement kiln" and "preheater cement kiln." In addition, the proposed amendments revise the following definition and term in § 121.1, "CEMS-Continuous emissions monitoring system."

Proposed § 129.401 (relating to applicability) provides that beginning May 1, 2009, an owner or operator of a Portland cement kiln shall comply with the requirements in this section and §§ 129.402—129.405.

Proposed § 129.402 (relating to emission requirements) requires that the owner or operator of a Portland cement kiln determine allowable emissions of NOx by multiplying the tons of clinker produced by the Portland cement kiln for the period from May 1 through September 30, 2009, and for each year thereafter by: 3.88 pounds of NOx per ton of clinker produced for long wet-process cement kilns; 3.44 pounds of NOx per ton of clinker produced for long dry-process cement kilns; and 2.36 pounds of NOx per ton of clinker produced for preheater cement kilns and for precalciner cement kilns.

Proposed § 129.403 (relating to compliance determination) requires, among other things, that not later than May 1, 2009, the owner or operator of a Portland cement

kiln shall install, operate and maintain continuous emissions monitoring systems (CEMS) for NOx emissions, and report CEMS emissions data to the Department in accordance with the CEMS requirements of Chapter 139, Subchapter C (relating to requirements for source monitoring for stationary sources).

Proposed § 129.404 (relating to compliance demonstration) provides, among other things, that by October 31, 2009, and of each year thereafter, the owner or operator of a Portland cement kiln shall report certain information to the Department, in a format reasonably prescribed by the Department. The owner or operator of a Portland cement kiln or multiple Portland cement kilns shall demonstrate compliance with the emission requirements specified in § 129.402 on a kiln-by-kiln basis, a facility-wide emissions averaging basis or a system-wide averaging basis among Portland cement kilns under the common control of the same owner or operator in this Commonwealth. Additionally, for the period from May 1 through September 30, 2009, and of each year thereafter, the owner or operator of a Portland cement kiln shall surrender to the Department one CAIR NOx Ozone Season allowance for each ton of NOx emissions by which the combined actual emissions exceed the allowable emissions of the Portland cement kiln subject to this section.

Proposed § 129.405 (relating to recordkeeping) provides that the owner or operator of a Portland cement kiln shall maintain an operating log for each Portland cement kiln that includes certain monthly information.

Under Chapter 145, Subchapter C (relating to emissions of NOx from cement manufacturing), it is proposed in § 145.141 (relating to applicability) that beginning May 1, 2009, an owner or operator of a Portland cement kiln would comply with §§ 129.401—129.405.

#### F. Benefits, Costs and Compliance

##### Benefits

Overall, the citizens of this Commonwealth will benefit from these proposed regulations because the regulations will result in improved air quality by reducing ozone precursor emissions and will encourage new technologies and practices, which will reduce emissions.

##### Compliance Costs

The proposed regulations will include emissions averaging and use of CAIR NOx Ozone Season allowances as near term compliance options. This will allow an owner or operator of an affected cement kiln to elect the least-cost compliance alternative, including emissions averaging or the use of CAIR NOx Ozone Season allowances to demonstrate compliance with the NOx emission limits. Based on 2005 ozone season emissions, implementation of the proposed rule is estimated to result in a reduction of 1,300 tons of NOx emissions. Based on a long-term average CAIR NOx Ozone Season allowance price of \$1,000, the cost of 1,300 NOx allowances would be \$1,300,000. The proposed rulemaking includes minor changes to existing administrative requirements. These changes are not expected to have a significant cost.

##### Compliance Assistance Plan

The Department plans to educate and assist the public and regulated community in understanding the newly revised requirements and how to comply with them. This will be accomplished through the Department's ongoing Regional Compliance Assistance Program.

*Paperwork Requirements*

The proposed rulemaking will not significantly increase the paperwork that is already generated during the normal course of business operations.

*G. Pollution Prevention*

The Federal Pollution Prevention Act of 1990 established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials, and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance. This proposed rulemaking will provide the owners and operators of all cement kilns the opportunity to improve the energy efficiency at their operations, which will result in lower NOx emissions.

*H. Sunset Review*

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

*I. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 7, 2008, the Department submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Environmental Resources and Energy Committees (committees). In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department. A copy of this material is available to the public upon request.

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

*J. Public Comments*

*Written Comments*—Interested persons are invited to submit comments, suggestions or objections regarding the proposed regulations to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by June 23, 2008. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by June 23, 2008. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final-form regulations will be considered.

*Electronic Comments*—Comments may be submitted electronically to the Board at RegComments@state.pa.us

and must also be received by the Board by June 23, 2008. A subject heading of the proposal and a return name and address must be included in each transmission.

*K. Public Hearings*

The Board will hold three public hearings for the purpose of accepting comments on this proposal. The hearings will be held as follows:

- May 19, 2008 10 a.m. Department of Environmental Protection  
Rachel Carson State Office Building  
Room 105  
400 Market Street  
Harrisburg, PA 17105
- May 21, 2008 10 a.m. Department of Environmental Protection  
Northeast Regional Office  
Susquehanna Room—A, Second Floor  
2 Public Square  
Wilkes-Barre, PA 18711-1790
- May 23, 2008 10 a.m. Department of Environmental Protection  
Southwest Regional Office  
Waterfront A and B Conference Room  
400 Waterfront Drive  
Pittsburgh, PA 15222

Persons wishing to present testimony at a hearing are requested to contact the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Board at (717) 787-4526 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Chairperson*

**Fiscal Note:** 7-419. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION  
PART I. DEPARTMENT OF ENVIRONMENTAL  
PROTECTION**

**Subpart C. PROTECTION OF NATURAL  
RESOURCES**

**ARTICLE III. AIR RESOURCES**

**CHAPTER 121. GENERAL PROVISIONS**

**§ 121.1. Definitions.**

The definitions in section 3 of the act (35 P. S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*CEMS*—*Continuous emissions monitoring system*—**[ For purposes of Chapter 127, Subchapter E, all of the equipment that may be required to meet the data acquisition and availability requirements of Chapter 127, Subchapter E to sample, condition,**

analyze and provide a record of emissions on a continuous basis. ] All of the equipment required to meet applicable data acquisition and availability requirements in this article (relating to Air Resources) to sample, condition (if applicable), analyze, measure and provide a permanent record of emissions of air contaminants to the outdoor atmosphere, in accordance with the standards set forth by the Department under Chapter 139, Subchapter C (relating to requirements for source monitoring for stationary sources).

\* \* \* \* \*

**Calcine**—To heat a substance to a high temperature, but below its melting or fusing point, to bring about thermal decomposition or a phase transition in its physical or chemical constitution.

\* \* \* \* \*

**Clinker**—The product of a Portland cement kiln from which finished cement is manufactured by milling and grinding.

\* \* \* \* \*

**Long dry-process cement kiln**—A Portland cement kiln that employs no preheating of the feed. The inlet feed to the kiln is dry.

**Long wet-process cement kiln**—A Portland cement kiln that employs no preheating of the feed. The inlet feed to the kiln is a slurry.

\* \* \* \* \*

**Portland cement**—A hydraulic cement produced by pulverizing clinker consisting essentially of hydraulic calcium silicates, usually containing one or more of the forms of calcium sulfate as an interground addition.

**Portland cement kiln**—A system, including solid, gaseous or liquid fuel combustion equipment, used to calcine and fuse raw materials, including limestone and clay, to produce Portland cement clinker.

\* \* \* \* \*

**Preheater cement kiln**—A Portland cement kiln where the feed to the kiln system is preheated in cyclone chambers and a second burner is used to calcine material in a separate vessel attached to the preheater prior to the final fusion in a kiln that forms clinker.

**Preheater cement kiln**—A Portland cement kiln where the feed to the kiln system is preheated in cyclone chambers prior to the final fusion in a kiln that forms clinker.

\* \* \* \* \*

(Editor's Note: Sections 129.401—129.405 are new and are printed in regular type to enhance readability.)

**CHAPTER 129. STANDARDS FOR SOURCES  
EMISSIONS OF NO<sub>x</sub> FROM CEMENT  
MANUFACTURING**

**§ 129.401. Applicability.**

Beginning May 1, 2009, an owner or operator of a Portland cement kiln shall comply with the requirements in this section and §§ 129.402—129.405.

**§ 129.402. Emission requirements.**

(a) During the period from May 1 through September 30, 2009, and for each year thereafter, the owner or

operator of a Portland cement kiln may not operate a Portland cement kiln in a manner that results in NO<sub>x</sub> emissions in excess of the allowable limits established under subsection (b).

(b) The owner or operator of a Portland cement kiln shall determine allowable emissions of NO<sub>x</sub> by multiplying the tons of clinker produced by the Portland cement kiln for the period from May 1 through September 30, 2009, and for each year thereafter by:

- (1) 3.88 pounds of NO<sub>x</sub> per ton of clinker produced for long wet-process cement kilns.
- (2) 3.44 pounds of NO<sub>x</sub> per ton of clinker produced for long dry-process cement kilns.
- (3) 2.36 pounds of NO<sub>x</sub> per ton of clinker produced for:
  - (i) Preheater cement kilns.
  - (ii) Preheater cement kilns.

**§ 129.403. Compliance determination.**

(a) By May 1, 2009, the owner or operator of a Portland cement kiln shall:

- (1) Install, operate and maintain CEMS for NO<sub>x</sub> emissions.
- (2) Report CEMS emissions data, in accordance with the CEMS requirements of Chapter 139, Subchapter C (relating to requirements for source monitoring for stationary sourcesing for stationary sources), to the Department.
- (3) Calculate actual emissions using the CEMS data reported to the Department.

(b) Data invalidated under Chapter 139, Subchapter C, shall be substituted with either of the following:

- (1) Data calculated using the potential emission rate for the kiln.
- (2) If approved by the Department, in writing, the highest valid 1-hour emission value that occurred during the reporting quarter for an invalid data period during that quarter. If no valid data were collected during the reporting quarter, one of the following shall be reported to the Department:
  - (i) The highest valid 1-hour emission value that occurred during the most recent quarter for which valid data were collected.
  - (ii) If approved by the Department, in writing, the highest valid 1-hour emission value that occurred during an alternative reporting period.

(c) The owner or operator of a Portland cement kiln subject to this section shall submit to the Department quarterly reports of CEMS monitoring data in pounds of NO<sub>x</sub> emitted per hour, in a format approved by the Department, in writing, and in compliance with Chapter 139, Subchapter C.

(d) The CEMS for NO<sub>x</sub> installed under the requirements of this section must meet the minimum data availability requirements in Chapter 139, Subchapter C.

**§ 129.404. Compliance demonstration.**

(a) By October 31, 2009, and each year thereafter, the owner or operator of a Portland cement kiln shall report to the Department, in a format approved, in writing, by the Department:

- (1) The difference between the actual NO<sub>x</sub> emissions from the kiln during the interval from May 1 through September 30 and the allowable emissions for that period.

(2) The calculations used to determine the difference in emissions, including the CEMS data and clinker production data used to show compliance with the allowable emission limits in § 129.402 (relating to emission requirements). The clinker production data must consist of the quantity of clinker, in tons, produced per day for each kiln.

(b) The owner or operator of a Portland cement kiln or multiple Portland cement kilns shall demonstrate compliance with the emission requirements in § 129.402 on either:

(1) A kiln-by-kiln basis.

(2) A facility-wide emissions averaging basis.

(3) A system-wide averaging basis among Portland cement kilns under the common control of the same owner or operator in this Commonwealth.

(c) The owner or operator of a Portland cement kiln may demonstrate compliance with the emission requirements of § 129.402 in accordance with the following:

(1) For the period from May 1 through September 30, 2009, and each year thereafter, the owner or operator of a Portland cement kiln shall surrender to the Department one CAIR NOx Ozone Season allowance, as defined in § 145.202 (relating to definitions), for each ton of NOx by which the combined actual emissions exceed the allowable emissions of the Portland cement kilns at a facility subject to this section.

(2) The surrendered CAIR NOx Ozone Season allowances shall be of current year vintage.

(3) For purposes of determining the amount of allowances to surrender, any remaining fraction of a ton equal to or greater than 0.50 ton is deemed to equal 1 ton and any fraction of a ton less than 0.50 ton is deemed to equal zero tons.

(d) If the combined allowable emissions from Portland cement kilns at a facility from May 1 through September 30 exceed the combined actual emissions from Portland cement kilns at the facility subject to this section and §§ 129.401—129.403 and 129.405 (relating to applicability; emission requirements; and compliance determination; and recordkeeping) during the same period, the owner or operator may deduct the difference or a portion of the difference from the amount of actual emissions from Portland cement kilns for that period at the owner or operator's other facilities located in this Commonwealth. The owner or operator of a kiln that commences operation after \_\_\_\_\_ (*Editor's Note: The blank refers to the effective date of adoption of this proposal.*) may average only those emissions that are below the permitted NOx limit for the kiln or below 1.52 pounds of NOx per ton of clinker, whichever is lower.

(e) By November 1, 2009, and each year thereafter, an owner or operator of a Portland cement kiln subject to this section and §§ 129.401—129.403 and 129.405 shall surrender the required CAIR NOx Ozone Season allowances to the Department's designated NATS-NOx allowance tracking system account as defined in § 121.1 (relating to definitions) and shall provide to the Department, in writing, the following:

(1) The serial number of each CAIR NOx Ozone Season allowance surrendered.

(2) The calculations used to determine the quantity of CAIR NOx Ozone Season allowances required to be surrendered.

(f) If an owner or operator of a Portland cement kiln fails to comply with subsection (e), the owner or operator shall by December 31 surrender three CAIR NOx Ozone Season allowances of the current or later year vintage for each CAIR NOx Ozone Season allowance that was required to be surrendered by November 1 of that year.

(g) The surrender of CAIR NOx Ozone Season allowances under subsection (f) does not affect the liability of the owner or operator of the Portland cement kiln for any fine, penalty or assessment, or an obligation to comply with any other remedy for the same violation, under the CAA, or the act.

(1) For purposes of determining the number of days of violation, if a facility has excess emissions for the period May 1 through September 30, each day in that period (153 days) constitutes a day in violation unless the owner or operator of the Portland cement kiln demonstrates that a lesser number of days should be considered.

(2) Each ton of excess emissions is a separate violation.

#### § 129.405. Recordkeeping.

(a) The owner or operator of a Portland cement kiln shall maintain an operating log for each Portland cement kiln. The operating log must include the following on a monthly basis:

(1) The total hours of operation.

(2) The type and quantity of fuel used.

(3) The quantity of clinker produced.

(b) The records maintained by the owner or operator of a Portland cement kiln must include the following:

(1) Source tests and operating parameters established during the initial source test and subsequent testing

(2) The date, time and duration of any start-up, shut-down or malfunction of a Portland cement kiln or emissions monitoring system.

(3) The date and type of maintenance, repairs or replacements performed on the kilns, control devices and emission monitoring systems.

(c) The owner or operator of a Portland cement kiln shall maintain the records required under this section onsite for 5 years. The records shall be made available to the Department upon request.

### CHAPTER 145. INTERSTATE POLLUTION TRANSPORT REDUCTION

#### Subchapter C. EMISSIONS OF NO<sub>x</sub> FROM CEMENT MANUFACTURING

##### § 145.141. Applicability.

Beginning May 1, 2005, **until April 30, 2009**, an owner or operator of a Portland cement kiln shall comply with this subchapter. **Beginning May 1, 2009, an owner or operator of a Portland cement kiln shall comply with §§ 129.401—129.405 (relating to emissions of NOx from cement manufacturing).**

[Pa.B. Doc. No. 08-730. Filed for public inspection April 18, 2008, 9:00 a.m.]



# PENNSYLVANIA PUBLIC UTILITY COMMISSION

[ 52 PA. CODE CHS. 54, 62 AND 76 ]

[ L-00070186 ]

## Universal Service and Energy Conservation Reporting Requirements and Customer Assistance Programs

The Pennsylvania Public Utility Commission extends the time period in which comments may be filed to the previous-captioned proposed rulemaking order to Friday, April 18, 2008. The proposed rulemaking order was published at 38 Pa.B. 776 (February 9, 2008) and provided for a 60 day comment period ending on Wednesday, April 9, 2008.

Be advised that interested persons may now submit written comments, an original and 15 copies, to Secretary,

Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 by the close of business on Friday, April 18, 2008. Parties that have already provided comments at this docket may submit supplemental comments by April 18, 2008. To facilitate posting, filed comments shall be forwarded by means of e-mail to Michael Smith, [michasmitstate.pa.us](mailto:michasmitstate.pa.us), Patricia Krise Burket, [pburket@state.pa.us](mailto:pburket@state.pa.us) and Cyndi Page, [cypage@state.pa.us](mailto:cypage@state.pa.us).

The contact persons for this proposed rulemaking statement are Patricia Krise Burket, Law Bureau, (717) 787-3464 and Michael Smith, Bureau of Consumer Services, (717) 705-0620.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-731. Filed for public inspection April 18, 2008, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending April 8, 2008.

### BANKING INSTITUTIONS

#### Interim Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-8-2008	Embassy Interim Bank Bethlehem Northampton County	Bethlehem	Approved and Effective
<p>Incorporation of an interim bank in conjunction with the reorganization of Embassy Bank for the Lehigh Valley, Bethlehem, into a bank holding company form of business whereby Embassy Bank for the Lehigh Valley will become the wholly-owned subsidiary of Embassy Bancorp, Inc., a new holding company in formation.</p>			

#### Section 112 Applications

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
3-31-2008	Toronto-Dominion Bank, Toronto, and its subsidiaries TD US P & C Holdings ULC, Calgary, Canada, Cardinal Top Co., New York, NY, and Cardinal Intermediate Co., New York, NY, acquired up to 14.6% of Pennsylvania Commerce Bancorp, Inc., Harrisburg, PA, and thereby indirectly acquired an interest in Commerce Bank/Harrisburg, National Association, Harrisburg, PA	Toronto, Canada	Effective

#### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
3-31-2008	F.N.B. Corporation, Hermitage, acquired 100% of Omega Financial Corporation, State College, and thereby indirectly acquired Omega Bank, State College, which was merged with and into First National Bank of Pennsylvania, Greenville, a wholly-owned subsidiary of F.N.B. Corporation	Hermitage	Effective
3-31-2008	Toronto-Dominion Bank, Toronto, Canada, and its subsidiaries TD US P & C Holdings ULC, Calgary, Canada, Cardinal Top Co., New York, NY, and Cardinal Intermediate Co., New York, NY, acquired 100% of Commerce Bancorp, Inc., Cherry Hill, NJ, and thereby indirectly acquired Commerce Bank, National Association, Philadelphia, PA	Toronto, Canada	Effective

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-1-2008	Harleysville Savings Bank Harleysville Montgomery County	41 County Line Road Souderton Bucks County	Filed

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-2-2008	Penn Liberty Bank Wayne Delaware County	1 West Lancaster Avenue Paoli Chester County	Filed
4-2-2008	Penn Liberty Bank Wayne Delaware County	543 North Lewis Road Limerick Montgomery County	Filed
4-7-2008	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	910 Haddonfield-Berlin Road Voorhees Camden County, NJ	Filed
4-7-2008	Fulton Bank Lancaster Lancaster County	2017 North Atherton Street State College Centre County	Opened

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-29-2008	Susquehanna Bank DV Bryn Mawr Montgomery County	500 Shiloh Pike Bridgeton Cumberland County, NJ	Closed
3-31-2008	Reliance Savings Bank Altoona Blair County	3119 Pleasant Valley Boulevard Altoona Blair County	Closed

**Articles of Amendment**

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
4-2-2008	Susquehanna Trust & Investment Company Lititz Lancaster County	Amendment to Second Article of the Articles of Incorporation provides for a change of the principal place of business of the institution <i>From:</i> 26 North Cedar Street, Lititz, PA 17543 <i>To:</i> 1570 Manheim Pike, Lancaster, Lancaster County, PA 17604-3300.	Approved and Effective
4-2-2008	United Bank of Philadelphia Philadelphia Philadelphia County	Amendment to Second Article of the Articles of Incorporation provides for a change of the principal place of business of the institution <i>From:</i> 300 North Third Street, Philadelphia PA 19106 <i>To:</i> 30 South 15th Street, Suite 1200, Philadelphia, PA 19102.	Approved and Effective

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

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

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 08-732. Filed for public inspection April 18, 2008, 9:00 a.m.]

**Maximum Lawful Rate of Interest for Residential Mortgages for the Month of May 2008**

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of May, 2008, is 6 1/2%.

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 the individual owns and which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 3.94 to which was added 2.50 percentage points for a total of 6.44 that by law is rounded off to the nearest quarter at 6 1/2%

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 08-733. Filed for public inspection April 18, 2008, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

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

Under 12 Pa. Code § 149.4(a)(4) (relating to installer training and certification), the Department of Community and Economic Development publishes the list of approved training curriculum for those persons seeking certification as installers of manufactured homes. Persons that have successfully completed the training curriculum listed will be eligible to apply for certification as an installer as defined in section 3 of the Manufacturing Housing Improvement Act (35 P. S. § 1658.3).

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

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

- *Understanding Manufactured Home Installation Instructions*, administered by Department of Community and Economic Development, Housing Standards Division.

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

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

DENNIS YABLONSKY,  
*Secretary*

[Pa.B. Doc. No. 08-734. Filed for public inspection April 18, 2008, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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#### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

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

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

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

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

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

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

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

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

### **I. NPDES Renewal Applications**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PAS802206 (Industrial Stormwater)	Con-Way Freight 110 Parkland Plaza Ann Arbor, MI 48103	Upper Macungie Township Lehigh County	Iron Run 02C	Y
PA0061948 (Minor Sewage)	Lehighon Land Company Otto's Blue Mountain RV and Camping Resort 1500 Rock Street Lehighon, PA 18235	Franklin Township Carbon County	Pohopoco Creek 02B	Y
PA0061719 (Minor Sewage)	Little Washington Wastewater Company 762 West Lancaster Avenue Bryn Mawr, PA 19010-3489	Tobyhanna Township Monroe County	UNT to Beaver Creek 2A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0247081 (Sew)	Hopewell Township—Tatesville 2759 Raystown Road Hopewell, PA 16650	Bedford County Hopewell Township	Pipers Run 11-D	Y
PA0247081 (Sew)	Hopewell Township—Sunnyside 2759 Raystown Road Hopewell, PA 16650	Bedford County Hopewell Township	Raystown Branch— Juniata River 11-D	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0011169 (IW)	Brush Wellman, Inc. P. O. Box 973 Reading, PA 19603	Berks County Perry Township	Schuylkill River 3-B	Y
PA0086428 (Sew)	Mazza Vineyards, Inc. Mount Hope Estate & Winery 2775 Lebanon Road Manheim, PA 17545	Lancaster County Rapho Township	Chickies Creek 7-G	Y
PA0082198 (Sew)	Peters Township Board of Supervisors—Upton Village STP 5000 Steele Avenue P. O. Box 88 Lemasters, PA 17231-0088	Franklin County Peters Township	UNT Conococheague Creek 13-C	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.*

**PA0244392**, IW, SIC 2843, **Stoney Creek Technologies, LLC**, 3300 West 4th Street, Trainer, PA 19061-5112. This proposed facility is located in Trainer Borough, **Delaware County**.

Description of Proposed Activity: The facility discharge stormwater commingled with process water. Normally the wastewater discharge into DELCORA, sewage treatment plant after pretreatment. During heavy rain event over flow from storage tanks will discharge to Stoney Creek.

The receiving stream, Stoney Creek, is in the State Water Plan Watershed 3G and is classified for: WWF. There are no public water supply intake downstream of this discharge.

The proposed effluent limits for Outfall 001 are based on an average flow of 0.350 mgd:

<i>Parameters</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
BOD <sub>5</sub>	30	45	60
TSS	30	45	60
Oil and Grease	15	30	30
pH (Standard Units)	Within limit of 6.0 to 9.0 Standard Units at all times.		
Cadmium, Total	Monitor and Report	Monitor and Report	Monitor and Report
Copper, Total	0.014	0.028	0.035
Lead, Total	0.080	0.160	0.200
Mercury, Total	0.0016	0.0032	0.0040
Silver, Total	0.003	0.006	0.008
Thallium, Total	0.065	0.130	0.165
Zinc, Total	0.120	0.240	0.300
Aluminum, Total	0.750	1.500	1.875
Cobalt, Total	0.095	0.190	0.240
Aerolein	0.005	0.010	0.013
Iron, Total	Monitor and Report	Monitor and Report	Monitor and Report
Cyanide, Total	Monitor and Report	Monitor and Report	Monitor and Report

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

1. Approved Chemical Wage Rate.
2. Approved Test Methods.
3. Update PPC Plan.
4. No PCB Discharge.
5. Monitoring Frequency.

EPA waiver is in effect.

**PA0020290**, Sewage, SIC 4952, **Quakertown Borough**, 35 North Third Street, Quakertown, PA 18951-0727. This proposed facility is located in Richland Township, **Bucks County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge 3.1 mgd of treated sewage into Tohickon Creek.

The receiving stream, Tohickon Creek, is in the State Water Plan Watershed Three Mile—2D and is classified for: TSF. The nearest downstream public water supply intake for PA Water Company is located on the Delaware River and is 29 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 3.1 mgd.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31)	8	12	16
(11-1 to 4-30)	15	23	30
Suspended Solids	30	45	60
Ammonia (as N) (5-1 to 10-31)	2.0		4.0
(11-1 to 4-30)	6.0		12.0
Phosphorus (as P)	0.5		1.0
Total Residual Chlorine	0.035		0.063
Fecal Coliform	200 colonies/100 ml as a Geometric Average		1,000 #/100 ml
Dissolved Oxygen	Minimum of 6.0 mg/l at all times		
pH	Within limits of 6.0 to 9.0 Standard Units at all times.		
Chlorobromomethane	Monitor and Report		
Dichlorobromomethane	Monitor and Report		
Phenols, Total	Monitor and Report		
Whole Effluent Toxicity (TU) (Ceriodaphnia Dubia)	Monitor and Report		
Whole Effluent Toxicity (TU) (Fathead Minnow)	Monitor and Report		

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

1. The EPA waiver is not in effect.
2. Special Test Methods.
3. Implementation of Pretreatment Program Requirements.
4. Effective Disinfection.
5. Stormwater Requirements.

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

**Application No. PA0051900**, Sewage, **Robeson Township Municipal Authority**, 2689 Main Street, Birdsboro, PA 19508. This facility is located in Robeson Township, **Berks County**.

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

The receiving stream, Schuylkill River, is in Watershed 3-C, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Borough of Pottstown Water and Sewer Authority is located on the Schuylkill River, approximately 8 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.30 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N	Monitor and Report		
Total Residual Chlorine	0.5		1.6
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Average		
(10-1 to 4-30)	2,000/100 ml as a Geometric Average		
Total PCBs	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 not in effect.

**Application No. PA0080705**, Sewage, **Fredericksburg Sewer and Water Authority**, P. O. Box 161, Fredericksburg, PA 17026. This facility is located in Bethel Township, **Lebanon County**.

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

The receiving stream, Deep Run, is in Watershed 7-D, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Pennsylvania Water Company is located on the Swatara Creek, approximately 28 miles downstream. The discharge is not expected to affect the water supply.

## NOTICES

The proposed Interim effluent limits for Outfall 001 for a design flow of 0.15 mgd are:

<i>Parameter</i>	<i>Average</i>	<i>Average</i>	<i>Instantaneous</i>
	<i>Monthly (mg/l)</i>	<i>Weekly (mg/l)</i>	<i>Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	1.5		3.0
(11-1 to 4-30)	4.5		9.0
Total Phosphorus	2.0		4.0
Total Residual Chlorine	0.18		0.58
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform		200/100 ml as a Geometric Average	
(5-1 to 9-30)		2,000/100 ml as a Geometric Average	
(10-1 to 4-30)			
Total Nitrogen		Report	
	<i>TMDL Requirements</i>		
	<i>Concentration (mg/l)</i>		<i>Mass (lbs)</i>
	<i>Monthly</i>	<i>Monthly</i>	<i>Annual</i>
	<i>Average</i>		
Total Suspended Solids	XXX	Report	Report
Total Phosphorus	XXX	Report	Report

The proposed Final effluent limits for Outfall 001 for a design flow of 0.15 mgd are:

<i>Parameter</i>	<i>Average</i>	<i>Average</i>	<i>Instantaneous</i>
	<i>Monthly (mg/l)</i>	<i>Weekly (mg/l)</i>	<i>Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	16	20
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	1.5		3.0
(11-1 to 4-30)	4.5		9.0
Total Phosphorus	1.0		
Total Residual Chlorine	<0.1		
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform		200/100 ml as a Geometric Average	
(5-1 to 9-30)		2,000/100 ml as a Geometric Average	
(10-1 to 4-30)			
Total Nitrogen		Report	
	<i>TMDL Requirements</i>		
	<i>Concentration (mg/l)</i>		<i>Mass (lbs)</i>
	<i>Monthly</i>	<i>Monthly</i>	<i>Annual</i>
	<i>Average</i>		
Total Suspended Solids	XXX	Report	13,698
Total Phosphorus	XXX	Report	456

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

The EPA waiver is not in effect.

**Application No. PA0088978**, Sewage, **West Pennsboro Township Municipal Authority**, 2150 Newville Road, Carlisle, PA 17013. This facility is located in West Pennsboro Township, **Cumberland County**.

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

The receiving stream, Conodoguinet Creek, is in Watershed 7-B, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Carlisle Borough is located on the Conodoguinet Creek, approximately 10.1 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.10 mgd are:

<i>Parameter</i>	<i>Average</i>	<i>Average</i>	<i>Instantaneous</i>
	<i>Monthly (mg/l)</i>	<i>Weekly (mg/l)</i>	<i>Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Total Phosphorus	1.0		2.0
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	



<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)			200/100 ml as a Geometric Average 2,000/100 ml as a Geometric Average

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. PA0083879**, Industrial Waste, SIC Code 4953, **WSI-Sandy Run Landfill, Inc.**, 995 Landfill Road, Hopewell, PA 16650. This facility is located in Broad Top Township, **Bedford County**.

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

The receiving stream, Sandy Run, is in Watershed 11-D, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Saxton Municipal Authority located on the Raystown Branch Juniata River, approximately 13.4 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 0.0125 mgd are:

<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>
CBOD <sub>5</sub>			32	135	170
Total Suspended Solids			27	88	110
NH <sub>3</sub> -N			4.9	10	12.5
pH			Range of 6.0 to 9.0 Standard Units		
Phosphorus			2.0	4.0	5.0
α-Terpineol			0.016	0.033	0.041
Benzoic Acid			0.071	0.12	0.15
p-Cresol			0.014	0.025	0.031
Phenol			0.015	0.026	0.032
Zinc			0.11	0.20	0.25

The permit also includes:

- A. Monitoring semiannually for Outfalls S001—S004, S006 and S008 which receives stormwater runoff.
- B. Monitoring quarterly for Outfalls 002 and 003 for various parameters of concern.

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. PA0084514**, Sewage, **Shade Gap Area Joint Municipal Authority**, P. O. Box 185, Shade Gap, PA 17255. This facility is located in Dublin Township, **Huntingdon County**.

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

The receiving stream, Shade Creek, is in Watershed 12-C, and classified for TSF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Newport Borough is located on the Juniata River, greater than 40 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.065 mgd are:

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

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

The EPA waiver is in effect.

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

**PA0229105**, CAFO, SIC 0213 and 0251, **Garreau Farm**, 318 Black Run Road, Lewisburg, PA 17837. This existing facility is located in Buffalo Township, **Union County**.

Description of Proposed Activity: Garreau Farm is an existing finishing hog and broiler chicken farm, totaling 479.5 Animal Equivalent Units.

The water body nearest the finishing hog and broiler chicken farm is Black Run in the Buffalo Creek Watershed (SWP-10C) with a designated use of HQ-CWF.

Except for the chronic or catastrophic rainfall events defined as over 25 year/24 hour rain storms, the CAFO permit is a nondischarge NPDES permit. Where applicable compliance with 40 CFR Federal effluent limitation guidelines is required. The permit requires no other numeric effluent limitations. Compliance with the Pennsylvania Nutrient Management Act and The Clean Streams Law constitutes compliance with state narrative water quality standards.

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

1. Compliance with the Farm's Nutrient Management Plan.
2. Compliance with the Farm's Preparedness, Prevention and Contingency Plan.
3. Compliance with the Farm's Erosion and Sedimentation Control Plan for plowing and tilling.
4. Erosion and Sedimentation Control Plan requirements for stormwater during construction activities.
5. Animal mortality handling and disposing requirements.
6. Certification requirements for manure storage facilities.
7. Requirements for storage of feed and other raw materials.
8. Best Management Practices requirements.

The EPA waiver will not be in effect.

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

**PA0036595**, Sewage, **Basalt Trap Rock, LLC**, 112 Academy Lane, Waynesburg, PA 15370. This application is for renewal of an NPDES permit to discharge treated sewage from Right Way Academy STP in Morgan Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of South Fork Tenmile Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Tri-County Joint Municipal Authority on the Monongahela River.

*Outfall 001*: existing discharge, design flow of 0.062 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine		1.4		3.3
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: The following effluent limitations will apply if/when the treatment plant is expanded to a flow of 0.15 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10	15		20
Suspended Solids	10	15		20
Ammonia Nitrogen				
(5-1 to 10-31)	3.0	4.5		6.0
(11-1 to 4-30)	9.0	13.5		18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0219282**, Sewage, **Oak Grove Church of Christ**, 169 Ashwood Drive, Industry, PA 15052-1929. This application is for renewal of an NPDES permit to discharge treated sewage from Oak Grove Church STP in Ohioville Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of South Branch Brady Run, which are classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Nova Chemicals Beaver Valley Plant.

*Outfall 001*: existing discharge, design flow of 0.0019 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	5.5			11.0
(11-1 to 4-30)	16.5			33.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.2			2.9
Dissolved Oxygen	not less than 4.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

**PA0240150**, Sewage, **Norwich Township**, 3853 West Valley Road, Smethport, PA 16749. This proposed facility is located in Norwich Township, **McKean County**.

Description of Proposed Activity: A new discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the PA American Water Company located on the Allegheny River and is approximately 28 miles below point of discharge.

The receiving stream, Potato Creek, is in Watershed 16-C and classified for: TSF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.06 mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX		
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Total Residual Chlorine	0.5		1.2
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a Geometric Average		
(10-1 to 4-30)	2,000/100 ml as a Geometric Average		
pH	6.0 to 9.0 Standard Units at all times		

XX—Monitor and report on monthly DMRs.

The EPA waiver is in effect.

**PA0240095**, Sewage, **Mahoning Township**, US Route 224, Box 99, Hillsville, PA 16132-0999. This proposed facility is located in Mahoning Township, **Lawrence County**.

Description of Proposed Activity: New discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Beaver Falls Municipal Authority intake on the Beaver River, located at Eastvale, approximately 21 miles below point of discharge.

The receiving stream, the Mahoning River, is in Watershed 20-B and classified for: WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.36 mgd.

Parameters	Loadings		Concentrations		
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow (mgd)	XX	XX			
CBOD <sub>5</sub>	75	120	25	40	50
Total Suspended Solids	90	135	30	45	60
Fecal Coliform (5-1 to 9-30)		200/100 ml as a Geometric Average			
(10-1 to 4-30)		2,000/100 ml as a Geometric Average			
Total Residual Chlorine			0.5		1.6
pH		6.0 to 9.0 Standard Units at all times			

XX—Monitor and report on monthly DMRs.

The EPA waiver is in effect.

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

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

**WQM Permit No. 5408402**, Sewerage, **Omega Homes**, 1150 South Cedar Crest Boulevard, Allentown, PA 18337. This proposed facility is located in West Penn Township, **Schuylkill County**.

Description of Proposed Action/Activity: This project is for the construction of a new 90,000 gpd package extended aeration wastewater treatment facility to serve 280 residential homes in the Villas Crossing community.

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

**WQM Permit No. 1707404-A1**, Sewerage, SIC 4952, **Bradford Township**, 2289 Barrett Road, Suite B, Woodland, PA 16881. This proposed facility is located in Bradford Township, **Clearfield County**.

Description of Proposed Action/Activity: The applicant proposes to amend Water Quality Management permit 1707401 with the addition of a small flow treatment facility (SFTF) at the residence of Shirley Guelich. The SFTF will follow standard design 2A from Water Quality Management permit 1707404. This design meets the requirements of the Department of Environmental Protection's Small Flow Treatment Facilities Manual.

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

**WQM Permit No. 6390201-A4**, Industrial Waste, **PA Transformer Technology, Inc.**, 30 Curry Avenue, Canonsburg, PA 15317-0440. This existing facility is located in Canonsburg Borough/Cecil Township, **Washington County**.

Description of Proposed Action/Activity: Application for permit amendment.

**WQM Permit No. 6570401-A3**, Industrial Waste, **Alcoa Technical Center**, 100 Technical Drive, Alcoa Center, PA. This existing facility is located in Upper Burrell Township, **Westmoreland County**.

Description of Proposed Action/Activity: Application for permit amendment.

**WQM Permit No. 1169401-A4**, Sewerage, **Johnstown Redevelopment Authority**, 4th Floor, Public Safety Building, 401 Washington Street, Johnstown, PA 15901. This existing facility is located in West Taylor Township, **Cambria County**.

Description of Proposed Action/Activity: Application for permit amendment for installation of 32 fixed film modules in pure oxygen reactors with two 10 hp blowers.

**WQM Permit No. 0285431-A1**, Sewerage, **The Municipal Authority of the Township of Robinson**, P. O. Box 15539, Pittsburgh, PA 15244-0539. This existing facility is located in Robinson Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for permit amendment for constructing equalization facilities at Covi Douglas STP.

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

**WQM Permit No. 3708402**, Sewerage, **Mahoning Township**, 4538 West State Street, Hillsville, PA 16132. This proposed facility is located in Mahoning Township, **Lawrence County**.

Description of Proposed Action/Activity: The proposed new sewerage system will service approximately 600 existing residential homes and businesses, and future horse racetrack and casino. The new sewage treatment plant will have a design capacity of 360,000 gpd. The treatment plant is being designed/situated to allow for possible future expansion with additional treatment capacity.

**WQM Permit No. 3708401**, Sewerage, **Mahoning Township**, 4538 West State Street, Hillsville, PA 16132. This proposed facility is located in Mahoning Township, **Lawrence County**.

Description of Proposed Action/Activity: The new treatment plant will serve portions of Mahoning Township and the proposed Valley View Downs and Casino. Flows from the Mahoning Township service areas will be conveyed to a new centralized wastewater treatment plant. The new treatment plant will be constructed just west of Route 224 and southeast of the Mahoning River. The new treatment plant will discharge to the Mahoning River, approximately 3,300 feet upstream of the existing bridge of Route 224.

**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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010908002	Turnpike Commission 700 South Eisenhower Boulevard Middletown, PA 17057-5529	Bucks	Bensalem, Bristol and Middletown Townships	UNTs to Neshaminy, Mill and Black Ditch Creeks and Delaware River WWF, MF
PAI010908003	Bucks County Airport Authority 3879 Old Easton Road Doylestown, PA 18901	Bucks	Milford Township	Unami Creek HQ
PAI010908006	Josh Duke 1929 Route 212 Quakertown, PA 18951	Bucks	Springfield Township	Cooks Creek EV
PAI011508023	West Vincent Associates, LTD 707 Eagleview Boulevard Exton, PA 19341	Chester	West Vincent Township	Black Horse Creek HQ Birch Run EV
PAI011508024	Villa Building Company, Inc. 3720 Ship View Lane Collegeville, PA 19426	Chester	South Coventry Township	Pigeon Creek HQ-TSF
PAI011508025	Oxford Commons, LP 120 West Germantown Pike Plymouth Meeting, PA 19462	Chester	Lower Oxford Township	Leech Run TSF, MF Little Elk Creek HQ-TSF-MF
PAI011508026	Big Elk Associates, LP P. O. Box 374 West Grove, PA 19390	Chester	Penn Township	Big Elk Creek HQ-TSF-MF

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

*Wayne County Conservation District: 648 Park Street, Honesdale, PA 18431, (570) 253-0930.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI0264040021	Duck Harbor Co. R. R. 1 Box 214C Equinunk, PA 18417	Wayne	Lebanon and Damascus Townships	Little Equinunk Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033608004	New Holland Borough Authority 436 East Main Street New Holland, PA 17557	Lancaster	Salisbury Township	UNT to Pequea Creek HQ-CWF
PAI032108008	Roadway Express, Inc. Frank Hammer 1077 Gorge Boulevard Akron, OH 44310	Cumberland	Middlesex Township	UNT to LeTort Spring Run CWF

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

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041408006	Irvin Weaver, Jr. Weaver's Store 1352 Hilltop Road Narvon, PA 17555	Centre	Penn Township	Elk Creek EV

## 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

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

**PAG124832**, CAFO, SIC 0259, **Curvin Martin**, HCR 68, Box 74, Dalmatia, PA 17017. This existing facility is located in Lower Mahanoy Township, **Northumberland County**.

Description of Size and Scope of Proposed Operation/Activity: The applicant proposes the issuance of a CAFO General Permit for his duck farm, a newly regulated facility according to the revised CAFO regulations. The facility is comprised of two barns with an external manure storage impoundment. Total manure storage is 890,586 gallons. Animals onsite include 37,224 ducks, for a total of 62 animal equivalent units.

The receiving stream, a UNT to Mahantango Creek, is in Watershed 6C (Mahantango Creek) and is classified for WWF.

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. 3508501, Public Water Supply.

Applicant	<b>Kay's Italian Restaurant</b> Covington Township <b>Lackawanna County</b>
Responsible Official	Walter Woehrle, Owner Route 435 Daleville, PA 18444 (570) 842-6226
Type of Facility	Public Water Supply
Consulting Engineer	James P. Palumbo, P. E. Quad Three Group 72 Glenmaura National Boulevard Moosic, PA 18507 (570) 342-5200
Application Received Date	March 21, 2008
Description of Action	Application for installation of granular activated carbon units for removal of MTBE and ultraviolet units for disinfection.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 1

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

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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.*

**Metroplex Center**, Plymouth Township, **Montgomery County**. Bill Schmidt, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104 on behalf of Tony Ziccardi Brandywine Realty Trust, 555 East Lancaster Avenue, Philadelphia, PA 19087 has submitted a revised Notice of Intent to Remediate. Soil at the site has been impacted by release of inorganics. The future use of the site will remain the same. A summary of the Notice of Intent to Remediate was reported to have been published in *The Times Herald* on January 23, 2008.

**500 North Broad Street**, City of Philadelphia, **Philadelphia County**. Joseph Diamadi, Jr., Marshall Geoscience, Inc., 170 East First Avenue, Collegeville, PA 19426 on behalf of Joseph P. Bogansky, Amerimar Networks Management Co., Inc., 1500 Spring Garden, Suite 105, Philadelphia, PA 19130 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of unleaded gasoline and lead. The future use of the site will remain a parking lot.

**Warrington Shopping Center**, Warrington Township, **Bucks County**. Thomas Jones, Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Joan D'Agostino, Juniper Warrington Associates, 624 Harpers Lane, Huntingdon Valley, PA 19006 has submitted a Notice of Intent to Remediate. Groundwater and soil had been impacted by release of chlorinated solvents. The proposed future use of the site will remain as a retail shopping center.

**Tompson Residence**, Borough of Bristol, **Bucks County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Carla and Anthony Tompson, 232 Franklin Street, Bristol, PA 19007 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of No. 2 fuel oil. The intended future use of the site is residential.

**Imperial Plaza Shopping**, City of Philadelphia, **Philadelphia County**. John W. Fowler, GZA GeoEnvironmental Inc., 501 Office Center Drive, Suite 220, Fort Washington, PA 19034 on behalf of John Liang, Imperial Aramingo, LLP, c/o Lerner-Heidenberg Properties, 234 Closter Dock Road, Closter, NJ 07624 has submitted a revised Notice of Intent to Remediate. Groundwater at the site has been impacted by release of diesel fuel. At this time the owners do not intend to alter the current use of property.

**Slanga Residence**, City of Philadelphia, **Philadelphia County**. Staci Cottone, J & J Spill Service and Supplies, Inc., P. O. Box 370, Blue Bell, PA 19422 on behalf of Caroline Slanga, 172 Shurs Lane, Philadelphia, PA 19127 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of No. 2 fuel oil. The future use of the site will remain the same.

**1400 Mill Creek Road Property**, Lower Merion Township, **Montgomery County**. Jeffery Walsh, Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Ethan Quirin, Millcreek Road Associates, LP, 2701 Renaissance Boulevard, Fourth Floor, King of Prussia, PA 19406 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of inorganics and unleads gasoline. The proposed future use of the property is residential and nonresidential.

**Mench Residence**, Concord Township, **Delaware County**. Robert Mench, 1120 Clayton-Greenspring Road, Smyrai, DE 19777 on has submitted a revised Notice of Intent to Remediate. Soil at the site has been impacted

with release of unleaded gasoline and lead. The future use of the site is planned widening of US Route 202 from 4 to 6 lanes.

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

**The Pennsylvania State University, University Park Campus, Eastview Terrace Housing Complex, State College Borough, Centre County,** Meiser & Earl, Inc., 1512 West College Avenue, State College, PA 16801 on behalf of The Pennsylvania State University, Room 101P, Office of Physical Plant, University Park, PA 16802 has submitted a Notice of Intent to Remediate groundwater contaminated with No. 2 fuel oil. The applicant proposes to remediate the site to meet the Statewide Health Standard. The property will continue to be used for student housing.

**Former GTE Products Facility,** Muncy Township, **Lycoming County,** Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004 on behalf of GTE Operations Support Inc., 1 Verizon Way (VC34W453), Basking Ridge, NJ 07920 has submitted a Notice of Intent to Remediate groundwater contaminated with VOCs. The applicant proposes to remediate the site to meet the Site-Specific Standard. The property is used as a nonresidential warehouse. A summary of the Notice of Intent to Remediate was reported to have been published in the Williamsport, *Sun-Gazette* on March 13, 2008.

**Morgan Advanced Materials and Testing, Inc.—Pure Carbon Facility,** Eulalia Township, **Potter County,** ATC Associates, Inc., 103 North Meadows Drive, Suite 215, Wexford, PA on behalf of Advanced Materials and Testing, Inc., 411 Hall Avenue, St. Mary's, PA 15857 has submitted a Notice of Intent to Remediate groundwater contaminated with dissolved-phased antimony. The applicant proposes to remediate the site to meet the Statewide Health Standard. The site will remain an industrial property.

#### INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

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

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

#### *Renewal Applications Received*

**The Cardinal Group, Inc.,** 828 North Hanover Street, Pottstown, PA 19464-4253. License No. PA-HC 0213. Received on January 31, 2008.

**Orchard Hill Memorial Park, Inc.,** 187 Route 94, Lafayette, NJ 07848. License No. PA-HC 0163. Received on February 7, 2008.

**Coast Medical Supply, Inc.,** 200 Turnillo Way, Suite 110, Tinton Falls, NJ 07712. License No. PA-HC 0214. Received on February 27, 2008.

**Healthcare Waste Solution of Pa, LLC,** d/b/a Genesis Environmental, Industrial Manor II, 380 Locust Street, Mckeesport, PA 15132. License No. PA-HC 0217. Received on February 25, 2008.

**Marcor Remediation, Inc.,** 246 Cockeysville Road, Suite 1, Hunt Valley, MD 21030. License No. PA-HC 0218. Received on March 19, 2008.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

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

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

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

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



**21-05064D: Atlas Roofing Corp.** (817 Spangler Road, Camp Hill, PA 17011) to use an alternate chemical formulation in their foam manufacturing process at their site in Camp Hill Borough, **Cumberland County**.

**36-05119C: Signature Custom Cabinetry, Inc.** (434 Springville Road, Ephrata, PA 17522) for construction of a paint booth for coating wood furniture parts, in Ephrata Township, **Lancaster County**.

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

**14-318-002: Valley Enterprise Container, LLC** (111 Eagleville Road, Blanchard, PA 16826) for construction of a waste disposal container surface coating operation in Liberty Township, **Centre County**.

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

**30-00077B: Texas Eastern Transmission, LP** (P. O. Box, 1642, Houston, TX 77251-1642) for installation of a turbine and removal of four internal combustion engines at their Holbrook Compressor Station in Richhill Township, **Greene County**.

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

**16-094B: IA Construction—Clarion Plant** (19000 Paint Boulevard, Route 66, Shippensburg, PA 16254) for modification of a plan approval to burn alternative fuels including No. 2, Nos. 4—6, reprocessed/recycled fuel oil, bio-diesel fuel, methane/landfill gas, natural gas, liquid propane or any blend of No. 2, Nos. 4—6, reprocessed/recycled fuel oil and bio-diesel fuel at the Clarion plant in Paint Township, **Clarion 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, Sachin Shankar, New Source Review Chief, (484) 250-5920.*

**46-0029D: Glasgow, Inc.—Springhouse Asphalt Plant/Quarry** (Route 309 and Hartman Road, Montgomery, PA 18936) for replacement of a secondary crusher and screen as well as consolidation and modification of a crushing plant upgrade approved under previously issued Plan Approvals 46-0029B and 46-0029C in Montgomery Township, **Montgomery County**. Fugitive dust emissions will be controlled by a newly designed wet (water spray) dust suppression system. The plant upgrade under this Plan Approval will improve operating efficiency by using about half the pieces of equipment than the previous production line. The facility shall be subject to the New Source Performance Standard for Nonmetallic Mineral Processing Plants (Subpart OOO). There shall be no fugitive emissions associated with this operation. The Plan Approval requires the monitoring of water pressure and flow rate on the wet dust suppression system. The company shall comply with good air pollution control practices, monitoring and recordkeeping procedures designed to keep the facility operating within all applicable air quality requirements.

**09-0122C: Arkema, Inc.** (100 PA Route 413, Bristol, PA 19007) for installation of a new compounding line in Bristol Township, **Bucks County**. This facility is a Title V facility. This installation will result in VOC emissions increase of 1.6 tpy and PM emissions of 2.35 tpy. The Plan Approvals 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.*

**06-05063D: Boyertown Foundry Co.** (P. O. Box 443, New Berlinville, PA 19545-0443) for modification of the core making operation at their foundry in Boyertown Borough/Colebrookdale Township, **Berks County**. The modification will raise the maximum allowable amounts of resin and catalyst used in the manufacturing process. The modification will result in a maximum increase in the emissions of VOCs by 2.4 tpy. The operation will continue to be controlled by fabric collectors and a wet scrubber. The plan approval will include restrictions, work practices, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**06-05115A: Granger Energy of Morgantown, LLC** (16980 Wood Road, Lansing, MI 48906) for construction of a landfill gas treatment plant in Caernarvon Township, **Berks County**. The plant will treat gas from the Conestoga Municipal Solid Waste Landfill in New Morgan Borough, Berks County. The treated gas will be shipped by means of pipeline to various facilities in Lancaster County. The treatment plant will be subject to 40 CFR Part 60, Subpart WWW, Standards of Performance for New Stationary Sources and 40 CFR Part 63, Subpart AAAA, National Emission Standards for HAPs. The plan approval will include monitoring, recordkeeping, work practices and reporting requirements designed to keep the source operating within all applicable air quality requirements.

**36-05008E: Tyson Foods, Inc.** (403 South Custer Avenue, New Holland, PA 17557) for authorization to use treated landfill gas in the facility's boilers and thermal fluid heaters in New Holland Borough, **Lancaster County**. Changes in facility emissions through this action are expected to be of minor significance. The plan approval will include testing, monitoring, work practices, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

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

**43-036A: Hodge Foundry, Inc.** (42 Leech Road, Greenville, PA 16125-0550) to increase the usage of resin and catalyst in the production of cores and molds, in Hempfield Township, **Mercer County** as described in the applicant's application of October 23, 2007.

Under 25 Pa. Code §§ 127.44(a) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a Plan Approval for their plant in Hempfield Township, Mercer County. This plan approval will authorize the applicant to increase the usage of resin and catalyst in the production of cores and molds, as described in the applicant's application of October 23, 2007. The Plan Approval will subsequently be incorpo-

rated into the company's facility Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

The plan approval application is to allow an increase in the usage of resin and catalyst in the production of cores and molds. Based on the information provided by the applicant and Department's own analysis, the increase in the usage of resin and catalyst will not increase the amount of VOCs emitted to the atmosphere.

Copies of the application, the Department's analysis, and other documents used in the evaluation are available for public inspection between 8 a.m. and 4 p.m. weekdays at the address shown. To make an appointment, contact Records Management at (814) 332-6340.

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

1. Name, address and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval No. 43-036A.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

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

#### OPERATING PERMITS

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

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

**21-05029: Sunoco Partners Marketing & Terminal, LP—Mechanicsburg Terminal** (525 Fritztown Road, Sinking Springs, PA 19608) for a renewal of a Title V Operating Permit in Hampden Township, **Cumberland County** issued in April, 2003.

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

**V05-012: Grays Ferry Cogeneration Partnership** (2600 Christian Street, Philadelphia, PA 19146) for operation of a steam and electric generating facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include a 1,119 mmBtu/hr natural gas or No. 2 fuel oil-fired auxiliary boiler and a 1,515 mmBtu/hr natural gas or No. 2 fuel oil-fired combustion turbine with

or without a 366 mmBtu/hr natural gas or No. 2 fuel oil-fired Heat Recovery Steam Generator with Selective Catalytic Reduction System.

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

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

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

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.*

**46-00195: F. J. Janoski Petroleum Co., Inc.** (2944 Felton Road, East Norriton, PA 19401) for a State-only, Natural Minor Operating Permit Renewal in East Norriton Township, **Montgomery County**. The facility operates five underground storage tanks storing gasoline, diesel fuel and No. 2 fuel oil. The facility does not have the potential to exceed any Title V thresholds. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

**46-00236: Highway Materials, Inc.** (1126 Crusher Road, Perkiomenville, PA 18074) for a State-only, Synthetic Minor Operating Permit in Marlborough Township, **Montgomery County**. Highway Materials operates a batch asphalt plant. Control devices include a knockout box and baghouse dust collector. The facility has the potential to emit greater than 25 tpy of VOCs and has elected to take appropriate operating and emission restrictions to maintain a minor operating status. The permit will include monitoring, recordkeeping and reporting requirements designed to address all applicable air quality requirements.

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

**52-00009: F. S. Lopke Contracting, Inc.** (3430 SR 434, Apalachin, NY 13732) for operation of a portable stone crushing Facility State-only Synthetic Minor Operating Permit in Friendsville Borough, **Susquehanna County**.

**40-00042: SPCA of Luzerne County, Inc.** (524 East Main Street, Wilkes-Barre, PA 18702) for operation of an animal crematory in Plains Township, **Luzerne County**. The State-only operating permit will include emissions, 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.

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

**21-03023: Ames True Temper, Inc.** (465 Railroad Avenue, Shiremanstown, PA 17011) for operation of the lawn and garden tools manufacturing facility in Hampden Township, **Cumberland County**. The facility emits less than 8 tpy of VOC. This is a renewal of the State-only operating permit issued in 2003.

**21-05027: Gulf Oil Limited Partnership—Mechanicsburg Terminal** (275 Washington Street, Suite 300, Newton, MA 02458-1646) for a renewal of the State-only operating permit issued in May 2003 in Hampden Township, **Cumberland County**.

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

**25-00890: Donald C. Burton Funeral Home** (602 West 10th Street, Erie, PA 16502) for re-issuance of a Natural Minor Operating Permit for operation of their facility's air contamination source consisting of a human crematory in the City of Erie, **Erie County**.

**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 particu-

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

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

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

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

**56020103 and NPDES No. PA0249238. AMFIRE Mining Company, LLC**, One Energy Place, Latrobe, PA 15650, permit renewal for reclamation only of a bituminous surface mine in Jenner Township, **Somerset County**, affecting 172.7 acres. Receiving streams: UNTs to/and Beam Run classified for the following use: CWF.

There are no potable water supply intakes within 10 miles downstream. Application received January 28, 2008.

**56080102 and NPDES No. PA0262609. Sherpa Mining Contractors, Inc.**, 337 Benny Road, Hooversville, PA 15936 commencement, operation and restoration of a bituminous surface mine in Shade Township, **Somerset County**, affecting 373.2 acres. Receiving streams: Dark Shade Creek; Shade Creek UNTs to Hinson Run, Hinson Run, UNTs to Miller Run and Miller Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 19, 2008.

**56880103 and NPDES No. PA0598143. Future Industries, Inc.**, P. O. Box 157, Meyersdale, PA 15552, permit renewal for the continued operation and restoration of a bituminous surface mine in Summit Township, **Somerset County**, affecting 110.2 acres. Receiving streams: UNTs to/and Casselman River, UNTs to/and Lick Run, UNTs to Bigby Creek and UNTs to Cranberry Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 27, 2008.

**56010107 and NPDES No. PA0249114. Marquise Mining Corporation**, 3889 Menoher Boulevard, Johnstown, PA 15904, permit renewal for reclamation only of a bituminous surface mine in Shade Township, **Somerset County**, affecting 74.3 acres. Receiving stream: Fallentimber Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 28, 2008.

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

**30010103 and NPDES Permit No. PA025015. SBX Corp.** (668 Lower Hilderbrand Road, Morgantown, WV 26501). Renewal application for reclamation only of a bituminous surface mine, located in Greene Township, **Greene County**, affecting 36.3 acres. Receiving stream: Whitely Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. The potable water supply intake within 10 miles downstream from

the point of discharge: Masontown Borough Waterworks. Renewal application received March 31, 2008.

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

**10020104 and NPDES Permit No. PA0242217. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Renewal of an existing bituminous strip, auger and clay and shale removal operation in Clay and Cherry Townships, **Butler County** affecting 483.0 acres. Receiving streams: Findlay Run and UNTs to South Branch Slippery Rock Creek, classified for the following: CFW. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received April 2, 2008.

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

**40-305-005GP12. Mineral Reclamation, LLC** (30 Market Street, Pittston, PA 18640), application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on existing Surface Mining Permit No. 40070201 in Hanover Township, **Luzerne County**. Application received March 31, 2008.

*Coal Applications Returned*

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

**26000102 and NPDES Permit No. PA0202860. Stash Mining Co.** (P. O. Box 20, Waltersburg, PA 15488) Application returned for a bituminous surface mine, located in South Union Township, **Fayette County**, affecting 130.5 acres. Receiving streams: UNTs to Jennings Run. Application received October 31, 2000. Application returned April 4, 2008.

*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	

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

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

**17802-37940302-E-2. Three Rivers Aggregates** (P. O. Box 6090, Falmouth, VA 22403) Application for a stream encroachment to mine within 100 feet of UNT No. 1 to Slippery Rock Creek in Plain Grove and Scott Townships,

**Lawrence County**. Receiving streams: UNT to Slippery Rock Creek and UNT to Taylor Run, classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received April 2, 2008.

**37940302. Three Rivers Aggregates** (P. O. Box 6090, Falmouth, VA 22403) Revision to an existing sand and gravel operation to add 3.5 acres in Plain Grove and Scott Townships, **Lawrence County**. New SMP acreage is 137.5 acres. Receiving streams: UNT to Slippery Rock Creek and UNT to Taylor Run, classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received April 2, 2008.

**168860310. Glen-Gery Corporation** (1166 Spring Street, P. O. Box 7001, Wyomissing, PA 19610) Renewal of NPDES Permit No. PA0107395, Limestone Township, **Clarion County**. Receiving streams: UNT to Piney Creek and Piney Creek and UNT to Little Piney Creek and Little Piney Creek, classified for the following use: Statewide water use: CWF: There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received April 3, 2008.

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

**64940802. Duane E. Skinner**, (78 Skinner Road, Honesdale, PA 18431), Stage I and II bond release of a quarry operation in Berlin Township, **Wayne County** affecting 1.0 acre on property owned by Camp Moshava. Application received March 26, 2008.

**58010301T2 and NPDES Permit No. PA0224171. Powers Stone, Inc.**, (R. R. 5, Box 124, Montrose, PA 18801), transfer of an existing quarry operation and renewal of NPDES Permit for discharge of treated mine drainage in Bridgewater Township, **Susquehanna County** affecting 41.96 acres, receiving stream: UNT to South Branch Creek, classified for the following uses: TSF and MF. Application received March 27, 2008.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E46-1023. Township of Lower Merion**, 75 East Lancaster Avenue, Ardmore, PA 19003-2376, Lower Merion Township, **Montgomery County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with the proposed Flat Rock Park improvements within and along the Schuylkill River (TSF):

- 1.) To modify, construct and maintain a 25-foot wide by 50-foot concrete boat launch ramp with a fixed 6-foot wide by 40-foot long dock adjacent to the ramp.
- 2.) To modify, construct and maintain an 8-foot wide by 40-foot long floating dock connected to a 10-foot wide by 50-foot long boardwalk with handrails.
- 3.) To expand an existing parking lot and associated amenities.

The site is located along River Road (Norristown, PA Quadrangle N: 3.75 inches; W: 0.3 inch) in Lower Merion Township, Montgomery County.

**E09-928. Sal Lapio Homes**, 104 Mill Road, Sellersville, PA 18960, Nockamixon Township, **Bucks County**, ACOE Philadelphia District.

To construct and maintain a 1.5-inch septic system pipe in a 4-inch carrier under a UNT to Rapp Creek (EV) on lot No. 8. The work will be performed by directional drill method.

The site is located approximately 1,600 feet southeast of the intersection of Easton (SR 0611) and Tabor Roads (Bedminster, PA USGS Quadrangle N: 20.40 inches; W: 6.3 inches).

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**E52-210. Tanglewood Lakes Community Association**, Karen White, 102 Tanglewood Drive, Greentown, PA 18426, in Palmyra Township, **Pike County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain three groups of stone steps (2 feet by 4 feet by 8 inches high) for added stability on path to boat docks in Lake Wallenpaupack. The project site is located approximately 0.13 mile north of the intersection of SR 507 and Yacht Club Road in Palmyra Township, Pike County (Hawley, PA Quadrangle N: 1.2 inches; W: 16.9 inches).

**E35-416. Department of Transportation**, Engineering District 4-0, 55 Keystone Industrial Park, Dunmore, PA 18512, in Abington Township, **Lackawanna County**, United States Army Corps of Engineers, Baltimore District.

To remove the existing structure and to construct and maintain a single-span steel girder bridge skewed 75° to the stream with a normal span of 60-feet and an underclearance of 5-feet across Leggetts Creek (TSF). The

project is located at SR 1027 (Layton Road) Segment 0010, Offset 0045 just east of the intersection of SR 6/SR 11 and SR 1027 (Scranton, PA Quadrangle N: 17.8 inches; W: 7.6 inches).

**E35-415. Alliance Sanitary Landfill, Inc.**, 398 South Keyser Avenue, Taylor, PA, in Taylor Borough and Ransom Township, **Lackawanna County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain channel changes to approximately 2,500 feet of Saw Mill Creek (CWF), adding 11 plunge pools and modifying 11 existing plunge pools to reduce scour velocities and reinforced channel armoring. The project is located to the northeast of the intersection of Keyser Avenue and Route 476 (Scranton, PA Quadrangle N: 3.75 inches; W: 15.48 inches).

**E58-277. Frank Holtmaster**, R. R. 1, Box 91H, Thompson, PA, in Lenox Township, **Susquehanna County**, United States Army Corps of Engineers, Baltimore District.

To maintain a 216-foot long, 24-inch diameter pipe stream enclosure and to construct and maintain a 133-foot long, 12-inch diameter pipe stream enclosure of a tributary to Tunkhannock Creek (CWF). The project is located 0.36 mile north and 0.07 mile east of the intersection of SR 92 and Interstate 81 in Lenox Township, Susquehanna County (Lenoxville, PA Quadrangle N: 17.1 inches; W: 5.5 inches).

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

**E67-842: Stone Ridge Development**, 330 Dubs Church Road, Hanover, PA 17331, Brookside Heights, Penn Township, **York County**, ACOE Baltimore District.

To install and maintain a 65.0-foot long three-celled box culvert (2 cells 12.0 feet by 3.5 feet and one cell 10.0 feet by 5.0 feet) with associated utilities over a UNT to Oil Creek (WWF) (Hanover, PA Quadrangle N: 8.35 inches; W: 12.45 inches, Latitude: 39° 47' 46.75"; Longitude: 76° 57' 51.66") for the purpose of constructing a 193 unit development called Brookside Heights. The project is located along Brookside Avenue just south of SR 116 in Penn Township, **York County**.

**E22-535: Susquehanna Township Authority**, Attn: Pamela Winters, 1900 Linglestown Road, Harrisburg, PA 17110, Susquehanna Township, **Dauphin County**, ACOE Baltimore District.

To construct and maintain approximately 2,739.0 lineal feet of 15.0-inch sanitary sewer pipe in the floodway of a UNT to Paxton Creek (WWF) (Harrisburg East, PA Quadrangle N: 14.0 inches; W: 15.0 inches, Latitude 40° 19' 32"; Longitude: 76° 51' 17"). The 15.0-inch sanitary sewer interceptor will also cross the UNT and wetlands associated with the UNT to Paxton Creek (WWF) (Harrisburg East, PA Quadrangle N: 14.0 inches; W: 15.0 inches, Latitude 40° 19' 32"; Longitude: 76° 51' 17"). The sanitary sewer line will impact 0.024 acre of PEM wetland. The project is located east of North Progress Avenue, approximately 1,400.0 feet south of its intersection with Linglestown Road in Susquehanna Township, Dauphin County.

**E67-848: Department of Transportation, Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103-1699, Dover and Washington Townships, **York County**, ACOE Baltimore District.

To: (1) construct and maintain four box culverts, each 26.0 feet long by 20.0 feet wide by 9.5 feet high within

Conewago Creek (WWF) at a point approximately 150.0 feet upstream from the SR 4051 bridge to provide access to an island (WWF) (Abbottstown, PA Quadrangle N: 16.22 inches; W: 11.32 inches, Latitude 39° 57' 52"; Longitude: 76° 57' 22"); (2) construct and maintain a temporary causeway across Conewago Creek for construction of the proposed bridge and access to the campground on the island; and (3) place approximately 1,144.0 cubic yards of fill within the floodway and approximately 3,002.0 cubic yards of fill within the floodplain of Conewago Creek. The purpose of this project to provide access to the island after the SR 4051, Section 001 Bridge is replaced in Dover and Washington Townships, York County. The project will result in approximately 150.0 linear feet of temporary perennial stream impacts and 58.0 linear feet of permanent perennial stream impacts.

**E67-847: Department of Transportation, Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103-1699, Dover and Washington Townships, **York County**, ACOE Baltimore District.

To: (1) raze a single span wrought iron thru truss bridge having a span of 87.5 feet, a width of 14.0 feet, and an underclearance of 11.0 feet located along the southern side of the island carrying SR 4051 over Conewago Creek (WWF) (Abbottstown, PA Quadrangle N: 16.21 inches; W: 11.30 inches, Latitude 39° 57' 51"; Longitude: 76° 5' 20"); (2) raze a single span wrought iron thru truss bridge having a span of 106.0 feet, a width of 14.0 feet, and an underclearance of 8.0 feet located along the northern side of the island carrying SR 4051 over Conewago Creek (WWF) (Abbottstown, PA Quadrangle N: 16.38 inches; W: 11.22 inches, Latitude 39° 57' 53"; Longitude: 76° 57' 18"); (3) construct and maintain a four span continuous composite prestressed concrete I-beam bridge with a total span of 427.1 feet, a width of 30.0 feet, and an underclearance of 19.8 feet to be located approximately 25.0 feet upstream of the existing bridges; (4) construct and maintain a temporary causeway across Conewago Creek for the construction of the proposed bridge and temporary access to the campground on the island; (5) place approximately 361.0 cubic yards of fill within the floodway and approximately 4,933.0 cubic yards of fill within the floodplain of Conewago Creek; (6) construct and maintain a stormwater swale discharging to Conewago Creek (Abbottstown, PA Quadrangle N: 16.41 inches; W: 11.25 inches, Latitude 39° 57' 54"; Longitude: 76° 57' 18"); and (7) construct and maintain a stormwater collection system discharging to Conewago Creek (Abbottstown, PA Quadrangle N: 16.11 inches; W: 11.38 inches, Latitude 39° 57' 50"; Longitude: 76° 57' 21"). The purpose of this project is to replace the two bridges with a single bridge spanning Conewago Creek along SR 4051, Section 001 in Dover and Washington Townships, York County. The project will result in 335.0 linear feet of temporary perennial stream impacts and 150.0 linear feet of permanent perennial stream impacts. The project will utilize a causeway and temporary cofferdams.

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

**E65-923. Great Oak Energy, Inc.**, 637 Allegheny Avenue, P. O. Box 445, Oakmont, PA 15136-0445. To place and maintain two pipeline crossings in Salem and Washington Townships, **Westmoreland County**, Pittsburgh ACOE District (Slickville, PA Quadrangle N: 14.5 inches; W: 10.4 inches, Latitude: 40° 27' 24.6"; Longitude: 79° 34' 26.8"). The applicant proposes to place and maintain two

pipeline crossings under the southwestern arm of the Beaver Run Reservoir (HQ-CFW). The crossings will be done by the directional boring method. The project is located approximately 0.6 mile west of SR 66.

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

**E25-721, Universal Well Services, Inc.**, 16540 Route 8, Union City, PA 16438-9108. Eastern Reservoir Services Development, in Union Township, **Erie County**, ACOE Pittsburgh District (Union City, PA Quadrangle N: 41° 53' 09"; W: 79° 50' 45").

The applicant proposes to construct and maintain an expansion of an existing facility including a 7,600 square foot building, associated parking and staging areas, utilities and stormwater management facilities approximately 1,000 feet SE of the intersection of SR 6 and SR 8 involving to fill 0.24 acre of PEM wetlands and to construct 0.24 acre of PSS wetland on site. The applicant proposes to directly impact 0.24 acre of PEM wetland onsite.

**WATER QUALITY CERTIFICATIONS REQUESTS**

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

**Requests for Certification under Section 401 of the Federal Water Pollution Control Act**

The following requests have been made to the Department of Environmental Protection (Department) for certification under § 401 (a) of the 1972 amendments to the Federal Water Pollution Control Act (33 U.S.C. § 1341(a)), that there is reasonable assurance that the construction herein described will not violate applicable Federal and State water quality standards.

Prior to final approval of the proposed certification, consideration will be given to any comments, suggestions and objections, which are submitted in writing 30 days from the date of this notice. Comments should be submitted to the Department at the address indicated previously each of the following requests for certification. 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 and suggestions in sufficient detail to inform the Department of the exact basis of the proposal and the

relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given comments if deemed necessary to resolve conflicts. Each individual will be notified in writing of the time and place of any scheduled hearing or conference concerning the certification request to which the protest relates. Maps, drawings and other data pertinent to the certification request are available for inspection and review at the address indicated above each request for certification between 8 a.m. and 4 p.m on each working day.

*Southeast Regional Office: Regional Water Management Program Manager, 2 East Main Street, Norristown, PA 19401, (484) 250-5970.*

*Certification Request Initiated By:* Department of the Army, Philadelphia District, United States Army Corps of Engineers, Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3390.

*Project Description/Location:* This project involves the discharge of supernatant from the Money Island confined disposal facility to the Delaware River. Maintenance dredging is proposed at the Fairless Turning basin located at the Port of Bucks County in Falls Township due to deposits and shoaling occurring since mid 2006. Approximately 100,000 cubic yards of sediment will be removed and placed in the Money Island dredge disposal area located in Falls Township, Bucks County. Sediments will settle out in the basin and the supernatant will be returned to the Delaware Estuary.

**DAM SAFETY**

*Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.*

**D56-103EA. Indian Lake Borough**, 1301 Causeway Drive, Central City, PA 15926-7621. Project proposes to modify Indian Lake Dam to address existing structural inadequacies impacting approximately 0.08 acre of wetland (PEM) and 0.20 acre of open water. The modifications will include placing additional buttressing fill along the downstream face of the dam and constructing a toe drain system. The dam is located across Calendars Run (CWF) approximately 1,300 feet north of the intersection of South Shore Trail and Causeway Drive (Central City, PA Quadrangle; Latitude: 40° 01' 42"; Longitude: 78° 52' 20") Indian Lake Borough, **Somerset County**.

**ACTIONS**

**THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT  
FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE  
ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY  
MANAGEMENT (WQM) PERMITS**

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOI) for coverage under general permits. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

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

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for coverage under general NPDES permits. The approval for coverage under general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in each general permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. Permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania 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.

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#### I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PAS232208	Carpenter Company 57 Olin Way Fogelsville, PA 18051	Lehigh County Upper Macungie Township	Iron Run 2C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0110485 SN	United Water Pennsylvania 4211 East Park Circle Harrisburg, PA 17111	Columbia County South Centre Township	Susquehanna River 5D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0217387 Industrial Waste	Linde, Inc. 575 Mountain Avenue Murray Hill, NJ 07974-2082	Allegheny County Braddock Borough	Monongahela River	Y
PA0032182 Sewage	Mingo Park Estates, Inc. 92 Little Mingo Road Finleyville, PA 15332	Washington County Nottingham Township	Swale to a UNT of Mingo Creek	Y
PA0219185 Sewage	Glen Campbell Borough P. O. Box 43 Glen Campbell, PA 15706	Indiana County Glen Campbell Borough	Brady Run	Y

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

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

Final Notice is hereby given that the Department of Environmental Protection (Department), after public notice, has on January 29, 2008 issued a National Pollutant Discharge Elimination System Permit to:



**Permit No. PA 0027022**  
**Altoona City Authority**  
**(Westerly Plant)**  
 20 Greenwood Road  
 Altoona, PA 16602-7114

This notice reflects changes from the notice published in the *Pennsylvania Bulletin*.

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

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

**NPDES Permit No. PA0025381, Amendment No. 2**, Sewage, **Saxton Borough Municipal Authority**, P. O. Box 173, Saxton, PA 16678. This proposed facility is located in Liberty Township, **Bedford County**.

Description of Proposed Action/Activity: Authorization to discharge to Raystown Branch Juniata River in Watershed 11-D.

**NPDES Permit No. PA0087582**, Sewage, **Williamstown Borough Authority**, P. O. Box 44, Williamstown, PA 17098. This proposed facility is located in Williams Township, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to Wiconisco Creek in Watershed 6-C.

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

**NPDES Permit No. PA0252867**, Industrial Waste, **CNX Gas Company, LLC**, 2481 John Nash Boulevard, Bluefield, WV 24701. This proposed facility is located in Sewickley Township, **Westmoreland County**.

Description of Proposed Action/Activity: Permit issuance for discharge from Shaner Scott Haven Treatment Facility.

**NPDES Permit No. PA0252841**, Industrial Waste, **CNX Gas Company, LLC**, 2481 John Nash Boulevard, Bluefield, WV 24701. This proposed facility is located in City of Monongahela, **Washington County**.

Description of Proposed Action/Activity: Permit issuance for discharge from Fallowfield Monongahela Bridge Treatment Facility.

**NPDES Permit No. PA0253049**, Industrial Waste, **CNX Gas Company, LLC**, 2481 John Nash Boulevard, Bluefield, WV 24701. This proposed facility is located in North Huntingdon Township, **Westmoreland County**.

Description of Proposed Action/Activity: Permit issuance for discharge from Robbins Treatment Facility.

**NPDES Permit No. PA0252921-A2**, Sewage, **Dana Mining Company of PA, LLC**. This existing facility is located in Dunkard Township, **Greene County**.

Description of Proposed Action/Activity: Permit amendment issuance for increase in discharge.

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

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

**WQM Permit No. 3507401**, Sewerage, **Jefferson Township Sewer Authority**, 487 Cortez Road, Lake Ariel, PA 18436. This proposed facility is located in Jefferson Township, **Lackawanna County**.

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

**WQM Permit No. 4507404**, Sewerage, **Pocono Township Supervisors**, P. O. Box 197, Tannersville, PA 18372. This proposed facility is located in Pocono Township, **Monroe County**.

Description of Proposed Action/Activity: This application covers Phase 1, identified as the Dry Sewer Main Project and consists of the installation of approximately 4.5 miles of sewer main, highway borings, manholes, laterals and appurtenances in the Swiftwater and Scotrun areas of Pocono Township. This phase is considered a "dry sewer" as no properties will be connected for service at this time.

**WQM Permit No. 5207401**, Sewerage, **Department of Conservation and Natural Resources, Promised Land State Park**, R. R. 1, Box 96, Route 390, Greentown, PA 18426-9735. This proposed facility is located in Green Township, **Pike County**.

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

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

**WQM Permit No. 2208401**, Sewerage, **Williamstown Borough Authority**, P. O. Box 44, Williamstown, PA 17098. This proposed facility is located in Williams Township, **Dauphin County**.

Description of Proposed Action/Activity: This permit approves the construction of sewerage facilities consisting of: four remote pumping stations, sewer line extension and replacement, a sewage treatment plant consisting of automatic screening, grit chamber, SBR units, effluent equalization tank, effluent cloth filters, chlorine disinfection and dechlorination.

**WQM Permit No. 2108401**, Sewerage, **Amos Leid**, 126 Gephart Road, Shippensburg, PA 17257. This proposed facility is located in Southampton Township, **Cumberland County**.

Description of Proposed Action/Activity: This permit approves the construction/operation of sewerage facilities consisting of: a septic tank, peat filter and chlorine disinfection Individual Residential Spray Irrigation System providing denitrification to serve their single-family residence.

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

**WQM Permit No. 1908401**, Sewerage, 4952, **Conyngham Township**, P. O. Box 10, Wilburton PA, 17945. This proposed facility is located in Conyngham Township, **Columbia County**.

Description of Proposed Action/Activity: The applicant proposes to construct and operate a sewage collection and conveyance system serving Locustdale, Artistes and Wilburton. The sewage be conveyed and treated at the Mount Carmel.

**WQM Permit No. 1708401**, Sewerage, SIC 4952, **Woodland Bigler Area Authority**, P. O. Box 27, Woodland, PA 16881. This proposed facility is located in Bradford Township, **Clearfield County**.

Description of Proposed Action/Activity: A permit has been issued for the installation of five ultrasonic wave transducers in the wastewater treatment lagoons. The transducers will be used to limit algal growth within the lagoons.

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

**WQM Permit No. 3208201**, Industrial Waste, **Allegheny Energy Supply Company, LLC**. This proposed facility is located in Monongahela Township, **Greene County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of flue gas desulfurization scrubber blowdown WWTP.

**WQM Permit No. 6507402**, Sewerage, **Kiski Valley Water Pollution Control Authority**, 1361 School Road, Leechburg, PA 15656. This proposed facility is located in Bell Township, **Westmoreland County**.

Description of Proposed Action/Activity: Permit issuance for construction and operation of Beaver Run pump station.

**WQM Permit No. 1106404**, Sewerage, **Jackson/East Taylor Sewer Authority**, 2603 William Penn Avenue, Johnstown, PA 15909. This existing facility is located in Jackson Township, **Cambria County**.

Description of Proposed Action/Activity: Permit issuance for construction and operation of pump stations and sanitary sewers.

**WQM Permit No. 3005402-A2**, Sewerage, **Dana Mining Company of PA, LLC**, 308 Dents Run Road, Morgantown, WV 26501. This proposed facility is located in Dunkard Township, **Greene County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a sewage treatment plant expansion.

**WQM Permit No. 6507405**, Sewerage, **Rostraver Township Sewage Authority**, 202 Point Royal Road, Belle Vernon, PA 15012. This proposed facility is located in Rostraver Township, **Westmoreland County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of sewer collection system.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of pump station and force main to convey flow from Fox Run Development. Also, construction and operation of Harrison City Export Road Interceptor to handle build out in watershed.

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

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

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

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

*NPDES*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010907017	Palisades School District 39 Thomas Free Road Kintnersville, PA 18930	Bucks	Tinicum Township	Tinicum Creek EV
PAI011508013	United Sports Training Center 1462 Marshallton Thorndale Road Downingtown, PA 19355	Chester	West Bradford Township	Beaver Creek TSF—MF Broad Run HQ-CWF-MF

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

## NPDES

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023907019	Nestle Waters North America, Inc. 405 Nestle Way Breinigsville, PA 18031	Lehigh	Lynn Township	Ontelaunee Creek EV
PAI023907030	Allentown School District 1301 Sumner Avenue Allentown, PA 18102	Lehigh	City of Allentown	Trout Creek HQ-CWF
PAI024507008	Pocono Township Supervisors P. O. Box 197 Tannersville, PA 18372	Monroe	Pocono Township Hamilton Township	Pocono Creek HQ-CWF Scot Run HQ-CWF Transue Run HQ-CWF Tributary to Scot Run HQ-CWF Swiftwater Creek EV

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

## NPDES

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030607009	Robert MacMinn 65 Shady Lane Mohnton, PA 19540	Berks	Robeson Township	Beaver Run HQ-CWF

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

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

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

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

#### General Permit Type—PAG-2

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Middletown Township Bucks County	PAG2000903157	CGR Properties P. O. Box 199 Langhorne, PA 19047	Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Doylestown Township Bucks County	PAG2000903021R	Toll PA XII, LP 250 Gibraltar Road Horsham, PA 19044	Watsons Creek CWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Fallowfield Township Chester County	PAG2001508005	East Fallowfield Township 2264 Strasburg Road East Fallowfield, PA 19320	Dennis Run WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Phoenixville Borough Chester County	PAG2001508018	Pineville Properties 1288 Valley Forge Road Unit 66 Valley Forge, PA 19482	Pickering Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Pocopson Township Chester County	PAG2001508025	Nicholas Drayor 308 South Village Lane Chadds Ford, PA 19317	Pocopson Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Radnor Township Delaware County	PAG2002307037	John C. Weber, Jr. 840 Harriton Road Bryn Mawr, PA 19010	Darby Creek CWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Pittston Township Luzerne County	PAG20040050541	George D. Zamias Pittston Assoc. LP, by Pittston Partners, LLC 300 Market Street Johnstown, PA 15901	Tributary to Susquehanna and Lackawanna Rivers CWF	Luzerne County Conservation District (570) 674-7991
Pittston Township Luzerne County	PAG2004007045	Larry Roberts, II R.L.R. Investments, LLC 600 Gillam Road Wilmington, OH 45177	Collins Creek CWF	Luzerne County Conservation District (570) 674-7991
Jenkins Township Wyoming Borough Luzerne County	PAG2004007040	Department of Transportation Eng. District 4-0 Attn: Richard Cochrane 55 Keystone Industrial Park Dunmore, PA 18512	Susquehanna River WWF	Luzerne County Conservation District (570) 674-7991
Pine Grove Township Schuylkill County	PAG2005407027	Matthew M. Brandt 281 Suedberg Road Pine Grove, PA 17963	Swatara Creek CWF	Schuylkill County Conservation District (570) 622-3742
South Abington Township Lackawanna County	PAG2003508005	John Heim Jack Junior, Inc. 102 Stonecrest Circle Clarks Summit, PA 18411	Leggetts Creek TSF	Lackawanna County Conservation District (570) 281-9495
South Abington Township Lackawanna County	PAG2003508007	Christian Nicolais 1328 North Webster Avenue Dunmore, PA 18510	Leggetts Creek CWF	Lackawanna County Conservation District (570) 281-9495
Oxford, Mt. Pleasant and Union Townships Adams County	PAG2000108003	Mark Snyder The York Water Company 130 East Market Street P. O. Box 15089 York, PA 17405	UNT to Conewago Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636

**NOTICES**

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Exeter Township Berks County	PAG2000607075	Carlo Cifarelli Exeter JV Associates, LP 350 Sentry Parkway Building 630 Suite 300 Blue Bell, PA 19422	Antietam Creek— Schuylkill River WWF-CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Bethel Township Berks County	PAG2000608018	Roy H. Zimmerman 9280-A Old Route 22 Bethel, PA 19507	Mill Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Union Township Berks County	PAG2000607069	Carol R. Lewis Township Manager Union Township 177 Center Road Douglassville, PA 19518	Schuylkill River WWF-MF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Hamburg Borough Berks County	PAG2000607086	Mark Fretz Hamburg Area School District 701 Windsor Street Hamburg, PA 19526	Kaercher Creek WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Washington Township Franklin County	PAG2002807045	Walnut Acres Ronnie Martin 1625 East Main Street Waynesboro, PA 17268	West Branch Antietam Creek CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Antrim Township Franklin County	PAG2002807044	WCN Properties Warehouse Ryan Johnston WCN Properties 900 Kriner Road Suite 1 Chambersburg, PA 17202	UNT to Conococheague Creek WWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Antrim Township Franklin County	PAG2002808001	Dennis Rife 6724 Guiter Road Greencastle, PA 17225	UNT to Conococheague Creek WWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Antrim Township Franklin County	PAG2002807047	Whispering Willows Brian Borter BCS of Frederick 5814 Indian Springs Road Frederick, MD 21702	UNT to Conococheague Creek WWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
South Middleton and Dickinson Townships Cumberland County	PAG2002108003	Allen Distribution Gary Heishman 1514 Commerce Avenue Carlisle, PA 17013	Alexander Spring Creek CWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 (717) 240-7812
Centre County Spring Township	PAG2001408001	David Gill Weis Market Store No. 187 1000 South Second Street Sunbury, PA 17801	UNT to Spring Creek CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
Snyder County Selinsgrove Borough	PAG2005508001	Selinsgrove Area School District Fred Johnson 401 North 18th Street Selinsgrove, PA 17870-1665	Penns Creek WWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, Ext. 5
Indiana County Rayne and White Townships	PAG2003208004	Indiana County Municipal Services Authority 602 Kilter Drive Indiana, PA 15701	McKee and Ramsey Runs CWF	Indiana County Conservation District (724) 463-8547
Indiana County White Township	PAG2003203003R	Lazor Brothers, Inc. 891 Centennial Drive Indiana, PA 15701	UNT to McCarthy Run CWF	Indiana County Conservation District (724) 463-8547
Washington County Union Township	PAG2006307033	Mid-Mon Valley Transit Authority 1300 McKean Avenue Charleroi, PA 15022	Froman Run TSF	Washington County Conservation District (724) 228-6774
Clarion County Clarion Township	PAG2091608001	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Brush Run to Piney Creek CWF	Department of Environmental Protection Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 (814) 472-1800

*General Permit Type—PAG-3*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Hazle Township Luzerne County	PAR232237	Johns Manville 600 Jaycee Drive Hazleton, PA 18202-1154	Black Creek CWF	DEP—NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Wright Township Luzerne County	PAR232243	Sealy, Inc. 25 Elmwood Road Mountaintop, PA 18707	Wapwallopen Creek CWF	DEP—NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lycoming County Fairfield Township	PAR214819	Centre Concrete, Inc. P. O. Box 859 State College, PA 16804	Bennetts Run WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Bradford County Wysox Township	PAR804866	Welles Mill Company R. R. 6 Box 6024 Towanda, PA 18848	UNT to Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664

*General Permit Type—PAG-4*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
York County North Hopewell Township	PAG043595	Jack Bish 5744 Herbst Road Red Lion, PA 17356	UNT Muddy Creek	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Somerset Township Somerset County	PAG046146	Joshua Kinsinger 294 Whitetail Road Somerset, PA 15501	UNT West Branch Coxes Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Sewickley Heights Borough Allegheny County	PAG046216	Sridhar Tayur 140 Ferry Road Sewickley, PA 15143	UNT of Kilbuck Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Freehold Township Warren County	PAG048546	Timothy L. Brown 739 Bailey Hill Road Bear Lake, PA 16402	UNT to Little Brokenstraw Creek 16-B	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Pleasant Township Warren County	PAG048565	Raymond Miller 365 Hirtzel Road Warren, PA 16345-3480	UNT to Sill Run 16-B	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Wilmington Township Mercer County	PAG048467	David G. Dawson 30 Willow Drive New Wilmington, PA 16142-1836	UNT of the West Branch Little Neshannock Creek 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*Permit Type—PAG-5*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Bedford County Bedford Borough	PAG053595	Ressler's, Inc. (Ressler's Exxon) P. O. Box 27 Bedford, PA 15522	Raystown Branch of Juniata River TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-12*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lancaster County East Donegal Township	PAG123564	Mike Buckwalter 350 Rock Point Road Marietta, PA 17547	UNT to Susquehanna River WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

**PUBLIC WATER SUPPLY (PWS) PERMITS**

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

**SAFE DRINKING WATER**

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

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

**Permit No. 2450140, Operations Permit, Public Water Supply.**

Applicant	<b>Robinwood Village Recreation and Maintenance Fund, Inc.</b> 56 Robinwood Village Saylorsburg, PA 18353 Chestnuthill Township
County	<b>Monroe</b>
Type of Facility	PWS
Consulting Engineer	Jaqueline Peleshak, P. E. Alfred Benesch & Company 400 One Norwegian Plaza Pottsville, PA 17901
Permit to Operate Issued	March 31, 2008
<b>Permit No. 3546556, Operations Permit, Public Water Supply.</b>	
Applicant	<b>Hazleton Area Water Co., Inc.</b> 410 West Mine Street Hazleton, PA 18201 West Penn Township
County	<b>Schuylkill County</b>
Type of Facility	Finished Water Bulk Hauling Facility
Consulting Engineer	James Palumbo, P. E. Quad Three Group, Inc. 72 Glenmaura Boulevard Moosic, PA 18507
Permit to Operate Issued	March 24, 2008
<b>Permit No. 4507503, Public Water Supply.</b>	
Applicant	<b>Hannig Development, LLC</b> 200 Plaza Court Suite A East Stroudsburg, PA 18301 Tobyhanna Township
County	<b>Monroe</b>
Type of Facility	PWS
Consulting Engineer	Jeremy Nelson, P. E. Reilly Associates 49 South Main Street Suite 200 Pittston, PA 18640



Permit to Construct February 7, 2008  
 Issued

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

**Permit No. 2108501 MA, Minor Amendment, Public Water Supply.**

Applicant **South Middleton Township Municipal Authority**  
 Municipality South Middleton Township  
 County **Cumberland**  
 Type of Facility Interconnection with Carlisle Borough for Emergency Use.

Consulting Engineer Harry E. Bingaman, P. E.  
 Glace Assoc., Inc.  
 3705 Trindle Road  
 Camp Hill, PA 17011

Permit to Construct March 31, 2008  
 Issued

**Permit No. 0708501 MA, Minor Amendment, Public Water Supply.**

Applicant **Roaring Spring Municipal Authority**  
 Municipality Roaring Spring Borough  
 County **Blair**  
 Type of Facility Repainting of the existing Spring Cove Water Storage Tank.

Consulting Engineer Steven R. McGraw, P. E.  
 Stiffler, McGraw & Associates, Inc.  
 19 North Juniata Street  
 Hollidaysburg, PA 16648

Permit to Construct March 31, 2008  
 Issued

**Operations Permit issued to Pennsylvania-American Water Company (PAWC), 7210029, Lemoyne Borough and Lower Allen Township, Cumberland County on April 7, 2008, for the operation of facilities approved under Construction Permit No. 2105504.**

**Operations Permit issued to Wrightsville Borough Municipal Authority, 7670097, Hellam Township, York County on March 31, 2008, for the operation of facilities approved under Construction Permit No. 6707513 MA.**

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Throop Borough	436 Sanderson Avenue Throop, PA 18512	Lackawanna
Archbald Borough	400 Church Street Archbald, PA 18403	Lackawanna
Clinton Township	26 Terrel Road Waymart, PA 18472	Wayne

*Plan Description:* Lackawanna River Basin Sewer Authority (LRBSA)—Nutrient Removal Feasibility Study. The Plan Update, as outlined in Section VI.C of the Plan, provides for:

(1) Modification of the existing Throop wastewater treatment facility through conversion of the existing activated sludge process to a 4-stage Bardenpho biological nutrient reduction process configuration, along with addition of new circular clarifiers. Also, the existing Throop plant design capacity will be expanded from 7.0 mgd to 10.0 mgd to accommodate projected future flows from the existing service areas, such as Jefferson Township and the Valley View Business Park in Jessup Borough.

(2) Conversion of the existing Archbald wastewater treatment facility's SBR process units to a two-train, flow-through Modified Ludzak-Ettinger activated sludge process with step feed capability, along with addition of new circular clarifiers. Full implementation of these upgrades at the Archbald plant may be delayed until wastewater flows approach existing permitted capacity, such that it becomes evident that nutrient limits can no longer consistently be attained in the future. This chosen alternative will also utilize nitrogen offsets from the abandonment and subsequent connection of existing onlot sewage disposal systems, in accordance with Pennsylvania's Chesapeake Bay Tributary Strategy, as such offsets may become available.

(3) The selective alternative for complying with the nutrient loading limits at the Clinton treatment plant is utilization of internal nutrient trading between all three LRBSA wastewater treatment facilities.

The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*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>
Guilford Township	115 Spring Valley Road Chambersburg, PA 17201	Franklin County

*Plan Description:* The approved plan entitled US Route 11 Molly Pitcher Highway South, Department of Environmental Protection (Department) Code No. A3-28908-535-3, provides for a sewer extension to serve three existing residential dwellings with flows of 1,200 gpd, located on Molly Pitcher Highway. The extension will be constructed, owned and operated by the Guilford Township Authority. The Department's review of the sewage facilities planning module has not identified any significant environmental impacts resulting from this proposal. Required NPDES Permits or WQM Permits must be obtained in the name of the owners.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Mahoning Township	Mahoning Township SR 224 Box 99 Hillsville, PA 16132	Lawrence

*Plan Description:* The approved supplement plan provides for sewerage service in the area of North Edinburg and along the 551 corridor north of Route 224. This plan builds on the Act 537 Plan approved by Mahoning Township in 2004, and will allow service to the proposed Valley View Downs Racetrack and Casino. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Connoquenessing Township	Connoquenessing Township 102 Township Drive Renfrew, PA 16053	Butler

*Plan Description:* The approved plan provides for sewerage existing homes along Winterwood Drive, a documented needs area. Approximately 20 EDU's will be connected to an existing Butler Area Sewer Authority sewer line through the use of small diameter pressure sewers and grinder pumps. PennVest funding is proposed. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Pleasantville Borough	Pleasantville Borough Post Office Box 150 Pleasantville, PA 16341	Venango

*Plan Description:* The approved plan provides for upgrades to improve performance at the Pleasantville Sewage Treatment Plant (STP). These upgrades combined with the proposed hydraulic and organic rerating will allow for the addition of approximately 220 EDU's from Oil Creek Township to the Pleasantville STP. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

## 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.*

**GE Betz, Lot 2 Property, Bensalem Township, Bucks County.** Kriston Rolison, MWH Global, Inc., 335 Phoenixville Pike, Malvern Pike, PA 19355 on behalf of David Hutchinson, GE Betz, Inc., 4636 Somerton Road, Trevose, PA 19053 has submitted a Final Report concerning remediation of site soil contaminated with pesticides. The report is intended to document remediation of the site to meet the Background Standard.

**Norwood Building, East Whiteland Township, Chester County.** Mike Christie, Penn Environmental and Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440, Jonathan Spergel, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004 on behalf of Guy Wolfington, Malvern Hill Associates, III, LP, 2701 Renaissance Boulevard, 4th Floor, King of

Prussia, PA 19406 has submitted a Final Report concerning remediation of site soil contaminated with PAHs and lead. The report is intended to document remediation of the site to meet the Background Standard.

**Metroplex Center**, Plymouth Township, **Montgomery County**. Bill Schmidt, Pennoni Associates, Inc., 300 Market Street, Philadelphia, PA 19104 on behalf of Anthony Ziccardi, Brandywine Realty Trust, 555 East Lancaster Avenue, Radnor, PA 19087 has submitted a Final Report concerning remediation of site soil contaminated with asbestos. 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.*

**Medical Building**, City of Borough, **Philadelphia County**. Staci Cottone, J & J Spill Service and Supplies, Inc., P. O. Box 370, Blue Bell, PA 19422 has submitted a 90-day Final Report concerning the remediation of site soil contaminated with No. 2 heating oil. The 90-day Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on March 28, 2008.

**Accidental No. 2 Fuel Oil Release**, West Nottingham Township, **Chester County**. Gilbert Marshall, Marshall Geoscience, Inc., 170 East First Avenue, Colleagueville, PA 19426 on behalf of Phil Robinson, 125 Baltimore Pike, Nottingham, PA 19352 has submitted a 90-day Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The 90-day Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on March 27, 2008.

**John R. Hollingsworth Company**, Schuylkill Township, **Chester County**. Craig Herr, RT Environmental, Inc., 215 West Church Road, Suite 300, King of Prussia, PA 19406 on behalf of James Shrawder, Brownfield PL has submitted a Remedial Investigation/Final Report concerning the remediation of site soil and groundwater contaminated with inorganics. The Remedial Investigation/Final Report was approved by the Department of Environmental Protection on June 22, 2007.

**Rendeh, LP Property**, Horsham Township, **Bucks County**. Sean Damon, Langan Engineering & Environmental Services, Inc., P. O. Box 1569, Doylestown, PA 18901 on behalf of Carl Hedner Rendeh, LP, 489 Creek Road, Doylestown, PA 18901 has submitted a Final Report concerning the remediation of site groundwater contaminated with organics. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on March 21, 2008.

**Jedidah Press Property**, Norristown Borough, **Montgomery County**. Mark Irani, Land Recycling Solutions, LLC, 3101 Mt. Carmel Avenue, Suite 3, Glenside, PA 19038 on behalf of Samuel Thomas, 1119-121 East Lafayette Street, LLC, 521 Hermitage Street, Philadelphia, PA 19128 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on March 19, 2008.

**Mechem Residence**, Easttown Township, **Chester County**. Stacie Cottone, J & J Spill Service & Supplies, Inc., P. O. Box 370, Blue Bell, PA 19422 on behalf of Elizabeth Mechem, 641 Clovelly Lane, Devon, PA 19333 has submitted a Final Report concerning the remediation of soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on March 17, 2008.

*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 groundwater impacted by historical releases of chlorinated solvents. The report demonstrated attainment of the Residential Statewide Health Standard and was approved on April 3, 2008.

**David Peters Residence**, City of Bethlehem, **Northampton County**. Thomas Martinelli, JMT Environmental Technologies, Inc., P. O. Box 22044, Lehigh Valley, PA 18002-2044 submitted a Final Report (on behalf of his client, David Peters, 6894 Pine Top Trail, Bethlehem, PA 18017), concerning the remediation of soils found to have been impacted by No. 2 fuel oil as the result of a leaking underground storage tank. The report demonstrated attainment of the Statewide Health Standard for soils and was approved on March 20, 2008.

**Former Hospital Central Services Corporation (HCSC) Property**, City of Scranton, **Lackawanna County**. Martin Gilgallon, Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, PA 18452 submitted a Final Report (on behalf of his client, Kelbri Development, LLC, 800 James Street, Second Floor, Scranton, PA 18510), concerning the remediation of site soils found to have been impacted by benzene. The report demonstrated attainment of the Site-Specific Standard and was approved on April 4, 2008.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

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

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

*Hazardous Waste Transporter License Renewed*

**The Cardinal Group, Inc.**, 828 North Hanover Street, Pottstown, PA 19464. License No. PA-AH 0710. Effective February 21, 2008.

**E. I. Dupont De Nemours & Company**, Experimental Station, P. O. Box 80249, Wilmington, DE 19880-0249. License No. PA-AH S227. Effective February 21, 2008.

**Elk Transportation, Inc.**, 1420 Clarion Street, Reading, PA 19061. License No. PA-AH 0413. Effective February 26, 2008.

**Apollo Trade & Transport, Inc.**, 837 Boardman-Canfield Road, Suite 209, Boardman, OH 44512. License No. PA-AH 0728. Effective February 26, 2008.

**Environmental Specialists, Inc.**, P. O. Box 337, McDonald, OH 44434. License No. PA-AH 0587. Effective February 27, 2008.

**R & R Trucking, Inc.**, 302 Thunder Road, Duenweg, MO 64841. License No. PA-AH 0592. Effective February 29, 2008.

**Smith Systems Transportation, Inc.**, P. O. Box 2455, Scottsbluff, NE 69361. License No. PA-AH 0654. Effective March 3, 2008.

**Baltimore Tank Lines, Inc.**, P. O. Box 1028, Glen Burnie, MD 21060-1028. License No. PA-AH 0458. Effective March 19, 2008.

**Sunpro, Inc.**, 7640 Whipple Avenue NW, North Canton, OH 44720. License No. PA-AH 0659. Effective March 27, 2008.

**United Oil Recovery, Inc.**, 47 Gracey Avenue, Meriden, CT 06450. License No. PA-AH 0378. Effective March 27, 2008.

**Gemchem, Inc.**, P. O. Box 384, Lititz, PA 17543. License No. PA-AH 0259. Effective April 1, 2008.

*Hazardous Waste Transporter License Issued*

**Dalmation Transportation, Ltd.**, P. O. Box 926, Hebron, OH 43025. License No. PA-AH 0740. Effective April 1, 2008.

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

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

*Hazardous Waste Transporter License Expired*

**Dalmatian, Inc.**, P. O. Box 1147, Hebron, OH 43025. License No. PA-AH 0653. Effective March 31, 2008.

#### INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

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

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

#### INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE RENEWED

**The Cardinal Group, Inc.**, 828 North Hanover Street, Pottstown, PA 19464-4253. License No. PA-HC 0213. Effective February 26, 2008.

**Orchard Hill Memorial Park, Inc.**, 187 Route 94, Lafayette, NJ 07848. License No. PA-HC 0163. Effective February 27, 2008.

**Coast Medical Supply, Inc.**, 200 Turnillow Way, Suite 110, Tinton Falls, NJ 07712. License No. PA-HC 0214. Effective March 3, 2008.

**Healthcare Waste Solutions of PA, LLC, d/b/a Genesis Environmental**, Industrial Mannor II, 380 Locust Street, McKeesport, PA 15132. License No. PA-HC 0217. Effective March 5, 2008.

**Marcor Remediation, Inc.**, 246 Cockeysville Road, Suite 1, Hunt Valley, MD 21030. License No. PA-HC 0218. Effective March 25, 2008.

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

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

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

**WBLF Acquisition Co., LLC**, Cumru Township, **Berks County Permit Number 100739**. This is a major permit modification to Solid Waste Permit No. 100739 for the operation of Western Berks Community Landfill and Recycling Center, LLC, issued in accordance with Article V of the Solid Waste Management Act (35 P. S. § 6018.101 et seq.). This modification approves the Site C, Strip and Eastern Expansion areas at the Western Berks Community Landfill and Recycling Center, LLC, as well as an increase in the average and maximum daily volumes.

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

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

**Permit No. 400633. Wheelabrator Falls, Inc.**, 1201 New Ford Mill Road, Morrisville, PA 19067, Falls Township, **Bucks County**. This permit modification is for the addition of a nonferrous metal recovery system at the Wheelabrator Falls Resource Recovery facility. The permit modification was issued by the Southeast Regional Office on April 2, 2008.

## AIR QUALITY

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

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

**GP1-06-03127: Federal-Mogul Corp.** (400 East 2nd Street, Boyertown, PA 19512) on April 1, 2008, for Small Gas and No. 2 Oil Fired Combustion Units under GP1 in Boyertown Borough, **Berks County**. This is a renewal of the GP1 permit.

**GP3-21-03057B: Pennsy Supply, Inc.** (1001 Paxton Street, Harrisburg, PA 17105) on April 1, 2008, for Portable Nonmetallic Mineral Processing Plants under GP3 in Silver Spring Township, **Cumberland County**.

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

**GP5-17-06: Fairman Corp.** (3497 Stanley Road, Dubois, PA 15801) on March 4, 2008, for authorization to operate a 200 brake horsepower natural gas-fired reciprocating internal combustion compressor engine and a natural gas dehydrator under the "General Plan Approval And/Or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP-5)" at the Buterbaugh Station in Burnside Township, **Clearfield County**.

**GP5-17-10B: Fairman Corp.** (3497 Stanley Road, Dubois, PA 15801) on March 4, 2008, for authorization to operate a 215 brake horsepower natural gas-fired reciprocating internal combustion compressor engine under the

"General Plan Approval And/Or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP-5)" at the Kuntz Station in Greenwood Township, **Clearfield County**.

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

**GP14-65-00985: Eternal Life Cremation Services** (555 East Valley Kitchen Drive, Mt. Pleasant, PA 15666) on April 8, 2008, to install and operate one Universal Cremation Equipment Model No. A500P animal crematory rated at 75 lbs per hour at their facility in East Huntingdon Township, **Westmoreland County**.

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

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

**15-0067E: Herr Foods, Inc.** (273 Old Baltimore Pike, Nottingham, PA 19362-0300) on April 2, 2008, to operate a new Cheese Curl Production Line at their facility in West Nottingham Township, **Chester County**. Herr Foods, Inc. is a Synthetic Minor facility, operating under SMOP 15-00067. The new cheese curl oven will increase the facilities PM emissions by less than 0.25 tpy. The slight increase in emissions still allows Herr Foods to remain a Synthetic Minor Operating Permit. The Plan Approval will contain monitoring, recordkeeping and operating restrictions designed to minimize emissions and keep the facility operating within all applicable air quality requirements.

**09-0203: AE Polysilicon Corp.** (150 Roebbling Road, Fairless Hills, PA 19030) on April 2, 2008, to construct a new facility to produce ultra-high purity silicon from metallurgical grade silicon in Falls Township, **Bucks County**. The proposed facility has the potential to produce 29.9 tons of PM per year, 9.96 tons NO<sub>x</sub> per year, 1.16 tons of VOCs per year and less than 1 ton of hydrochloric acid per year.

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

**39-399-063: Diageo** (7880 Penn Drive, Breinigsville, PA 18031) on April 3, 2008, to reactivate a beer manufacturing operation including the installation of a new keg filling line and a specialty malt handling line in Upper Macungie Township, **Lehigh County**.

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

**01-05033A: Knouse Foods Cooperative, Inc.** (P. O. Box 807, Biglerville, PA 17307-0807) on April 4, 2008, to replace a 24.5 mmBtu/hr boiler with a new 29.05 mmBtu/hr boiler at the Peach Glen fruit processing facility in Tyrone Township, **Adams County**.

**06-05007F: Carpenter Technology Corp.** (P. O. Box 14662, Reading, PA 19612-4662) on March 28, 2008, to modify their specialty steel manufacturing facility in Muhlenberg Township, **Berks County**.

**36-05123B: Corixa Corporation—d/b/a GlaxoSmith-Kline Biologicals** (325 North Bridge Street, Marietta, PA 17547-1134) on April 2, 2008, to change operation hours and emission limits of an existing emergency engine at the biological manufacturing facility in East Donegal Township, **Lancaster 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.** (Route 8 South, P. O. Box 832, Butler, PA 16003-0832) on March 31, 2008, to install a new 60 mmBtu/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

**37-243D: INMETCO** (One INMETCO Drive, Ellwood City, PA 16117) on March 28, 2008, to install a 156,000 a cfm baghouse to replace the current venturi scrubber system for the Rotary Hearth Furnace in Ellwood City Borough, **Lawrence County**. This is a Title V facility.

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

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

**20-194D: Lord Corp.—Saegertown** (601 South Street, Saegertown, PA 16433) on March 31, 2008, to install a thermal oxidizer and dust collector in Saegertown, **Crawford County**.

**24-083G: Carbone of America—Graphite Materials Div.** (1032 Trout Run Road, St. Marys, PA 15857) on March 30, 2008, to construct a CBH Kiln in Benzinger Township, **Elk County**.

**24-083I: Carbone of America—Graphite Materials Div.** (1032 Trout Run Road, St. Marys, PA 15857) on March 30, 2008, for Scrubber A emission limits in Benzinger Township, **Elk County**.

**43-348A: American Cap Co., LLC** (15 Church Street, Wheatland, PA 16161) on March 31, 2008, for a plan approval to construct an activated carbon monolithic adsorbent process for the semiconductors manufacturing sector in Wheatland Borough, **Mercer County**. This is a State-only Facility.

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

**08-00002C: E. I. duPont de Nemours & Co., Inc.** (Patterson Boulevard, Towanda, PA 18848) on April 4, 2008, to modify several data reporting deadlines for a thermal color filters coater (No. 11 Coater) and associated air cleaning device (a regenerative thermal oxidizer) in North Towanda Township, **Bradford County**.

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

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*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Norman Frederick, Facilities Permitting Chief, (570) 826-2531.*

**52-00001: Columbia Gas Transmission Corp.** (1700 MacCorkle Avenue, South East Charleston, WV 25314) on April 7, 2008, to operate a natural gas compressor station, Milford Township, **Pike County**. The Milford Station contains two Reciprocating/Integral Compressors. As a result of the levels of NOx emitted from the compressors, this facility is a major stationary source as defined in Title I, Part D of the Federal Clean Air Act Amendments of 1990. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code Chapter 127, Subchapter G and all applicable air quality requirements for each significant source. This is a renewal of the Title V Operating Permit issued in 2003.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Muhammad Zaman, Facilities Permitting Chief, (570) 327-3637.*

**41-00003: PPL Martins Creek, LLC** (2 North Ninth Street, Allentown, PA 18101) on March 11, 2008, for the operation of an electric generating combustion turbine facility in the City of Williamsport, **Lycoming County**.

**18-00003: PPL Martins Creek, LLC** (2 North Ninth Street, Allentown, PA 18101) on March 11, 2008, for the operation of an electric generating combustion turbine facility in Bald Eagle Township, **Clinton County**.

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**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.**

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

**23-00047: Evonik Degussa Corp.** (1200 West Front Street, Chester, PA 19013) on April 3, 2008, for a renewal of State-only (Synthetic Minor) Operating Permit No. 23-00047, in the City of Chester, **Delaware County**, which was originally issued on October 8, 2002, and amended on July 31, 2007. The State-only Operating Permit (SOOP) is for the operation of two boilers, three dryers, 14 storage silos, four mills and various packing, loading and recycling equipment, as well numerous dust collectors that control PM emissions from each of these sources. The main pollutants emitted from the facility are PM and NOx. To maintain Synthetic Minor status, site-level PM and NOx limits of 99.9 and 24.9 tpy, respectively, are listed in the SOOP. The renewed SOOP will include monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements. No major changes have occurred since the SOOP was amended.

**46-00121: Lankenau Hospital** (100 Lancaster Avenue, Wynnewood, PA 19096) on April 3, 2008, for a renewal of State-only Operating Permit in Lower Merion Township, **Montgomery County**. The permit is for a non-Title V (State-only) facility. The hospital has the potential to emit 24.99 tpy of NOx. The facility's primary sources include boilers and emergency generators. The permit will include monitoring, recordkeeping and reporting requirements designed to address all applicable air quality requirements.

**09-00112: Superior Woodcraft, Inc.** (160 North Hamilton Road, Doylestown, PA 18901) on April 3, 2008, for renewal of a State-only Operating Permit in Doylestown Borough, **Bucks County**. The initial permit was

issued on August 8, 2002. Superior Woodcraft, Inc. manufactures high quality wood cabinets at this facility. There are three coating booths and a staining operation that have the potential to emit 23 tons of VOCs and 10 tons of a single HAP and 25 tons of a combination of HAPs. The facility averages 8.03 tons of VOC emissions per year and the estimated emissions of HAPs are 5.3 tpy. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

**39-00036: St. Luke's Hospital** (801 Ostrum Street, Bethlehem, PA 18015) on April 2, 2008, to operate a hospital in Fountain Hill Borough, **Lehigh County**. The State-only operating permit includes emissions, 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.

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

**36-05152: Kellogg USA, Inc.** (2050 State Road, Caller Box 3006, Lancaster, PA 17604) on April 1, 2008, to operate their breakfast cereals plant in East Hempfield Township, **Lancaster County**. This is a renewal of the State-only operating permit.

**38-03003: Bayer Corp.** (400 West Stoever Avenue, Myerstown, PA 17067-1418) on April 1, 2008, to operate their pharmaceuticals manufacturing facility in Myerstown Borough, **Lebanon County**. This is a renewal of the State-only operating permit.

**38-03022: Murry's, Inc.** (1501 Willow Street, Lebanon, PA 17406-4578) on April 3, 2008, to operate their meat derived food stuff processing plant in the City of Lebanon, **Lebanon County**. This is a renewal of the State-only operating permit.

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

**59-00006: Dominion Transmission, Inc.** (445 West Main Street, Clarksburg, WV 26301) on March 4, 2008, for the operation of a natural gas compressor station (Boom Compressor Station) in Lawrence Township, **Tioga County**.

**41-00074: Webb Communication, Inc.** (1 Maynard Street, Williamsport, PA 17701) on March 11, 2008, for the operation of a printing facility in the City of Williamsport, **Lycoming County**.

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

**30-00109: Equitrans, LP** (200 Allegheny Center Mall, Pittsburgh, PA 15212) on April 1, 2008, to operate a natural gas transmission station at their facility in Center Township, **Greene County**. Emissions from the facility are all below criteria pollutant thresholds.

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

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

**15-00005: State System of Higher Education—West Chester University of PA—West Chester** (201 Carter Drive, Suite 100, West Chester, PA 19383-0001) on April 3, 2008, for a Minor Modification to Title V Operating Permit No. TVOP-15-00005 in West Chester Borough, **Chester County**. The previously issued Title V Operating Permit (TVOP) has been modified for the purpose of incorporating the applicable conditions that enforces the minor facility status for Anhydrous Hydrogen Chloride and the Combination of HAPs. This Title B Operating Permit minor modification is associated with three coal fired boilers. Minor Modification of Title V Operating Permit No. TVOP-15-00005 is issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.462.

**46-00090: Tube Methods, Inc.** (416 Depot Street, Bridgeport, PA 19405) on April 3, 2008, Title V Operating Permit Minor Modification issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.462 in Bridgeport Borough, **Montgomery County**. Modification is to increase the allowable annual VOC emission limits from the vapor degreaser No. 101 from 22 to 23 tpy and to allow the use of n-propyl bromide as a solvent, which is VOC but not HAP as a substitute for trichloroethylene. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility within all applicable air quality requirements.

**15-00019: Exelon Generating Company** (Township Line and Cromby Roads, Phoenixville, PA 19460) on April 3, 2008, this amendment is to address a typographical error, the removal of source 736 (Coal Car Thaw Pit) and to remove the conditions of the Acid Rain Permit (Title IV, ORIS Number 3159) conditions from the Title V permit in East Pikeland Township, **Chester County**. The Acid rain permit will be issued under its own cover. Administrative Amendment and modification of Title V Operating Permit issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.450 and 127.461.

**ORIS Number 3159: Exelon Generation Co.—Cromby Generating Station** (Township Line and Cromby Roads, Phoenixville, PA 19460) on April 3, 2008, the acid rain permit established SOx and NOx allowances for Unit Nos. 1 and 2 in East Pikeland Township, **Chester County**.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P.S. §§ 4001—4015); the**

**Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).**

*Coal Permits Actions*

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

**63070101 and NPDES Permit No. PA0251101. Amerikohl Mining, Inc.** (1384 SR 711, Stahlstown, PA 15687). Commencement, operation and reclamation to a bituminous surface mine, located in Somerset Township, **Washington County**, affecting 183.9 acres. Receiving streams: UNTs to North Branch Pigeon Creek. Application received March 19, 2007. Permit issued April 1, 2008.

**03950113 and NPDES Permit No. PA0201529. Seven Sisters Mining Co., Inc.** (6608 US Route 22, Box 300, Delmont, PA 15626). Renewal permit for commencement, operation and reclamation of a bituminous coal surface mine, located in South Bend and Burrell Townships, **Armstrong County**, affecting 34.7 acres. Receiving stream: Crooked Creek. Renewal application received December 31, 2007. Renewal permit issued April 7, 2008.

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

**16070103 and NPDES Permit No. PA0258326. RFI Energy, Inc.** (P. O. Box 162, Sligo, PA 16255) Revision to an existing bituminous strip operation to add tippel refuse disposal and the beneficial use of coal ash in Perry Township, **Clarion County** affecting 132.0 acres. Revision also includes a landuse change from forestland and pastureland or land occasionally cut for hay to unmanaged natural habitat on the C & K Coal Company property. Receiving streams: Two UNTs to the Clarion River. Application received January 15, 2008.

**33-07-12 and NPDES Permit No. PA0258415. P. and N. Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767) Proposal to enter into a Government Financed Reclamation Construction Contract on a 19.5 acre site in Winslow Township, **Jefferson County**. The proposal includes reclamation of 7.8 acres of abandoned mine lands as well as 7.8 acres of coal removal incidental and necessary to the reclamation activities. Receiving streams: UNT to Fehley Run and Fehley Run. Application received February 23, 2007. Contract issued March 31, 2008.

**61020101 and NPDES Permit No. PA0242063. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127) Renewal of an existing bituminous strip operation in Irwin Township, **Venango County** affecting 25.5 acres. Receiving streams: UNT to Scrubgrass Creek. Application received February 6, 2008. Permit issued April 1, 2008.

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

**54850201T. Joe Kuperavage Coal Company**, (916 Park Avenue, Port Carbon, PA 17965), transfer of an existing anthracite coal refuse reprocessing operation in Blythe Township, **Schuylkill County** affecting 31.1 acres, receiving stream: none. Application received December 7, 2007. Transfer issued April 1, 2008.

**54861601R4. Schuylkill Coal Processing, Inc.**, (P. O. Box 134, Ashland, PA 17921), renewal of an existing anthracite coal preparation operation in Butler Township, **Schuylkill County** affecting 18.3 acres, receiving stream: none. Application received March 16, 2007. Renewal issued April 4, 2008.

**54860108R4 and NPDES Permit No. PA05935080. Reading Anthracite Company**, (P. O. Box 1200, Pottsville, PA 17901), renewal of an existing anthracite surface mine and quarry operation in New Castle and Norwegian Townships and St. Clair Borough, **Schuylkill County** affecting 1,469.0 acres, receiving stream: East Branch Norwegian Creek. Application received November 8, 2007. Renewal issued April 4, 2008.

**49871304R4 and NPDES Permit No. PA0595306. West Cameron Mining**, (R. R. 2, Box 630, Shamokin, PA 17872), renewal of an existing anthracite underground mine operation for reclamation only in West Cameron Township, **Northumberland County** affecting 2.0 acres, receiving stream: Mahanoy Creek. Application received December 10, 2007. Renewal issued April 4, 2008.

*Noncoal Permits Actions*

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

**Permit No. 01930301 and NPDES Permit No. PA0595541. Valley Quarries, Inc.**, P. O. Box J, Chambersburg, PA 17201-0809, renewal of NPDES permit, Hamiltonban Township, **Adams County**. Receiving streams: Middle Creek classified for the following uses: CWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received January 18, 2008. Permit issued March 31, 2008.

**Permit No. 4273SM6A2 and NPDES Permit No. PA0212555. Grannas Brothers Stone & Asphalt Company, Inc.**, P. O. Box 488, Hollidaysburg, PA 16648, renewal of NPDES permit, Frankstown Township, **Blair County**. Receiving streams: UNT to Brush Creek classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received January 16, 2008. Permit issued April 2, 2008.

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

**03030401 and NPDES Permit No. PA0201529. Seven Sisters Mining Co., Inc.** (6608 US Route 22, Box 300, Delmont, PA 15626). Renewal permit for commencement, operation and reclamation of a noncoal surface mine, located in South Bend and Burrell Townships, **Armstrong County**, affecting 34.7 acres. Receiving stream: Crooked Creek. Renewal application received December 31, 2007. Renewal permit issued April 7, 2008.

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

**74740303A4C7 and NPDES Permit No. PA0594334. Eastern Industries, Inc.**, (4401 Camp Meeting Road, Center Valley, PA 18034), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Lower Mt. Bethel Township, **Northampton County**, receiving stream: Delaware River. Application received February 19, 2008. Renewal issued April 3, 2008.

**09870301C11 and NPDES Permit No. PA0593796. Warner Company**, (1000 New Ford Mill Road, Morrisville, PA 19067), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Falls Township, **Bucks County**, receiving stream: Van Sciver Lake. Application received February 7, 2008. Renewal issued April 7, 2008.

**8073SM2A1C6 and NPDES Permit No. PA0595519. Glasgow, Inc.**, (P. O. Box 1089, Glenside, PA 19038), renewal of NPDES Permit for discharge of treated mine



drainage from a quarry operation in Upper Merion Township, **Montgomery County**, receiving stream: UNT to Schuylkill River. Application received February 20, 2008. Renewal issued April 7, 2008.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

##### *Blasting Permits Actions*

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

**21084116. John W. Gleim, Jr., Inc.**, 625 Hamilton Street, Carlisle, PA 17013-1925, blasting activity permit issued for residential development in Silver Spring Township, **Cumberland County**. Blasting activity permit end date is December 15, 2008. Permit issued March 26, 2008.

**01084106. M & J Explosives, Inc.**, P. O. Box 608, Carlisle, PA 17013-0608, blasting activity permit issued for single dwelling development in Mount Joy Township, **Adams County**. Blasting activity permit end date is March 31, 2009. Permit issued March 26, 2008

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

**65084002. Alex Paris Contracting** (1595 Smith Township Road, Route 18, Atlasburg, PA 15009). Revised blasting activity permit for the Laurel Mt. Christian Camp, located in Cook Township, **Westmoreland County**. Blasting is expected to last 1 year. Permit issued April 4, 2008.

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

**36084138. Keystone Blasting Service**, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Brookshire Development in Penn Township, **Lancaster County** with an expiration date of December 30, 2009. Permit issued March 31, 2008.

**36084139. M & J Explosives, Inc.**, (P. O. Box 608, Carlisle, PA 17013), construction blasting for Elm Tree Development in Rapho Township, **Lancaster County** with an expiration date of March 31, 2009. Permit issued March 31, 2008.

**23084102. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Riddle Hospital in Middletown Township, **Delaware County** with an expiration date of December 31, 2008. Permit issued April 1, 2008.

**09084103. Eastern Blasting Co., Inc.**, (1292 Street Road, New Hope, PA 18938), construction blasting for Parkview Estates in Nockamixon Township, **Bucks County** with an expiration date of April 2, 2009. Permit issued April 4, 2008.

**39094109. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Cedar Hill Cemetery in Hanover Township, **Lehigh County** with an expiration date of April 30, 2009. Permit issued April 4, 2008.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501–508 and 701–704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania 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.*

**E45-485. S.I.D.E. Corporation**, P. O. Box 1050, Blakeslee, PA 18610. Tobyhanna Township, **Monroe County**, United States Army Corps of Engineers Philadelphia District.

To place fill in approximately 0.86 acre of PFO/PSS/PEM, EV wetlands for the purpose of constructing a roadway to access building lots within an industrial development known as New Ventures Park and to con-

struct and maintain two road crossings as follows: 1) an open-bottom, multiplate steel arch culvert having a span of 8.0 feet and an underclearance of 4.17 feet in Goose Run (HQ-CWF) and in approximately 0.06 acre of adjacent wetlands; and 2) an open-bottom, multiplate steel arch culvert having a span 10.0 feet and an underclearance of 4.42 feet in Goose Run. The permittee is required to provide 2.03 acres of replacement wetlands, approximately 18,000 square feet of wetland restoration and 215 feet of streambank enhancement. The project is located approximately 0.5 mile northeast of the intersection of SR 0115 and SR 0080 (Blakeslee, PA Quadrangle N: 14.5 inches; W: 9.8 inches).

**E45-507. Buck Hill Falls Company**, 53 Golf Drive, Buck Hill Falls, PA 18323. Barrett Township, **Monroe County**, United States Army Corps of Engineers Philadelphia District.

To construct and maintain a 42-inch diameter HDPE culvert and a 15-inch diameter HDPE culvert in a tributary to Buck Hill Creek (EV) and a de minimis area of adjacent PFO, EV wetlands equal to 0.04 acre for the purpose of extending Vireo Road to provide access to two residential building lots. The proposed work also includes the installation of a sanitary sewer and water utility lines to service the new lots. The project is located approximately 525 feet west of the intersection of Partridge Path and Vireo Road (Buck Hill Falls, PA Quadrangle N: 12.0 inches; W: 4.8 inches). (Subbasin: 01E)

**E58-275. Charles R. Horvath**, 4 Musconetong Avenue, Hopatcong, NJ 07843. Jackson Township, **Susquehanna County**, United States Army Corps of Engineers Baltimore District.

To construct and maintain two private bridges for the purpose of providing access to a proposed single-family house, as follows: 1) a new bridge deck will be set on existing stone abutments to re-establish a bridge having a single span of approximately 21.0 feet and an underclearance of 5.0 feet across Tunkhannock Creek (CWF); and 2) a bridge having a single span of approximately 32.0 feet and an underclearance of 7.0 feet across a tributary to Tunkhannock Creek (CWF). The project is located on the east side of SR 0092, approximately 0.2 mile south of the intersection of SR 0092 and SR 0492 (Thompson, PA Quadrangle N: 15.6 inches; W: 12.3 inches). (Subbasin: 04F)

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

**E01-276: Evan O. Batts**, 3345 Carlisle Pike, New Oxford, PA 17350, Hamilton Township, **Adams County**, ACOE Baltimore District.

The Applicant proposes to fill and maintain 0.28 acre of PEM wetland to construct a roadway and a detention basin for a proposed housing development called Batts Subdivision located on the east side of PA 94 (Hampton, PA Quadrangle N: 0.4 inch; W: 4.2 inches, Latitude: 39° 52' 38"; Longitude: 77° 01' 48") in Hamilton Township, Adams County. The applicant will provide 0.33 acre of replacement wetlands on the property adjacent to the existing wetlands.

**E06-631: Wachovia Corporation**, One South Broad Street, Philadelphia, PA 19107, Hamburg Borough, **Berks County**, ACOE Philadelphia District

To excavate a 0.32 acre area of stream bank to a depth of 6.0 inches for the removal of lead contaminated soil and to stabilize and maintain 363.0 linear feet of stream

bank using fabric formed concrete in the floodway and floodplain of a UNT to the Schuylkill River (WWF) (Hamburg, PA Quadrangle N: 10.125 inches; W: 14.375 inches, Latitude: 40° 33' 12.98"; Longitude: 75° 58' 47.37") off of East State Street in Hamburg Borough, Berks County.

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

**E02-1563. Woodville Associates, LTD**, 5020 Thoms Run Road, Oakdale, PA 15071. To restore and maintain a UNT in Collier Township, **Allegheny County**, Pittsburgh ACOE District (Pittsburgh West, PA Quadrangle N: 2.4 inches; W: 16.7 inches, Latitude: 40° 23' 18"; Longitude: 80° 07' 12"). To construct and maintain a stream mitigation project consisting of restoring approximately 1,700.00 linear feet of a UNT to Chartiers Creek (UNT No. 2) (WWF) for the purpose of compensating for the loss of 2,300.0 linear feet of stream channel (1,800.0 linear feet of UNT No. 1, 250.0 linear feet of UNT No. 2-C and 250.0 linear feet of UNT No. 2-d) (WWF) impacted by the construction of a residential development known as the Villages at Neville Park. The stream mitigation project is located approximately 6,800.0 feet northwest from the intersection of Interstate Route 79 and Thoms Run Oakdale. The project will consist of constructing and maintaining rock vanes, high bank laybacks, root wad revetments, root bank armoring with associated plantings and reconstructing an existing stormwater detention pond.

**E65-910. Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106. To construct and maintain a culvert in Hempfield Township and Arona Borough, **Westmoreland County**, Pittsburgh ACOE District (Beginning from Irwin, PA Quadrangle N: 3.3 inches; W: 6.0 inches, Latitude: 40° 16' 00"; Longitude: 79° 40' 00" and Ending at Smithton, PA Quadrangle N: 21.3 inches; W: 1.6 inches, Latitude: 40° 14' 34"; Longitude: 79° 38' 11"). To construct and maintain a 240 ft. long, 54 ft. span, 26.25 ft. rise, open bottom, concrete arch culvert and temporary stream crossing in Little Sewickley Creek (TSF) with a drainage area of 17.1 square miles, located downstream and adjacent to the existing and to be removed three span, 90 ft. wide, 240 ft. long, steel girder bridge and piers; a 540 ft. long, 60 inch diameter RCP extension to an existing 60 inch diameter RCP culvert in a UNT to Little Sewickley Creek with a drainage area of 251 acres; a 28.6 ft. long extension to the inlet and 36.3 ft. long extension to the outlet of an existing 120.8 ft. long, 32 ft. span, 16.25 ft. rise, open bottom arch culvert in a UNT to Sewickley Creek (WWF) with a drainage area of 2.15 square miles; approximately 518 ft. of stream loss, approximately 2,419 ft. of culvert and approximately 580 ft. of stream relocation in UNTs to Little Sewickley Creek with drainage areas of less than 100 acres and associated stormwater outfalls. In addition, 0.63 acre of PEM/PSS wetland will be filled and maintained and .72 acre of wetland mitigation will be provided at the Brush Run mitigation site as indicated in the wetland mitigation plan included in this permit. This project is associated with the larger, phased Turnpike Commission's I-76 reconstruction and improvement work with these encroachments starting approximately 2.3 miles southeast from the center of Arona Borough and extending west 0.25 mile to the center of Arona Borough, located in Hempfield Township.

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville.*

**E20-561. South Lake Preserve, Inc.**, P. O. Box 5233, Conneaut Lake, PA 16316, in Conneaut Lake Borough and Sadsbury Township, **Crawford County**, ACOE Pittsburgh District (Conneaut Lake, PA Quadrangle N: 7.0 inches; W: 4.4 inches).

The applicant proposes to construct a 1.5 acre park (Ice House Park) at the NE corner of 1st Street and SR 322 at the southern end of Conneaut Lake (Conneaut Lake, PA Quadrangle N: 7.0 inches; W: 4.4 inches) in Conneaut Lake Borough and Sadsbury Township involving: 1) to remove the existing docks and to construct and maintain; 2) pile supported and floating docks having approximately 36 total slips; 3) an approximately 250-foot long cantilevered boardwalk; 4) a boat launch ramp; 5) a sidewalk; 6) additional riprap protection along approximately 250 feet of shoreline under the boardwalk landscaping within 50-feet of the top of the bank of Conneaut Lake involving minor grading; 7) to install water and utility lines to the docks; and 8) to maintain the existing boat hoist. Conneaut Lake is a perennial body of water classified as a HQ-WWF.

**E42-336, McKean County Commissioners**, 500 West Main Street, Smethport, PA 16749. Boyer Crossing Road bridge across Allegheny River, in Liberty Township, **McKean County**, ACOE Pittsburgh District (Roulette, PA Quadrangle N: 41° 47' 27"; W: 78° 13' 27").

To remove the existing structure and to construct and maintain a 19-foot wide steel beam bridge and associated roadway approach fill providing a clear, normal span of 100 feet and an average underclearance of 10.7 feet across the Allegheny River on T-415, Boyer Crossing Road approximately 0.1 mile south of SR 6.

**E62-414. Warren General Hospital**, Two Crescent Park West, Warren, PA 16365. Pine Grove Center Devel-

opment Phase II, in Pine Grove Township, **Warren County**, ACOE Pittsburgh District (Russell, PA Quadrangle N: 14.73 inches; W: 1.66 inches).

The applicant proposes to construct an assisted living center, 14 residences and an office complex approximately 0.7 mile SW of the intersection of SR 62 and SR 1016 in Pine Grove Township, Warren County (Russell, PA Quadrangle N: 14.73 inches; W: 1.66 inches) involving: 1) to fill 0.28 acre of PEM wetland; 2) to construct and maintain 0.28 acre of PEM wetlands; 3) to construct and maintain two culvert crossings of tributaries to Conewango Creek with drainage areas of less than 100 acres having lengths of approximately 250 feet and 120 feet respectively; and 4) to construct channel changes to a tributary to Conewango Creek with a drainage area of less than 100 acres approximately for a length of approximately 150 feet. The tributaries to Conewango Creek are intermittent streams classified as CWF. The project proposes to directly impact approximately 520 linear feet of watercourse (drainage area less than 100 acres) and 0.28 acre of PEM wetlands.

**ENVIRONMENTAL ASSESSMENTS**

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

**EA01-007:** Gettysburg National Military Park, 105 Taneytown Road, Gettysburg, PA 17325, Cumberland Township, **Adams County**, ACOE Baltimore District

To construct and maintain a 6.0-inch waterline in and across Plum Creek (WWF) (Gettysburg, PA Quadrangle Latitude: 39° 48' 60"; Longitude: 77° 14' 30") for the purpose of providing service and fire protection to historical buildings south of United States Avenue, 0.42 mile east of the intersection with US Highway 15 in Cumberland Township, Adams County.

**STORAGE TANKS**

**SITE-SPECIFIC INSTALLATION PERMITS**

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
08-02-029	Neville Chemical Company 2800 Neville Road Pittsburgh, PA 15225-1496 Attn: Zygmunt V. Osiecki	Allegheny	Neville Township	2 ASTs storing Resin Former / Petroleum Distillate	1,260,000 gallons total

**SPECIAL NOTICES**

**Bureau of Mine Safety  
Request for Variance**

The Department of Environmental Protection (Department), Bureau of Mine Safety (Bureau), has received a request for variance from Eighty Four Mining Company. The following notification contains a summary of this request. A complete copy of the variance request may be obtained from Cathy Dunn by calling (724) 439-7469 or from the BMS web site at [www.depweb.state.pa.us/deepminesafety/site/default.asp](http://www.depweb.state.pa.us/deepminesafety/site/default.asp).

The Department is publishing a summary of the request to solicit comments from affected parties on the

proposed variance request. Comments may be used by the Bureau to assist in its investigation of the variance request. Comments will be accepted for 30 days following the publication of this notice. All comments should be addressed to: Joseph A. Scaffoni, Director, Bureau of Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401.

Section 702 of the Bituminous Coal Mine Act (52 P. S. § 702), provides a mechanism for operators to obtain variances from specific requirements of the Act to accommodate the adoption of new machinery, equipment, tools, supplies, methods or processes.

Section 290(d) states that every gassy mine shall have at least four main entries, two of which shall lead from

the main opening and two from the second opening into the body of the mine.

Summary of the Request: Eighty Four Mining Company requests a variance that pertains specifically to the 10B Corridor Area at the Mine No. 84.

[Pa.B. Doc. No. 08-735. Filed for public inspection April 18, 2008, 9:00 a.m.]

### Alternative Fuels Incentive Program; Program Opportunity

The Department of Environmental Protection (Department), Bureau of Energy, Innovations and Technology Deployment announces an opportunity to apply for grants under the Alternative Fuels Incentive Program (Program) to improve this Commonwealth's air quality and reduce consumption of imported oil through the use of home-grown alternative fuels that will help the State's economy and environment. The Department is seeking applications for innovative, advanced fuel and vehicle technology projects resulting in cleaner advanced transportation within this Commonwealth.

Grant funds awarded under the Program can be used to cover the added cost to purchase E85 or biodiesel. Eligible applicants include tax-exempt entities such as school districts, local government agencies, transit authorities, colleges and universities and nonprofit entities. Eligible applicants requesting funding for the purchase of biodiesel or E85 may be eligible for funding to install refueling equipment. Producers of ethanol or biodiesel in this Commonwealth are eligible for a reimbursement of 5¢ a gallon for up to 12,500,000 gallons covering a 12-month period. Project costs cannot be incurred before the submittal of an application during the grant open opportunity time period.

The application package including guidance, instructions and application forms is available by contacting the Department of Environmental Protection, Office of Energy and Technology Deployment, 15th Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8772, Harrisburg, PA 17105-8772, (717) 783-8411. The application package is also available electronically on the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords "Alternative Fuels").

Applications must be postmarked or received by 4 p.m. on June 20, 2008. Faxes will not be accepted. Use staples only, no binding or cover pages.

Please note that Department's Pennsylvania Energy Development Authority Grant Program and the Energy Harvest Program will be open at the same time (see 38 Pa.B. 1912 and 38 Pa.B. 1889).

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-736. Filed for public inspection April 18, 2008, 9:00 a.m.]

### Bid Opportunity

**BOGM 08-2, Cleaning Out and Plugging Eight Abandoned Oil Wells, (Mr. and Mrs. Gerald Peterson, Mr. and Mrs. Glen Derusha, Brian Yohe and Patrick Yohe Properties), Bradford and**

**Corydon Townships, McKean County.** The principal items of work include cleaning out and plugging eight abandoned oil wells, estimated to be 1,500 feet in depth, to the Department of Environmental Protection specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. Bid documents cost \$10 per set and will not be mailed until payment has been received. A prebid conference is planned for this project but a date has not been set. Use the contact information contained in this advertisement to find out more about the prebid. Contact the Construction Contracts Section at (717) 787-7820 or [joelmiller@state.pa.us](mailto:joelmiller@state.pa.us) for more information on this bid.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-737. Filed for public inspection April 18, 2008, 9:00 a.m.]

### Bid Opportunity

**BOGM 07-13, Cleaning Out and Plugging 30 Abandoned Oil Wells, (Bradford City c/o Jeff Andrews OCED, Mr. and Mr. Todd Bridge, Willard Cline, Mr. and Mrs. Kenneth Coldren, Mr. and Mrs. Kelly Copley, Robert Gleason, George Gigliotti, Mr. and Mrs. Francis Jay Gorton, James Gross, Jeremy Kosmac, James Lechiara, Mr. and Mrs. Shawn Luce, Barbara Maholic, Mr. and Mrs. Glenn Osgood, Mr. and Mrs. Peter Palumbo, Robert Reed, Chris Reynolds, Mr. and Mrs. Steven Skaggs, Bonnie Smith, Mr. and Mrs. Dale Songer, Betty Stiles, Mr. and Mrs. David Taylor, Harold Taylor, Mr. and Mrs. Arnold Wells, Mr. and Mrs. Gene Woodmanse and Gerald Woodruff Properties), Bradford City, McKean County.** The principal items of work include cleaning out and plugging 30 abandoned oil wells, estimated to be 1,200 feet in depth, to the Department of Environmental Protection specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. Bid documents cost \$10 per set and will not be mailed until payment has been received. A prebid conference is planned for this project but a date has not been set. Use the contact information contained in this advertisement to find out more about the prebid. Contact the Construction Contracts Section at (717) 787-7820 or [joelmiller@state.pa.us](mailto:joelmiller@state.pa.us) for more information on this bid.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-738. Filed for public inspection April 18, 2008, 9:00 a.m.]

### Bid Opportunity

**OSM 40(3044)101.1, Abandoned Mine Reclamation Project, Fern Glen, Black Creek Township, Luzerne County.** The principal items of work and approximate quantities include 457,800 cubic yards of grading and 56.8 acres of seeding. This project issues on April 18, 2008, and bids will be opened on May 15, 2008, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by Pub. L. No. 95-87 dated August 3, 1977, the Surface

Mining Control and Reclamation Act of 1977, and is subject to that law and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-739. Filed for public inspection April 18, 2008, 9:00 a.m.]

**Nutrient and Sediment Reduction Credit Trading Program; Nutrient Trading Program Activities and NPDES Permits**

The Department of Environmental Protection (Department) provides notice of the following actions regarding the Nutrient and Sediment Reduction Credit Trading Program (Trading Program). These actions were taken in relation to the Interim Final Policy and Guidelines for Nutrient and Sediment Trading issued in 2005 and the Final Trading of Nutrient and Sediment Reduction Credits—Policy and Guidelines (Policy) (DEP ID# 392-0900-001) (see 36 Pa.B. 7999 (December 30, 2006)). The Policy called for a transparent system of credit reviews and approvals.

Trading is a market-based program that provides incentives for entities to create nutrient reduction credits by going beyond statutory, regulatory or voluntary obligations and goals by removing nutrients from a watershed. The credits can be traded to help others more cost-effectively meet their obligations or goals. The primary purpose of the Trading Program is to provide for more efficient ways for National Pollutant Discharge Elimination System (NPDES) permittees to meet their effluent limits for nutrients and sediment. Currently, the focus of the program is on the Chesapeake Bay watershed.

The actions described in this notice relate to: (1) submitted proposals; (2) approved proposals; and (3) registered credits, through March 28, 2008.

*Background*

Before a credit can be used by an NPDES permittee, a three-step process is followed. First, the credit or offset

proposal must be approved, second, it must be verified and third, it must be registered.

Approval is also known as certification, which is a written approval by the Department for the use of proposed or implemented activities to generate credits (in some cases the person generating the credits is not permitted to transfer them to another person, in which case they are called “offsets”). Certifications are based on at least: (1) a credit or offset proposal to be submitted describing the qualifying activities that will reduce the nutrient loadings delivered to the applicable watershed; (2) the calculation to quantify the pounds of reductions expected; and (3) a verification plan that, when implemented, ensures that the qualifying nutrient reduction activities have taken place. All of the proposals, certifications and registrations described in this notice apply to the Chesapeake Bay Watershed.

Once the credits or offsets are certified, they must be verified. Verification means implementation of the verification plan contained in a certified credit or offset proposal as required by the Department. Verification plans require annual submittal of documentation to the Department that demonstrates that the qualifying nutrient reduction activities have taken place for the applicable compliance year.

The credits or offsets also need to be registered by the Department before they can be used in an NPDES permit. Registration occurs only after credits or offsets have been certified and verified, and a trading contract for credits has been submitted to the Department. For the Chesapeake Bay Watershed, the Department will register credits on an annual basis for use during the compliance year in which the qualifying nutrient reduction activities have taken place and will provide such credits with an annual registry number for reporting and tracking purposes.

The Department has received 38 proposals that have been submitted for review to generate nutrient reduction credits in the Chesapeake Bay Watershed. Of those, 27 have been approved, 5 are in review, 1 has been withdrawn and the remaining proposals need additional clarification before they can be considered complete and further reviewed for certification.

*Proposals under Review*

The following proposals are being reviewed by the Department.

<i>Proposal Applicant</i>	<i>Proposal Description</i>
1. The ARRO Group, Inc.	Land Conversion for proposed Mirage Subdivision, Adams County
2. The ARRO Group, Inc.	Land Conversion for proposed Biglerville Crossing II and Summerdale Crossing II, Adams County
3. Mavickar Environmental Consultants	Land Conversion for proposed Bethel Warehouse, Berks County
4. Chester County Conservation District	Nitrogen credits generated by cover crops, Chester County
5. Bion Environmental Technologies, Inc.	Nitrogen and Phosphorous credits generated by a proprietary livestock waste treatment technology for a flush dairy operation, Lancaster County

*Certifications:*

The Department has approved the following credit-generating proposals.

<i>Applicant and proposal description</i>	<i>Nitrogen Credits</i>	<i>Phosphorus Credits</i>	<i>Sediment Credits</i>
1. HRG/Milton Regional Authority—Facility generated credits through the process/treatment of the wastewater. These credits may be revised once the facility receives their final NPDES permit.	46,000	6,000	
2. Red Barn Trading Company—Poultry Manure Export from Snyder County to location outside of the watershed.	24,405	3,051	
3. Red Barn Trading Company—Poultry Manure Export from Union County to location outside of the watershed.	10,525	1,317	
4. Red Barn Trading Company—Poultry Manure Export from Snyder County to location outside of the watershed.	11,050	1,381	
5. Red Barn Trading Company—Poultry Manure Export from Snyder County to location outside of the watershed.	15,621	1,953	
6. Red Barn Trading Company—Poultry Manure Export from Schuylkill County to location outside of the watershed.	21,141	2,643	
7. Red Barn Trading Company—Poultry Manure Export from Juniata County to location outside of the watershed.	8,246	1,031	
8. Red Barn Trading Company—Poultry Manure Export from Huntington County to location outside of the watershed.	9,036	1,130	
9. Red Barn Trading Company—Poultry Manure Export from Juniata County to location outside of the watershed.	11,154	1,394	
10. Red Barn Trading Company—Poultry Manure Export from Franklin County to location outside of the watershed.	68,122	8,515	
11. Red Barn Trading Company—Poultry Manure Export from Juniata County to location outside of the watershed.	9,243	1,155	
12. Red Barn Trading Company—Poultry Manure Export from Lancaster County to location outside of the watershed.	36,679	4,585	
13. Red Barn Trading Company—Poultry Manure Export from Lancaster County to location outside of the watershed.	14,269	1,784	
14. Red Barn Trading Company—Poultry Manure Export from Lebanon County to location outside of the watershed.	55,387	6,923	
15. Red Barn Trading Company—Poultry Manure Export from York County to location outside of the watershed.	22,860	2,857	
16. Red Barn Trading Company—Poultry Manure Export from Lancaster County to location outside of the watershed.	12,344	1,543	
17. Red Barn Trading Company—Poultry Manure Export from Perry County to location outside of the watershed.	17,319	2,165	
18. Red Barn Trading Company—Poultry Manure Export from Adams County to location outside of the watershed.	24,724	3,090	

<i>Applicant and proposal description</i>	<i>Nitrogen Credits</i>	<i>Phosphorus Credits</i>	<i>Sediment Credits</i>
19. Red Barn Trading Company—Poultry Manure Export from Juniata County to location outside of the watershed.	6,671	834	
20. Red Barn Trading Company—Poultry Manure Export from Lancaster County to location outside of the watershed.	7,054	882	
21. Red Barn Trading Company—Poultry Manure Export from Lancaster County to location outside of the watershed.	7,699	962	
22. Red Barn Trading Company—Poultry Manure Export from Lancaster County to location outside of the watershed.	15,624	1,953	
23. Mount Joy Borough Authority—Continuous No—till on 930 acres.	11,718		
24. Berks County Conservation District—Cover crops planted on ten tracts of land, credits were generated during the 2006-2007 water year.	1,851		
25. Chesapeake Nutrient Management—Poultry manure export from Adams County to a location outside of the watershed, credits were generated during the 2006-2007 water year.	6,236	780	
26. Lititz Run Watershed Association—Stream restoration project; credits are nontransferable.	1,381	68	129
27. Berks County Conservation District—Cover crops planted on forty-four tracts of land, credits have been generated for the 2007-2008 compliance year.	7,834		
<b>Total:</b>	<b>484,193</b>	<b>57,996</b>	<b>129</b>

The Department has also given conditional approval to Bion Environmental Technologies, Inc., for calculating credits, related to a proprietary livestock waste treatment technology for flush dairy operations.

*Verifications and Registrations:*

To date, there are no verifications and registrations.

*Future notices:*

In the future, the Department plans to provide notice in the *Pennsylvania Bulletin* at three separate times during the Trading Program.

First, notice will be provided when a complete proposal to generate credits or offsets has been received. All submitted proposals will be reviewed for technical feasibility, consistency with the Department's Trading Program, and legal and policy requirements.

Second, upon approval of a proposal (certification), the Department will provide notice in the *Pennsylvania Bulletin* of the proposal details including the generation method and number of credits or offsets to be certified. This notice will include the chance for informal public input into the certification decisions.

Finally, the Department will also provide notice in the *Pennsylvania Bulletin* when the credits and offsets have been verified and registered.

For further information about the previous information or the Department's Nutrient Trading Program, contact Ann Smith, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4726, annsmith@state.pa.us or visit the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "Nutrient Trading").

KATHLEEN A. MCGINTY,  
Secretary

[Pa.B. Doc. No. 08-740. Filed for public inspection April 18, 2008, 9:00 a.m.]

### Pennsylvania Energy Harvest Grant Program Applications

The Department of Environmental Protection (Department) announces the availability of approximately \$5 million in the 6th year of the Pennsylvania Energy Harvest Grant Program for innovative energy deployment projects addressing the concerns of air quality protection or improvement and watershed protection or improvement.

Grants will fund projects that promote awareness and build markets for cleaner or renewable energy technologies. Proposals should manage this Commonwealth's energy resources in a way that also improves the environment, supports economic development and enhances quality of life.

Eligible proposals include: renewable energy deployment, including biomass energy; waste coal reclamation for energy; deployment of innovative energy efficiency technologies; and distributed generation projects.

Applications are available by contacting the Department of Environmental Protection, Office of Energy and Technology Deployment, 15th Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8772, Harrisburg, PA 17105-8772, (717) 783-8411. Applications are also available on the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword: Energy Harvest). The application package contains the materials and instructions necessary for applying for a grant.

Applications must be postmarked or received by 4 p.m. on June 20, 2008. Faxes or electronic submittals will not be accepted. Use staples only, no binding or cover pages.

Please note that the Department's Pennsylvania Energy Development Authority Grant Program and Alternative Fuels Incentive Grant Program will be open at the same time (see 38 Pa.B. 1912 and 38 Pa.B. 1886.)

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-741. Filed for public inspection April 18, 2008, 9:00 a.m.]

### Recycling Grant Awards under the Municipal Waste Planning, Recycling and Waste Reduction Act; Correction Notice

The Department of Environmental Protection (Department), by this notice, provides the following corrections to the notice published at 38 Pa.B. 503 (January 26, 2008), concerning grants to municipalities for recycling programs under section 902 of the Municipal Waste Planning, Recycling and Waste Reduction Act (act) (53 P. S. § 4000.902). Changes were made to the previously published notice to correct typographical errors and to correctly identify, by name, the grant recipient.

Monroe County Municipal Waste Management Authority	Drop-off Recycling	\$206,858
Monroe County Auburn Borough	Yard Waste Program	\$99,705
Schuylkill County Mifflin County Solid Waste Authority	Recycling Center and Drop-off Recycling	\$248,744
Mifflin County Wrightsville Borough Municipal Authority	Curbside Recycling	\$213,723
York County Philipsburg Borough	Yard Waste Processing	\$49,141
Centre County Clinton County Solid Waste Authority	Recycling Center and Drop-off/Curbside	\$440,397
Clinton County Jefferson County Solid Waste Authority	Drop-off Recycling	\$42,141
Jefferson County		

The grant funds awarded are to be used for the development and implementation of recycling programs. Municipalities and counties are eligible for up to 90% funding of approved recycling program costs. Municipalities considered financially distressed under the Municipalities Financial Recovery Act (53 P. S. §§ 11701.101—11701.501), are eligible to receive funding for an additional 10% of approved costs. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of the act (53 P. S. §§ 4000.701 and 4000.702) and the availability of moneys in the Recycling Fund.

Questions concerning this correction notice or the grant offerings to municipalities for recycling programs under section 902 of act should be directed to Mark Vottero, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 772-5719, [mvottero@state.pa.us](mailto:mvottero@state.pa.us).

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-742. Filed for public inspection April 18, 2008, 9:00 a.m.]



## DEPARTMENT OF HEALTH

### Application of Alle-Kiski Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Alle-Kiski Medical Center has requested an exception to 28 Pa. Code § 127.32 (relating to written orders).

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

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-743. Filed for public inspection April 18, 2008, 9:00 a.m.]

### Application of Geisinger Health System for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Geisinger Health System has requested an exception to the requirements of 28 Pa. Code § 107.61 (relating to written orders).

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

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or

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

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-744. Filed for public inspection April 18, 2008, 9:00 a.m.]

### Application of Heritage Valley Health System for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Heritage Valley Health System has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.1-5.4.1 (relating to interventional imaging location) and 2.1-5.5.1 (relating to cardiac catheterization laboratory).

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

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-745. Filed for public inspection April 18, 2008, 9:00 a.m.]

### Application of LifeCare Hospitals of Pittsburgh-North for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Sharon Regional Health System has requested an exception to the requirements, of 28 Pa. Code §§ 103.31, 107.1, 107.11, 107.26(b)(1) and (7).

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

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-746. Filed for public inspection April 18, 2008, 9:00 a.m.]

### Application of North Pointe Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that North Pointe Surgery Center has requested an exception to the requirement of 28 Pa. Code § 569.35 (relating to general safety precautions).

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

The facility is requesting a waiver of the comment period as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-747. Filed for public inspection April 18, 2008, 9:00 a.m.]

### Application of Ophthalmology & Surgical Institute for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Ophthalmology & Surgical Institute has requested an exception to the requirements of 28 Pa. Code § 551.21 (relating to criteria for ambulatory surgery).

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

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-748. Filed for public inspection April 18, 2008, 9:00 a.m.]

### Application of Physician's Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Physician's Surgery Center has requested an exception to the requirements of 28 Pa. Code § 551.21 (relating to criteria for ambulatory surgery).

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

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-749. Filed for public inspection April 18, 2008, 9:00 a.m.]

### Application of Pottstown Memorial Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Pottstown Memorial Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the

following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.1-3.4.2.1(a) (relating to head wall) and 2.1-9.2 (relating to hospital type elevator).

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

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-750. Filed for public inspection April 18, 2008, 9:00 a.m.]

### **Application of Proserpi-Schlechter Center for Plastic Surgery for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Proserpi-Schlechter Center for Plastic Surgery has requested an exception to the requirements of 28 Pa. Code § 553.31(a) (relating to administrative responsibilities).

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

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or

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

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-751. Filed for public inspection April 18, 2008, 9:00 a.m.]

### **Application of Sharon Regional Health System for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Sharon Regional Health System has requested an exception to the requirements of 28 Pa. Code §§ 137.11, 137.21 and 137.33 (relating to facilities and equipment; policies and procedures; and obstetrical-gynecological nursing service).

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

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-752. Filed for public inspection April 18, 2008, 9:00 a.m.]

### **Application of Twin Rivers Endoscopy Center for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Twin Rivers Endoscopy Center has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

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

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

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-753. Filed for public inspection April 18, 2008, 9:00 a.m.]

### Application of UPMC Northwest for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Northwest has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 10.15.B9 (relating to clean utility room), 10.15.B10 (relating to soiled utility room), 10.15.B13 (relating to nourishment station) and 10.15.B11 (relating to medication room).

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

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-754. Filed for public inspection April 18, 2008, 9:00 a.m.]

### Application of UPMC Presbyterian Shadyside for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Presbyterian Shadyside has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compli-

ance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 5.1.2.5(1) and (2) (relating to treatment areas).

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

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-755. Filed for public inspection April 18, 2008, 9:00 a.m.]

### Infant Hearing Screening Advisory Committee Meeting

The Infant Hearing Screening Advisory Committee, established under the Infant Hearing Education Assessment, Reporting and Referral Act (11 P. S. §§ 876-1—876-90), will hold a public meeting on Thursday, June 12, 2008, from 10 a.m. to 3 p.m., 125N, Training Room A, Plaza Level, Commonwealth Keystone Building, Commonwealth Avenue and Forster Streets, Harrisburg, PA.

For additional information, contact Arthur A. Florio, Public Health Program Administrator, Newborn Hearing Screening Program, Division of Newborn Screening and Genetics at (717) 783-8143.

Persons with a disability who wish to attend the meeting and require auxiliary aid, service or other accommodation to do so should contact the Newborn Hearing Screening Program at (717) 783-8143. Speech and/or hearing impaired persons use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-756. Filed for public inspection April 18, 2008, 9:00 a.m.]

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

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building).

Coldstream Crossing  
300 Balfour  
Phoenixville, PA 19460  
FAC ID 21760201

ManorCare Health Services—Monroeville  
885 Macbeth Drive  
Monroeville, PA 15146

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

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

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who desire to comment in an alternative format (for example, large print, audiotape, Braille), should contact the Division of Nursing Care Facilities at the address or phone numbers listed previously or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-757. Filed for public inspection April 18, 2008, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Nursing Facility Assessment Program for Fiscal Year 2007-2008

This notice announces the amount of the assessment that the Department of Public Welfare (Department) is implementing for Fiscal Year (FY) 2007-2008, provides an explanation of the assessment methodology that the Department is using in FY 2007-2008 and identifies the estimated aggregate impact on nursing facilities that will be subject to the assessment.

#### *Background*

The act of September 30, 2003 (P. L. 169, No. 25) (Act 25)<sup>1</sup>, known as the Nursing Facility Assessment Law, directs the Department to “implement a monetary assessment” on nonpublic licensed nursing facilities beginning July 1, 2003, and ending June 30, 2007 (Assessment Program). See sections 802-A and 815-A of Act 25 (62 P. S. §§ 802-A and 815-A). Act 25 further specifies that the

<sup>1</sup>Act 25 is codified in Article VIII-A of the Public Welfare Code, 62 P. S. §§ 801-A—815-A.

Department may implement an Assessment Program “only to the extent that the revenues generated therefrom will qualify as the State share of [Medical Assistance] program expenditures eligible for Federal financial participation.” See section 803-A of Act 25 (62 P. S. § 803-A). To guarantee that the assessment amounts qualify for matching Federal funds, Act 25 directs the Department to seek such waivers from the Federal Centers for Medicare and Medicaid Services (CMS) as may be necessary to implement the Assessment Program in conformity with Federal law. See section 812-A of Act 25 (62 P. S. § 812-A). The Department submitted a waiver request to the CMS, and the CMS subsequently granted the waiver and approved implementation of the Assessment Program.

The act of June 30, 2007 (P. L. 49 No. 16) (Act 16) directed the Department to continue the Assessment Program beginning FY 2007-2008—2011-2012 and also provided the Department with the authority to include the county nursing facilities in the Assessment Program beginning July 1, 2007. See sections 801-A, 802-A, 813-A and 815-A of Act 16.

As directed by Act 16, the Department submitted a request to CMS on September 11, 2007, seeking a waiver of both the uniform and broad-based requirements. In this submission, the Department requested approval to modify the Assessment Program effective July 1, 2007, that will: (i) add county nursing facilities to the Assessment Program; and, (ii) increase the assessment rate from \$1.97 to \$2.40 per non-Medicare day for nonexempt nursing facilities that participate within a licensed Continuing Care Retirement Community (CCRC) or that have 50 licensed beds or less (county nursing facilities will also be assessed at this rate); (iii) and increase the assessment rate from \$20.35 to \$24.83 per non-Medicare day for all other nonexempt nursing facilities. By letter dated November 28, 2007, CMS approved the Department’s waiver request.

For each fiscal year that the Assessment Program is implemented, the Secretary of the Department (Secretary), in consultation with the Secretary of the Budget, must determine the aggregate amount of the assessment and the annual assessment rate. The aggregate amount and rate of assessment must be approved by the Governor’s Office. The annual assessment rates must be sufficient to generate at least \$50 million in additional revenue, subject to the maximum aggregate assessment amount that qualifies for Federal matching funds. See section 804-A of Act 25 (62 P. S. § 804-A).

Before implementing the Assessment Program in a fiscal year, the Secretary must publish a notice in the *Pennsylvania Bulletin* that specifies the amount of the assessment being proposed, provides an explanation of the assessment methodology and assessment amount and identifies the aggregate impact on nursing facilities subject to the assessment. See section 805-A of Act 25 (62 P. S. § 805-A). After consideration of any comments received during the 30-day comment period, the Secretary must publish a second notice announcing the rate of assessment for the fiscal year. *Id.*

The Secretary published a notice at 38 Pa.B. 410 (January 19, 2008) announcing the proposed assessment rates, the aggregate amount and the impact for FY 2007-2008. The Department received two public comments following publication of the proposed notice. The Department considered and took into account the comments when composing this final assessment notice.

*Assessment Methodology and Rates for FY 2007-2008*

The Secretary published a notice at 38 Pa.B. 410 announcing the proposed nursing facility assessment methodology and rates for FY 2007-2008.

The following nursing facilities will be exempt from the Assessment Program in FY 2007-2008:

1. State owned and operated nursing facilities.
2. Veterans Administration nursing facilities.
3. Nursing facilities that have not been licensed and operated by the current or previous owner for the full calendar quarter prior to the calendar quarter for which an assessment is collected.
4. Nursing facilities that provide nursing facility services free of charge to all residents.

Under the proposed rate structure, the Department will assess nonexempt nursing facilities at two rates. One rate will apply to county nursing facilities, to facilities that have 50 or fewer beds, and to nursing facilities that participate in a CCRC. The other rate will apply to all other nonexempt facilities. Each nonexempt facility's quarterly assessment amount will continue to be calculated by multiplying its assessment rate by the facility's non-Medicare resident days during the calendar quarter that immediately precedes the assessment quarter. But for the inclusion of the county nursing facilities, this proposed rate structure is the same structure that was used in previous years.

Although the Department intends to maintain the same basic rate structure for FY 2007-2008, the Department is proposing to increase the assessment rates for nonexempt nursing facilities from FY 2006-2007. Specifically, the Department proposes to implement the following assessment rates during FY 2007-2008:

- (1) The proposed assessment rate for county nursing facilities and for nonexempt facilities that either have 50 or fewer beds or participate in a CCRC will be \$2.40 per non-Medicare resident day.
- (2) The proposed assessment rate for all other nonexempt nursing facilities will be \$24.83 per non-Medicare resident day.

For FY 2007-2008, the Department will consider a nursing facility to qualify for the CCRC assessment rate if the nursing facility satisfies the following criteria:

1. The nursing facility is owned or controlled by an entity that is certified as a CCRC by the Insurance Department (for purposes of this guideline, "control" means the power to direct or cause to direct the management and policies of the nursing facility, whether through equitable ownership of voting securities or otherwise).
2. The CCRC provides a continuum of care during the assessment period that includes residential living units that are either occupied or available for immediate occupancy.
3. The nursing facility is: (a) located on the same campus as the CCRC's residential living units; or (b) identified in the CCRC's Disclosure Statement and Resident Agreement under the Continuing-Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225) and located no more than 30 miles from the campus on which the CCRC's residential living units are located.

Under these criteria, a nursing facility that is owned or controlled by a CCRC which is planning to construct residential living units in the future, or is constructing residential units, but which has no residential units

occupied or available for immediate occupancy, would not qualify for the CCRC assessment rate. Additionally, the residential living units must be occupied or available for immediate occupancy for the entire assessment period for the nursing facility to qualify for the CCRC rate for that assessment period.

If a nonexempt nursing facility either satisfies the previously listed criteria after the commencement of the Assessment Program or does not satisfy the criteria but believes that it otherwise qualifies for the CCRC rate, then the nursing facility may submit a written request to the Department that it be assessed at the CCRC rate. The written request should include supporting documentation demonstrating that the nursing facility participates within a licensed CCRC. The Department will not unilaterally classify nursing facilities for the CCRC rate without a written request.

All requests relating to CCRC designation should be submitted to the Department of Public Welfare, Office of Long-Term Living, P. O. Box 2675, Harrisburg, PA 17105, Attention: NH Assessment Unit.

Assessment payments are due the last day of the Assessment quarter or the 30th day from the date of publication of this final notice, whichever is later.

The Assessment Program due dates, along with supplemental payment dates, will be available on the Department's web site at [www.dpw.state.pa.us/omap/provinf/ltnsgfacass.asp](http://www.dpw.state.pa.us/omap/provinf/ltnsgfacass.asp).

*Aggregate Assessment Amount and Fiscal Impact*

As a result of the implementation of the Assessment Program, the Department estimates that the annual aggregate assessment fees for nonexempt nursing facilities will total \$413.643 million for FY 2007-2008. All of the revenue derived from the assessment fees and associated Federal matching funds will be used to make payments to qualified Medical Assistance nursing facility providers in accordance with applicable law and regulations.

*Public Comment*

Interested persons are invited to submit written comments regarding the contents of this notice to Gail Weidman, Department of Public Welfare, Office of Long-Term Living, P. O. Box 2675, Harrisburg, PA 17105. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-548. No fiscal impact; (8) recommends adoption. Adoption of this regulation is expected to generate \$413,643,000 in revenue for FY 2008-2009.

[Pa.B. Doc. No. 08-758. Filed for public inspection April 18, 2008, 9:00 a.m.]

# DEPARTMENT OF REVENUE

## Pennsylvania Green and Gold Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Green and Gold.

2. *Price:* The price of a Pennsylvania Green and Gold instant lottery game ticket is \$20.

3. *Play Symbols:* Each Pennsylvania Green and Gold instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), Money Bag symbol (MNYBAG), Gold Nugget symbol (GLDNGT) and a Star symbol (STAR).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO), \$50,000 (FTY THO) and \$1MILL (ONE MIL).

5. *Prizes:* The prizes that can be won in this game are: \$10, \$20, \$40, \$50, \$100, \$200, \$400, \$500, \$1,000, \$5,000, \$50,000 and \$1,000,000. The \$1,000,000 top prize is paid as a lump-sum, cash payment. A player can win up to 20 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 2,520,000 tickets will be printed for the Pennsylvania Green and Gold instant lottery game.

### 7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000,000 (ONE MIL) appears in the "Prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50,000 (FTY THO) appears in the "Prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5,000 (FIV THO) appears in the "Prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Nugget symbol (GLDNGT), and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area to the right of the Gold Nugget symbol (GLDNGT), on a single ticket, shall be entitled to a prize of \$5,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Star symbol (STAR), and a prize symbol of \$100 (ONE HUN) appears in ten of the "Prize" areas, and a prize symbol of \$400 (FOR HUN) appears in ten of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$5,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area to the right of the Moneybag symbol (MNYBAG), on a single ticket, shall be entitled to a prize of \$2,000.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area to the right of the Moneybag symbol (MNYBAG), on a single ticket, shall be entitled to a prize of \$1,000.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Nugget symbol (GLDNGT), and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area to the right of the Gold Nugget symbol (GLDNGT), on a single ticket, shall be entitled to a prize of \$1,000.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Star symbol (STAR), and a prize symbol of \$50\$ (FIFTY) appears in twenty of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Nugget symbol (GLDNGT), and a prize symbol of \$50\$ (FIFTY) appears in the "Prize" area to the right of the Gold Nugget symbol (GLDNGT), on a single ticket, shall be entitled to a prize of \$500.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Star symbol (STAR), and a prize symbol of \$20\$ (TWENTY) appears in fifteen of the "Prize" areas, and a prize symbol of \$40\$ (FORTY) appears in five of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears in the "Prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears in the "Prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area to the right of the Moneybag symbol (MNYBAG), on a single ticket, shall be entitled to a prize of \$200.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Nugget symbol (GLDNGT), and a prize symbol of \$20\$ (TWENTY) appears in the "Prize" area to the right of the Gold Nugget symbol (GLDNGT), on a single ticket, shall be entitled to a prize of \$200.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Star symbol (STAR), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in twenty of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$200.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$50\$ (FIFTY) appears in the "Prize" area to the right of the Moneybag symbol (MNYBAG), on a single ticket, shall be entitled to a prize of \$100.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Nugget symbol (GLDNGT), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area to the right of the Gold Nugget symbol (GLDNGT), on a single ticket, shall be entitled to a prize of \$100.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50\$ (FIFTY) appears in the "Prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$40\$ (FORTY) appears in the "Prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$20\$ (TWENTY) appears in the "Prize" area to the right of the Moneybag symbol (MNYBAG), on a single ticket, shall be entitled to a prize of \$40.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears in the "Prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(z) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area to the right of the Moneybag symbol (MNYBAG), on a single ticket, shall be entitled to a prize of \$20.

(aa) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

*When Any Of Your Numbers Match Any Of The Winning Numbers, Win With Prize(s)*

<i>Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 2,520,000 Tickets:</i>
\$10 × 2	\$20	20	126,000
\$10 w/MONEYBAG	\$20	30	84,000
\$20	\$20	20	126,000
\$10 × 4	\$40	150	16,800
\$20 × 2	\$40	150	16,800
\$20 w/MONEYBAG	\$40	75	33,600
\$40	\$40	25	100,800
\$10 × 5	\$50	100	25,200
(\$10 × 3) + \$20	\$50	100	25,200
(\$20 w/MONEYBAG) + \$10	\$50	150	16,800
\$50	\$50	75	33,600
\$10 × 10	\$100	150	16,800
\$10 w/GOLD NUGGET	\$100	150	16,800



When Any Of Your Numbers  
Match Any Of The Winning  
Numbers, Win With Prize(s)  
Of:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 2,520,000 Tickets:
\$50 w/MONEYBAG	\$100	150	16,800
\$100	\$100	75	33,600
\$10 × 20	\$200	1,200	2,100
\$10 × 20 w/STAR	\$200	1,200	2,100
\$20 × 10	\$200	1,200	2,100
\$20 w/GOLD NUGGET	\$200	1,200	2,100
\$100 w/MONEYBAG	\$200	1,200	2,100
\$200	\$200	1,200	2,100
(\$20 × 15) + (\$40 × 5)	\$500	2,400	1,050
(\$20 × 15) + (\$40 × 5) w/STAR	\$500	2,400	1,050
\$50 × 10	\$500	2,400	1,050
\$50 w/GOLD NUGGET	\$500	2,400	1,050
\$100 × 5	\$500	2,400	1,050
\$500	\$500	2,400	1,050
\$50 × 20	\$1,000	8,000	315
\$50 × 20 w/STAR	\$1,000	8,000	315
\$100 × 10	\$1,000	8,000	315
\$100 w/GOLD NUGGET	\$1,000	8,000	315
\$500 × 2	\$1,000	8,000	315
\$500 w/MONEYBAG	\$1,000	8,000	315
\$1,000	\$1,000	8,000	315
(\$100 × 10) + (\$400 × 10) w/STAR	\$5,000	360,000	7
\$500 × 10	\$5,000	360,000	7
\$500 w/GOLD NUGGET	\$5,000	360,000	7
(\$1,000 w/MONEYBAG) + (\$1,000 × 3)	\$5,000	360,000	7
\$1,000 × 5	\$5,000	360,000	7
\$5,000	\$5,000	360,000	7
\$50,000	\$50,000	840,000	3
\$1,000,000	\$1,000,000	840,000	3

Moneybag (MONEYBAG) = Win double the prize shown to the right of it automatically.  
Gold Nugget (GLDNUG) = Win 10 times the prize shown to the right of it.  
STAR (STAR) = Win all 20 prizes shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Green and Gold instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Green and Gold, prize money from winning Pennsylvania Green and Gold instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Green and Gold instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets

from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Green and Gold or through normal communications methods.

THOMAS W. WOLF,  
Secretary

[Pa.B. Doc. No. 08-759. Filed for public inspection April 18, 2008, 9:00 a.m.]

### Pennsylvania Scavenger Hunt Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Scavenger Hunt.

2. *Price:* The price of a Pennsylvania Scavenger Hunt instant lottery game ticket is \$3.

3. *Play Symbols:* Each Pennsylvania Scavenger Hunt instant lottery game ticket will contain one play area

featuring a "NEEDED ITEMS" area and three "MYSTERY ITEMS" areas. The play symbols and their captions located in the "NEEDED ITEMS" and the three "MYSTERY ITEMS" areas are: Thread symbol (THREAD), Scarf symbol (SCARF), Boot symbol (BOOT), Screw symbol (SCREW), Glove symbol (GLOVE), Ring symbol (RING), Trophy symbol (TROPHY), Brush symbol (BRUSH), Bell symbol (BELL), Anchor symbol (ANCHOR), Cup symbol (CUP), Hubcap symbol (HUBCAP), Hat symbol (HAT), Necklace symbol (NECKLACE), Key symbol (KEY), Horseshoe symbol (SHOE), Apple symbol (APPLE), Pin symbol (PIN), Match symbol (MATCH), Pail symbol (PAIL), Frying Pan symbol (FRYPAN), Leaf symbol (LEAF), Hook symbol (HOOK), Paddle symbol (PADDLE), Bow symbol (BOW), Saw symbol (SAW), Clover symbol (CLOVER) and a Thimble symbol (THIMBLE).

4. *Prize Symbols:* The prize symbols and their captions located in the three "MYSTERY ITEMS" areas are: \$3<sup>00</sup> (THR DOL), \$5<sup>00</sup> (FIV DOL), \$9<sup>00</sup> (NIN DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$5,000 (FIV THO).

5. *Prizes:* The prizes that can be won in this game are: \$3, \$5, \$9, \$10, \$20, \$40, \$100, \$500, \$1,000 and \$5,000. A player can win up to 12 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 5,040,000 tickets will be printed for the Pennsylvania Scavenger Hunt instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "MYSTERY ITEMS" play symbols matches any of the "NEEDED ITEMS" play symbols and a prize symbol of \$5,000 (FIV THO) appears under the matching "MYSTERY ITEMS" play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(b) Holders of tickets upon which any one of the "MYSTERY ITEMS" play symbols matches any of the "NEEDED ITEMS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "MYSTERY ITEMS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the "MYSTERY ITEMS" play symbols matches any of the "NEEDED ITEMS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "MYSTERY ITEMS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets upon which any one of the "MYSTERY ITEMS" play symbols matches any of the "NEEDED ITEMS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "MYSTERY ITEMS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets upon which any one of the "MYSTERY ITEMS" play symbols matches any of the "NEEDED ITEMS" play symbols and a prize symbol of \$40\$ (FORTY) appears under the matching "MYSTERY ITEMS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(f) Holders of tickets upon which any one of the "MYSTERY ITEMS" play symbols matches any of the "NEEDED ITEMS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "MYSTERY ITEMS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(g) Holders of tickets upon which any one of the "MYSTERY ITEMS" play symbols matches any of the "NEEDED ITEMS" play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching "MYSTERY ITEMS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(h) Holders of tickets upon which any one of the "MYSTERY ITEMS" play symbols matches any of the "NEEDED ITEMS" play symbols and a prize symbol of \$9<sup>00</sup> (NIN DOL) appears under the matching "MYSTERY ITEMS" play symbol, on a single ticket, shall be entitled to a prize of \$9.

(i) Holders of tickets upon which any one of the "MYSTERY ITEMS" play symbols matches any of the "NEEDED ITEMS" play symbols and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching "MYSTERY ITEMS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(j) Holders of tickets upon which any one of the "MYSTERY ITEMS" play symbols matches any of the "NEEDED ITEMS" play symbols and a prize symbol of \$3<sup>00</sup> (THR DOL) appears under the matching "MYSTERY ITEMS" play symbol, on a single ticket, shall be entitled to a prize of \$3.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Get:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 5,040,000 Tickets:</i>
\$3	\$3	9.52	529,200
\$5	\$5	12.99	388,080
\$9	\$9	71.43	70,560
\$3 × 3	\$9	62.50	80,640
\$10	\$10	166.67	30,240
\$5 × 2	\$10	166.67	30,240
\$20	\$20	333.33	15,120
\$10 × 2	\$20	333.33	15,120
\$5 × 4	\$20	250	20,160
\$40	\$40	1,200	4,200
\$20 × 2	\$40	1,200	4,200
\$10 × 4	\$40	1,200	4,200
\$5 × 8	\$40	1,200	4,200

<i>Get:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 5,040,000 Tickets:</i>
\$100	\$100	1,967	2,562
(\$40 × 2) + (\$10 × 2)	\$100	2,400	2,100
(\$20 × 5)	\$100	2,400	2,100
\$10 × 10	\$100	2,400	2,100
(\$5 × 8) + (\$20 × 3)	\$100	2,400	2,100
\$500	\$500	20,000	252
\$100 × 5	\$500	24,000	210
(\$40 × 10) + \$100	\$500	24,000	210
\$1,000	\$1,000	24,000	210
\$500 × 2	\$1,000	30,000	168
\$100 × 10	\$1,000	30,000	168
\$5,000	\$5,000	240,000	21
\$1,000 × 5	\$5,000	240,000	21
\$500 × 10	\$5,000	240,000	21
\$5,000 × 6	\$30,000	1,260,000	4
\$5,000 × 12	\$60,000	1,260,000	4

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Scavenger Hunt instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Scavenger Hunt, prize money from winning Pennsylvania Scavenger Hunt instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Scavenger Hunt instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Scavenger Hunt or through normal communications methods.

THOMAS W. WOLF,  
Secretary

[Pa.B. Doc. No. 08-760. Filed for public inspection April 18, 2008, 9:00 a.m.]

## Pennsylvania Silver Streak Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Silver Streak.

2. *Price:* The price of a Pennsylvania Silver Streak instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Silver Streak instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area, a “YOUR NUMBERS” area and a separate “BONUS” play area containing a play symbol and a prize symbol. The play symbols and their captions located in the “WINNING NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR) and 25 (TWYFIV). The play symbols and their captions located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV) and a Silver symbol (SILVER). The play symbols and their captions, one of which will be located in the “BONUS” play area are: NO BONUS symbol (TRY AGAIN), TRY AGAIN symbol (NO BONUS), Quick symbol (QKSLVR), Bar symbol (BAR), Diamond symbol (DMD), Ring symbol (RING) and a Gift symbol (GIFT). The “BONUS” area is played separately from the rest of the game.

4. *Prize Symbols:* The prize symbols and their captions located in the “YOUR NUMBERS” area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and \$100,000 (ONEHUNTHO). The prize symbols and their captions located in the “BONUS” area are: \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN) and \$1,000 (ONE THO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$40, \$50, \$100, \$400, \$500, \$1,000, \$10,000 and \$100,000. The prizes that can be won in the Bonus area are: \$10, \$20, \$40, \$50, \$100, \$400, \$500 and \$1,000. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Silver Streak instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10,000 (TEN THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets with a Quick symbol (QKSLVR) in the "BONUS" play area and a prize symbol of \$1,000 (ONE THO) appears under the Quick symbol (QKSLVR) in the "BONUS" play area, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Silver symbol (SILVER), and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets with a Quick symbol (QKSLVR) in the "BONUS" play area and a prize symbol of \$500 (FIV HUN) appears under the Quick symbol (QKSLVR) in the "BONUS" play area, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(i) Holders of tickets with a Quick symbol (QKSLVR) in the "BONUS" play area and a prize symbol of \$400 (FOR HUN) appears under the Quick symbol (QKSLVR) in the "BONUS" play area, on a single ticket, shall be entitled to a prize of \$400.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Silver symbol (SILVER), and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets with a Quick symbol (QKSLVR) in the "BONUS" play area and a prize symbol of \$100 (ONE

HUN) appears under the Quick symbol (QKSLVR) in the "BONUS" play area, on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Silver symbol (SILVER), and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets with a Quick symbol (QKSLVR) in the "BONUS" play area and a prize symbol of \$50\$ (FIFTY) appears under the Quick symbol (QKSLVR) in the "BONUS" play area, on a single ticket, shall be entitled to a prize of \$50.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$40\$ (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(q) Holders of tickets with a Quick symbol (QKSLVR) in the "BONUS" play area and a prize symbol of \$40\$ (FORTY) appears under the Quick symbol (QKSLVR) in the "BONUS" play area, on a single ticket, shall be entitled to a prize of \$40.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Silver symbol (SILVER), and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(t) Holders of tickets with a Quick symbol (QKSLVR) in the "BONUS" play area and a prize symbol of \$20\$ (TWENTY) appears under the Quick symbol (QKSLVR) in the "BONUS" play area, on a single ticket, shall be entitled to a prize of \$20.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Silver symbol (SILVER), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(w) Holders of tickets with a Quick symbol (QKSLVR) in the "BONUS" play area and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the Quick symbol (QKSLVR) in the "BONUS" play area, on a single ticket, shall be entitled to a prize of \$10.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Silver symbol

(SILVER), and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching "YOUR

NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of Your Numbers Match Any Of The Winning Numbers, Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,000,000 Tickets:</i>
\$5	\$5	8.57	700,000
\$5 × 2	\$10	60	100,000
\$10	\$10	60	100,000
BONUS w/\$10	\$10	60	100,000
\$5 w/SILVER	\$10	60	100,000
\$5 × 4	\$20	200	30,000
\$10 × 2	\$20	200	30,000
\$10 w/SILVER	\$20	150	40,000
(BONUS w/\$10) + \$10	\$20	200	30,000
\$20	\$20	200	30,000
BONUS w/\$20	\$20	150	40,000
\$5 × 8	\$40	600	10,000
\$10 × 4	\$40	600	10,000
\$20 w/SILVER	\$40	600	10,000
(BONUS w/\$20) + \$20	\$40	600	10,000
BONUS w/\$40	\$40	600	10,000
\$5 × 10	\$50	600	10,000
\$10 × 5	\$50	600	10,000
(\$20 w/SILVER) + \$10	\$50	600	10,000
\$50	\$50	600	10,000
BONUS w/\$50	\$50	600	10,000
\$10 × 10	\$100	2,000	3,000
\$20 × 5	\$100	2,000	3,000
(\$40 × 2) + (BONUS w/\$20)	\$100	2,000	3,000
\$50 × 2	\$100	2,000	3,000
\$50 w/SILVER	\$100	2,000	3,000
BONUS w/\$100	\$100	2,000	3,000
\$100	\$100	2,000	3,000
\$40 × 10	\$400	30,000	200
\$100 × 4	\$400	30,000	200
(\$100 w/SILVER) + (\$100 × 2)	\$400	30,000	200
\$400	\$400	30,000	200
BONUS w/\$400	\$400	30,000	200
\$50 × 10	\$500	30,000	200
\$100 × 5	\$500	30,000	200
(\$100 w/SILVER) + (\$100 × 3)	\$500	30,000	200
BONUS w/\$500	\$500	30,000	200
\$500	\$500	30,000	200
\$100 × 10	\$1,000	40,000	150
(\$100 × 9) + (BONUS w/\$100)	\$1,000	40,000	150
\$500 × 2	\$1,000	60,000	100
\$500 w/SILVER	\$1,000	40,000	150
BONUS w/\$1,000	\$1,000	60,000	100
\$1,000	\$1,000	40,000	150
\$10,000	\$10,000	300,000	20
\$100,000	\$100,000	600,000	10

Bonus: Quick (QKSLVR) = Win prize shown from \$10 to \$1,000.  
Silver (SILVER) = Win double the prize under it.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Silver Streak instant lottery game tickets.

The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Silver Streak, prize money from winning Pennsylvania Silver Streak instant lottery game tickets will be retained by the Secretary for

payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Silver Streak instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Silver Streak or through normal communications methods.

THOMAS W. WOLF,  
*Secretary*

[Pa.B. Doc. No. 08-761. Filed for public inspection April 18, 2008, 9:00 a.m.]

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## ENVIRONMENTAL HEARING BOARD

### **Penn Township v. DEP; EHB Doc. No. 2008-114-L**

Penn Township has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Penn Township Board of Commissioners for a facility in Penn Township in York County.

A date for the hearing 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. 08-762. Filed for public inspection April 18, 2008, 9:00 a.m.]

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### **Sewer Authority of the City of Scranton v. DEP; EHB Doc. No. 2008-113-L**

The Sewer Authority of the City of Scranton has appealed the issuance by the Department of Environmen-

tal Protection of an NPDES permit to Scranton Sewer Authority for a facility in City of Scranton in Lackawanna County.

A date for the hearing 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. 08-763. Filed for public inspection April 18, 2008, 9:00 a.m.]

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## FISH AND BOAT COMMISSION

### **Proposed Special Regulation Designations**

The Fish and Boat Commission (Commission) has approved guidelines with regard to encouraging public participation on possible changes to the designation of streams, stream sections or lakes for special regulation programs. Under 58 Pa. Code Chapter 65 (relating to special fishing regulations), the Commission designates certain streams, stream sections and lakes as being subject to special fishing regulations. These designations are effective after Commission approval when they are posted at the site and a notice is published in the *Pennsylvania Bulletin*. Under the Commission's guidelines, a notice concerning the proposed designation or redesignation of a stream, stream section or lake under special regulations ordinarily will be published in the *Pennsylvania Bulletin* before the matter is reviewed by the Commissioners.

At an upcoming meeting of the Commission, the Commission will consider designating the following streams and lakes as waters subject to special fishing regulations under 58 Pa. Code Chapter 65, effective January 1, 2009:

*58 Pa. Code § 65.10. Early Season Trout Stocked Waters Program*

The Commission will consider removing the following waters from the Early Season Trout Stocked Waters Program. These waters are located in counties that the Commission proposes to add to its Regional Opening Day of Trout Season Program (see the following).

<i>County</i>	<i>Water</i>
Allegheny	North Park Lake
Beaver	Brady Run Lake
Beaver	Lower Hereford Manor Lake
Beaver	Raccoon Lake
Butler	Glade Run Lake
Butler	Harbor Acres Lake
Lawrence	Bessemer Lake
Washington	Canonsburg Lake
Westmoreland	Donegal Lake
Westmoreland	Keystone Lake
Westmoreland	Lower Twin Lake
Westmoreland	Mammoth Dam
Westmoreland	Northmoreland Lake
Westmoreland	Upper Twin Lake

58 Pa. Code § 65.12. *Regional Opening Day of Trout Season Program*

The Commission will consider designating the following waters as part of the Regional Opening Day of Trout Season Program.

<i>County</i>	<i>Water</i>
Allegheny	All waterways
Armstrong	Buffalo Creek**
Armstrong	Cornplanter Run**
Beaver	All waterways
Butler	All waterways
Fayette	Indian Creek**
Fayette	Jacobs Creek**
Greene	All waterways
Lawrence	All waterways
Mercer	Little Neshannock Creek**
Mercer	Neshannock Creek**
Washington	All waterways
Westmoreland	All waterways

**\*\* Note:** These streams are approved trout waters that are located in two counties, one of which the Commission proposes to designate as part of the Regional Opening Day of Trout Season Program. To maintain regulatory consistency within approved trout waters that are to be managed under the program, the Commission proposes to designate the entire water as part of the program.

At this time, the Commission is soliciting public input concerning the designations. Persons with comments, objections or suggestions concerning the designations are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 60 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/reg](http://www.fishandboat.com/reg) comments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the

comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

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

[Pa.B. Doc. No. 08-764. Filed for public inspection April 18, 2008, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Meeting Scheduled

The following meeting of the Health Care Cost Containment Council has been scheduled for Wednesday, April 23, 2008, Technical Advisory Group—10 a.m. The meeting will be held in the Conference Room at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons in need of accommodations due to a disability and want to attend the meeting, contact Cherie Elias, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101 or call (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

DAVID H. WILDERMAN,  
*Acting Executive Director*

[Pa.B. Doc. No. 08-765. Filed for public inspection April 18, 2008, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, April 3, 2008, and announced the following:

*Regulations Deemed Approved Under Section 5(g) of the Regulatory Review Act—Effective April 2, 2008*

Pennsylvania Gaming Control Board #125-74: Vendor Certification and Registration (amends 58 Pa. Code Chapter 437a)

Liquor Control Board #54-64: Licenses; Promotions (amends 40 Pa. Code Chapters 3, 5, 7 and 13)

*Regulations Approved:*

State Board of Physical Therapy #16A-6512: Deletion of Athletic Trainer Regulations (amends 49 Pa. Code Chapter 40)

Department of Military and Veterans Affairs #13-5: Persian Gulf Conflict Veterans' Benefit Program (adds Chapter 9 to Title 43 of the Pa. Code)

**Approval Order**

Public Meeting held  
April 3, 2008

*Commissioners Voting:* Arthur Coccodrilli, Chairperson;  
Nancy Sabol Frantz, Esq.; John F. Mizner, Esq.

*State Board of Physical Therapy  
Deletion of Athletic Trainer Regulations;  
Regulation No. 16A-6512 (#2679)*

On February 27, 2008, the Independent Regulatory Review Commission (Commission) received this regulation from the State Board of Physical Therapy (Board). This rulemaking amends 49 Pa. Code Chapter 40. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted deletes provisions with regard to athletic trainers that are now obsolete because Acts 92 and 93 of 2001 transferred responsibility for the oversight of athletic trainers from the Board to the State Boards of Medicine and Osteopathic Medicine.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. §§ 271.71a(d) and 422.51a(d), which repeals 63 P. S. §§ 1310.1 and 1310.2) 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  
April 3, 2008

*Commissioners Voting:* Arthur Coccodrilli, Chairperson;  
Nancy Sabol Frantz, Esq.; John F. Mizner, Esq.

*Department of Military and Veterans Affairs  
Persian Gulf Conflict Veterans' Benefit Program;  
Regulation No. 13-5 (#2680)*

On February 29, 2008, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Military and Veterans Affairs (Department). This rulemaking adds Chapter 9 to Title 43 of the Pa. Code. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted regulation implements the Persian Gulf Conflict Veterans' Benefit Act (51 P. S. §§ 20301, et. seq.), which creates the Persian Gulf Conflict Veterans' Benefit Program. This Program provides compensation to eligible Pennsylvania veterans and their survivors of the first Persian Gulf Conflict.

We have determined this regulation is consistent with the statutory authority of the Department (51 P. S. § 20309) 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. 08-766. Filed for public inspection April 18, 2008, 9:00 a.m.]

**Action Taken by the Commission**

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, March 20, 2008, and announced the following:

*Regulation Deemed Approved Under Section 5(g) of the Regulatory Review Act—March 19, 2008*

Environmental Quality Board #7-402: Radiological Health (amends Chapters 215, 221, 225, 230 and 240)

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 08-767. Filed for public inspection April 18, 2008, 9:00 a.m.]

**Notice of Filing of Final Rulemaking**

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, in Harrisburg, PA at 10:30 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or you can obtain a copy from their web site, [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

*Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
43-10	Public School Employees' Retirement Board Formalization and Clarification of Current Practices	4/9/08	5/15/08

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 08-768. Filed for public inspection April 18, 2008, 9:00 a.m.]

**INSURANCE DEPARTMENT**

**Agency Contract Termination of the Newhart Insurance Agency Under Act 143; Millville Mutual Insurance Company; Doc. No. AT08-03-042**

A prereview conference initiated by this office is scheduled for May 16, 2008, at 10 a.m. Each party shall



provide the Hearings Administrator a telephone number to be used for the telephone conference on or before April 15, 2008. A date for a review shall occur on June 5, 2008, at 1 p.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

On or before May 9, 2008, each party shall file with the Administrative Hearings Office a prereview statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for the party's case.

Motion preliminary to those at the review, protests, petitions to intervene or notice of intervention, if any must be filed on or before May 22, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before May 29, 2008.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joel Cortes, Human Resources Analyst at (717) 783-2168.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-769. Filed for public inspection April 18, 2008, 9:00 a.m.]

### Export List of Insurance Coverages; Request for Comments

The Acting Insurance Commissioner (Commissioner) published a notice at 38 Pa.B. 731 (February 2, 2008) soliciting comments to the export list published at 37 Pa.B. 5103 (September 15, 2007). Consideration was given to all comments received. The Commissioner proposes to amend the September 15, 2007, list to amend the existing "railroad" heading to read "railroad, including consultants, contractors and suppliers."

Persons wishing to comment on the Commissioner's proposal are invited to submit a written statement within 15 days from the date of this publication. Written statements must include sufficient detail and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Office of Corporate and Financial Regulation, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@state.pa.us. Formal notification of any changes will be published in the *Pennsylvania Bulletin* after the 15-day comment period, or a notice will be published stating that the September 15, 2007, list remains in effect.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-770. Filed for public inspection April 18, 2008, 9:00 a.m.]

### Long-Term Care Partnership Program Effective Date and Revised Guidance Announcement; Notice 2008-05

This document supersedes the notice published at 38 Pa.B. 564 (January 26, 2008), and shall remain in effect until a subsequent notice is published in the *Pennsylvania Bulletin*.

On September 28, 2007, the Secretary of the Department of Public Welfare (DPW) submitted a State Plan Amendment (SPA) to the Centers for Medicare and Medicaid Services for approval of Pennsylvania's qualified long-term care insurance partnership (Qualified Partnership). The SPA was approved on December 19, 2007, with an effective date of the Qualified Partnership of July 1, 2007.

Qualified Partnership Policies (Qualified Partnership Policy) may provide valuable protections to purchasers of qualified State long-term care insurance policies. Qualified Partnership Policies permit individuals to protect certain resources if eligibility under the Medical Assistance Program is ever needed. The protection of resources when determining an individual's eligibility for Pennsylvania's Medical Assistance Long-Term Care Program permits the disregard of specific resources equal to the amount of insurance benefits that were paid from a Qualified Partnership Policy. If those specific resources are still in existence at the time of the individual's death and become part of the decedent's probate estate, they will not be recoverable under Pennsylvania's Medical Assistance Estate Recovery program. Pennsylvania's proposed Qualified Partnership is being adopted in accordance with the Deficit Reduction Act of 2005, Pub. L. No. 109-171 (the DRA).

To facilitate implementation of Pennsylvania's Qualified Partnership, the following provides guidance to insurers and insurance producers:

A. *Producer training.* The DRA requires DPW to provide information and technical assistance to the Insurance Department (Department) to assure that any individual who sells, solicits or negotiates Qualified Partnership Policies receives training and demonstrates evidence of an understanding of Qualified Partnership Policies and how such policies relate to other public and private coverage of long-term care services. Evidence of such training and understanding may be demonstrated by completion of a 1-hour training course prior to any sale, solicitation, or negotiation of a Qualified Partnership Policy; by completion of an 8-hour training course (which may include the 1-hour course if prior to any sale, solicitation or negotiation of a Qualified Partnership Policy) by December 31, 2008; and by completion of a 4-hour training course every licensing cycle thereafter. Each of these training courses may be qualified as continuing education and, if so qualified, may be counted towards a producer's 24 hour continuing education requirement. The satisfaction of substantively similar 8-hour or 4-hour approved training courses by a nonresident insurance producer in the producer's home state may also demonstrate evidence of such training and understanding.

B. *Policy Exchanges.* The requirements for the exchange of non-Qualified Partnership Policies for Qualified Partnership Policies are set forth in Act 40 of 2007. Policies subject to an offer of exchange are those for which the issuing entity has a comparable Qualified Partnership product available for sale: that is, an individual non-Qualified Partnership Policy will be subject to

an offer of exchange if the issuing entity has an approved individual Qualified Partnership Policy product.

*C. Inflation Protection.* The DRA, at 42 U.S.C. § 1396p(b)(1)(A)(iii)(IV), requires that Qualified Partnership Policies provide certain levels of inflation protection based on the age of the individual as of the date of policy purchase. Pennsylvania will certify inflation protection options as meeting the DRA requirements subject to the following:

- 1) "Compound annual inflation protection" means compound coverage that automatically increases annually at a rate equal to the Consumer Price Index (CPI) or at a fixed rate of not less than 3%. Note that 31 Pa. Code § 89a.112 (relating to requirement to offer inflation protection) requires an offer of 5% compound annual inflation protection be made on all long term care policies offered in Pennsylvania.
- 2) "Some level of inflation protection" means either compound or simple inflation protection at a rate equal to the CPI or at a fixed rate of not less than 3%.
- 3) A future or guaranteed purchase option for inflation protection does not meet the requirements of the DRA.
- 4) Inflation protection options with a limited term (that is, 10 years or 20 years) do not meet the requirements of the DRA.
- 5) Inflation protection options that reduce the level of inflation protection as the individual ages are permitted only insofar as they are consistent with the age-triggered inflation protection levels outlined in the DRA.

*D. Policy Certification.* Under the DRA, at 42 U.S.C. § 1396p(b)(5)(B)(iii), the Insurance Commissioner may certify that policies identified as Qualified Partnership Policies meet certain consumer protection requirements set forth in the DRA. To provide to the Insurance Commissioner the information necessary to provide such certification, issuers of long-term care insurance policies identified as Qualified Partnership Policies may provide the Department information and a certification as described in Attachment A which is attached and is available on the Department's web site.

*E. Policyholder Notification at Time of Purchase.* The Department requests that the issuer provide a notice to the insured at the time of issuance that a policy being purchased is intended to be a Qualified Partnership Policy as described in Attachment B which is attached and is available on the Department's web site.

*F. Policyholder Notification of Policy Status.* The Department requests that issuers provide a notice to the insured of the status of any Qualified Partnership Policy against which claims have been made, upon request of the policyholder, policyholder representative or DPW, as described in Attachment C which is attached and is available on the Department's web site.

Questions regarding this notice may be directed to Shelley D. Bain, Director, Accident and Health Bureau, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, (717) 787-0873 or sbain@state.pa.us.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

**Attachment A**

Issuer Qualified Long-Term Care Partnership (LTCP) Policy Certification Form

**PENNSYLVANIA ISSUER CERTIFICATION FORM**

(relating to Qualified State Long-Term Care Insurance Partnership)

Under 42 U.S.C. § 1396p(b)(5)(B)(iii) of the Deficit Reduction Act of 2005, Pub. L. No. 109-171 (the DRA), the Insurance Commissioner may certify that long-term care insurance policies (including certificates issued under a group insurance contract) covered under the qualified State long-term care insurance partnership (Qualified Partnership) meet certain consumer protection requirements, and policies so certified are deemed to satisfy such requirements. These consumer protection requirements are set forth in 42 U.S.C. § 1396p(b)(5)(A) and principally include certain specified provisions of the 2002 Pennsylvania Long-Term Care Insurance Regulation, the 1992 Pennsylvania Long-Term Care Act (referred to herein as the "Pennsylvania Regulation" and "Pennsylvania Act" respectively), Long-Term Care Insurance Model Regulation and Long-Term Care Insurance Model Act promulgated by the National Association of Insurance Commissioners (as adopted as of October 2000) (referred to herein as the "2000 Model Regulation" and "2000 Model Act" respectively).

To provide the Insurance Commissioner with information necessary to provide a certification for policies, this Pennsylvania Issuer Qualified LTCP Policy Certification Form requests information and a certification from issuers of long-term care insurance policies with respect to policy forms that may be covered under the Pennsylvania Qualified Partnership.

An insurance company may request certification of policies from time to time and, accordingly, may supplement this issuer certification form, that is, as it introduces new long-term care insurance policy forms for issuance.

**I. GENERAL INFORMATION**

A. Name, address and telephone number of issuer:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

B. Name, address, telephone number and email address (if available) of an employee of issuer who will be the contact person for information relating to this form:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

C. Policy form number(s) (or other identifying information, such as certificate series) for policies covered by this Issuer Certification Form:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Specimen copies of each of the above policy forms, including any riders and endorsements, shall be provided upon request.

**II. QUESTIONS REGARDING APPLICABLE PROVISIONS OF THE PENNSYLVANIA LONG-TERM CARE ACT AND REGULATION AND THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS (NAIC) MODEL REGULATION AND ACT**

Please answer each of the questions that follow with respect to the policy forms identified in section I.C.

previously. For purposes of answering the questions that follow, any provision of the Pennsylvania Regulation, Pennsylvania Act, 2000 Model Regulation and 2000 Model Act listed shall be treated as including any other provision of the Pennsylvania Regulation, Pennsylvania Act, 2000 Model Regulation and 2000 Model Act necessary to implement the provision.

Are the following requirements of the Pennsylvania Regulation, Pennsylvania Act, 2000 Model Regulation and 2000 Model Act met with respect to all policies (including certificates issued under a group insurance contract) intended to be covered under the Qualified Partnership that are issued on each of the policy forms identified in section I.C. previously?

Yes \_\_\_ No \_\_\_ N/A \_\_\_ A. 31 Pa. Code § 89a.105(a) (relating to guaranteed renewable or noncancellable).

Yes \_\_\_ No \_\_\_ N/A \_\_\_ B. 31 Pa. Code § 89a.105(b) (relating to limitations and exclusions).

Yes \_\_\_ No \_\_\_ N/A \_\_\_ C. 31 Pa. Code § 89a.105(c) (relating to extension of benefits).

Yes \_\_\_ No \_\_\_ N/A \_\_\_ D. 31 Pa. Code § 89a.105(d) (relating to continuation or conversion).

Yes \_\_\_ No \_\_\_ N/A \_\_\_ E. 31 Pa. Code § 89a.105(e) (relating to discontinuance and replacement).

Yes \_\_\_ No \_\_\_ N/A \_\_\_ F. 31 Pa. Code § 89a.106 (relating to unintentional lapse).

Yes \_\_\_ No \_\_\_ N/A \_\_\_ G. 31 Pa. Code § 89a.107 (relating to required disclosure provisions).

Yes \_\_\_ No \_\_\_ N/A \_\_\_ H. 31 Pa. Code § 89a.108 (relating to required disclosure of rating practices to consumers).

Yes \_\_\_ No \_\_\_ N/A \_\_\_ I. 31 Pa. Code § 89a.110 (relating to prohibition against postclaims underwriting).

Yes \_\_\_ No \_\_\_ N/A \_\_\_ J. 31 Pa. Code § 89a.111 (relating to minimum standards for home health and community care benefits in long-term care insurance policies).

Yes \_\_\_ No \_\_\_ N/A \_\_\_ K. 31 Pa. Code § 89a.113 (relating to requirements for application forms and replacement coverage); 2000 Model Regulation Section 14F (relating to accelerated long-term care benefits)

Yes \_\_\_ No \_\_\_ N/A \_\_\_ L. 31 Pa. Code § 89a.114 (relating to reporting requirements).

Yes \_\_\_ No \_\_\_ N/A \_\_\_ M. 31 Pa. Code § 51.4(d) (relating to advertising file).

Yes \_\_\_ No \_\_\_ N/A \_\_\_ N. 31 Pa. Code § 89a.120 (relating to standards for marketing).

Yes \_\_\_ No \_\_\_ N/A \_\_\_ O. 31 Pa. Code § 89a.121 (relating to suitability).

Yes \_\_\_ No \_\_\_ N/A \_\_\_ P. 31 Pa. Code § 89a.122 (relating to prohibition against preexisting conditions and probationary periods in replacement policies or certificates).

Yes \_\_\_ No \_\_\_ N/A \_\_\_ Q. 31 Pa. Code § 89a.123 (relating to nonforfeiture benefit requirement).

Yes \_\_\_ No \_\_\_ N/A \_\_\_ R. 31 Pa. Code § 89a.126 (relating to standard format outline of coverage).

Yes \_\_\_ No \_\_\_ N/A \_\_\_ S. 31 Pa. Code § 89a.127 (relating to requirement to deliver shopper's guide); 2000 Model Regulation Section 30 (relating to life policies with accelerated LTC benefits).

Yes \_\_\_ No \_\_\_ N/A \_\_\_ T. 40 P. S. § 991.1105(c) (relating to preexisting condition).

Yes \_\_\_ No \_\_\_ N/A \_\_\_ U. 40 P. S. § 991.1108 (relating to prior hospitalization).

Yes \_\_\_ No \_\_\_ N/A \_\_\_ V. 31 Pa. Code § 89a.123 (relating to nonforfeiture benefit requirement).

Yes \_\_\_ No \_\_\_ N/A \_\_\_ W. 40 P. S. § 991.1110 and Section 6F (relating to right to return).

Yes \_\_\_ No \_\_\_ N/A \_\_\_ X. 40 P. S. § 991.1111 (relating to outline of coverage provisions).

Yes \_\_\_ No \_\_\_ N/A \_\_\_ Y. 2000 Model Act Section 6H (relating to requirements for certificates under group plans).

Yes \_\_\_ No \_\_\_ N/A \_\_\_ Z. 2000 Model Act Section 6J (relating to policy summary).

Yes \_\_\_ No \_\_\_ N/A \_\_\_ AA. 2000 Model Act Section 6K (relating to monthly reports on accelerated death benefits).

Yes \_\_\_ No \_\_\_ N/A \_\_\_ BB. 2000 Model Act Section 7 (relating to incontestability period).

In order for a policy to be covered under the Pennsylvania Qualified Partnership, the answers to all questions above should be "yes" (or "N/A" where all requirements with respect to a provision above are not applicable). If answers differ between policy forms (that is, a requirement would be answered "Yes" for one form and "N/A" for another), you should use separate Pennsylvania Issuer Certification Forms for such policies.

Yes \_\_\_ No \_\_\_ N/A \_\_\_ Certification by company officer that the submitted Qualified LTCP policy will only be sold by producers who have received training and demonstrated evidence of an understanding of Qualified LTCP policies and how they relate to other public and private coverage of long-term care.

Yes \_\_\_ No \_\_\_ N/A \_\_\_ Certification by company officer that the appropriate inflation protections will be offered.

### III. CERTIFICATION

I hereby certify that the answers, accompanying documents, and other information set forth herein are, to the best of my knowledge and belief, true, correct, and complete.

\_\_\_\_\_  
Date Name and title of officer of the Issuer

\_\_\_\_\_  
Signature of officer of the Issuer

#### Attachment B

Policyholder Long-Term Care Partnership (LTCP)  
Program Notification Form

[Issuer Letterhead]

#### Important Notice Regarding Your Policy's LTCP Status at Time of Purchase

(Please keep this Notice with Your Policy or Certificate)

**The Pennsylvania Qualified Partnership.** The Pennsylvania Qualified Partnership is an innovative partnership between Pennsylvania's Department of Public Welfare (DPW), the Pennsylvania Insurance Department and private insurers of long-term care insurance policies. The Pennsylvania Qualified Partnership program is offered in accordance with the Deficit Reduction Act of 2005 (Pub. L. No. 109-171).

**Notice of Qualified Partnership Policy Status.** This Notice identifies the long-term care insurance policy or certificate that you've purchased as a Qualified Partnership Policy. This Notice explains the valuable Medical Assistance asset protection that you may receive from purchasing a Qualified Partnership Policy.

**Medical Assistance Resource Protection Provided.** Long-term care insurance helps individuals prepare for future long-term care needs. Qualified Partnership Policies provide an additional level of protection. In particular, such policies permit individuals to protect resources under Pennsylvania's Medical Assistance Long-Term Care Program if assistance is ever needed under that program and the individual would be otherwise eligible for Medical Assistance Long-Term Care. In addition, if these specific protected resources are still in existence when the individual dies and they are part of the decedent's probate estate, they will not be recoverable under Pennsylvania's Medical Assistance Estate Recovery Program. The Medical Assistance Estate Recovery Program is a Federally mandated program that requires Pennsylvania's DPW to recover the cost of long-term care and related services provided under the Medical Assistance Program from the estates of certain individuals who have died.

Specifically, the resource, eligibility, and estate recovery provisions of the Pennsylvania Medical Assistance program permit the disregard of an amount of assets which is equal to the amount of insurance benefits you have received from your Qualified Partnership Policy. For example, if you receive \$200,000 of insurance benefits from your Qualified Partnership Policy, you would be able to retain \$200,000 of resources and still be eligible for long-term care services provided under the Medical Assistance Program. This disregard is above and beyond the resources normally permitted to be retained by an individual and still qualify for Medical Assistance. This protection of assets applies to individuals in need of long term care services both in the community or residing in a long-term care facility.

All Medical Assistance eligibility requirements besides the resources protected through the ownership of a Qualified Partnership Policy must be met to qualify for long-term services under Pennsylvania's Medical Assistance Program. You must meet the Medical Assistance Program's income requirements and you will be required to pay some of your income to the costs of your care in a long-term care facility. You should be aware that Medical Assistance eligibility requirements may change over time.

**Additional Consumer Protections.** In addition to providing Medical Assistance asset protection, your Qualified Partnership Policy has other important features. Under the rules governing Pennsylvania's Qualified Partnership, your Qualified Partnership Policy must be a qualified long-term care insurance contract under Federal tax law. As such the insurance benefits you receive from the policy generally will be subject to beneficial income tax treatment. (Please note that a policy can be a tax qualified long-term care insurance contract under Federal tax law, with the same beneficial income tax treatment, even if it is not a Qualified Partnership Policy.) In addition, if you were under age 76 when you purchased your Qualified Partnership Policy, it must provide inflation protection to help protect against potential future increases in the cost of long-term care. (For older purchasers, an offer of inflation protection is required.)

**What Could Disqualify Your Policy as a Partnership Policy?** If you make any changes to your policy or certificate, such changes could affect whether your policy

or certificate continues to qualify as a Qualified Partnership Policy. Before you make any changes, you should consult with the issuer of your policy to determine the effect of a proposed change. In addition, if you move to a State that does not maintain a Qualified Partnership or does not recognize your policy as a Qualified Partnership Policy, you would not be eligible to receive Medical Assistance asset protection in that State. Also, changes in Federal or State law could affect the Medical Assistance asset protection available with respect to your Qualified Partnership Policy.

**Additional information.** If you would like further information about the Medical Assistance asset protection provided by your Qualified Partnership Policy or the Pennsylvania Qualified Partnership, please call [insert number] or visit [insert website].

Provided to Policyholder on \_\_\_\_\_  
Date

Copy: Policyholder  
Issuer Records

[Record of date provided to policyholder may be on separate cover sheet.]

**Attachment C**

Policyholder Long-Term Care Partnership (LTCP)  
Program Status Form

[Issuer Letterhead]

**LONG-TERM CARE PARTNERSHIP PROGRAM  
POLICY SUMMARY**

1. Name of insured \_\_\_\_\_
2. Policy/certificate number \_\_\_\_\_
3. Effective date of coverage \_\_\_\_\_
4. The policy/certificate was issued in the state of \_\_\_\_\_
5. Issue age of the insured at the time the coverage was issued \_\_\_\_\_
6. The policy/certificate was issued  With  Without inflation coverage
7. The inflation coverage is  Simple Inflation  Compound Inflation  None
8. The inflation coverage is currently in effect on the coverage  Yes  No  
If no, the date inflation coverage ceased \_\_\_\_\_
9. The policy meets the standards of a tax qualified long-term care policy  Yes  No
10. The cumulative dollar amount of insurance benefits paid \$ \_\_\_\_\_  
(Note: The indicated amount does not include any payments for cash surrender, return of premium death benefits, or waiver of premium, and if joint coverage, the amount is for the indicated insured only.)
11. The total dollar amount of insurance benefits remaining available under the policy \$ \_\_\_\_\_
12. Date this form was completed \_\_\_\_\_
13. The name, phone number and email address of the person completing this form

---

Name and Title

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Phone Number

---

Email Address

I hereby certify that the information is true and accurate to the best of my knowledge at the time of this certification.

---

Date:

---

Signature

[Pa.B. Doc. No. 08-771. Filed for public inspection April 18, 2008, 9:00 a.m.]

resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joel Cortes, Human Resources Analyst at (717) 783-2168.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-772. Filed for public inspection April 18, 2008, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of Act 68, 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Philadelphia and Pittsburgh, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Eric T. Wenzelberger; file no. 08-130-49478; Donegal Mutual Insurance Company; doc. no. P08-03-046; May 1, 2008, 1 p.m.

The following hearing will be held in the Pittsburgh Regional Office, Room 304, State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Charlotte Abraham; file no. 08-302-48375; Progressive Specialty Insurance Company; doc. no. PI08-02-032; May 22, 2008, 10:30 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their companies' termination of the insureds' policies. The administrative hearing will be held in the Insurance Department's regional offices in Harrisburg and Pittsburgh, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Mark Heintzelman; file no. 08-119-50255; Erie Insurance Exchange; doc no. P08-04-001; May 20, 2008, 10 a.m.

The following hearing will be held in the Pittsburgh Regional Office, Room 304, State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Estate of Stella Zgoda; file no. 08-203-474671; Erie Insurance Exchange; doc. no. PI08-02-012; May 22, 2008, 1 p.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending.

Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated represen-

tatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joel Cortes, Human Resources Analyst at (717) 783-2168.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-773. Filed for public inspection April 18, 2008, 9:00 a.m.]

## OFFICE OF ATTORNEY GENERAL

### Public Meeting

A meeting of the Lobbying Disclosure Regulation Committee (Committee) established under act of November 1, 2006 (P. L. 1213, No. 134) (Act 134) will be held on Thursday, April 24, 2008, at 9:30 a.m. in Hearing Room 3, 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](http://www.attorneygeneral.gov) for more information and to view a copy of the complete agenda.

THOMAS CORBETT,  
*Attorney General*

[Pa.B. Doc. No. 08-774. Filed for public inspection April 18, 2008, 9:00 a.m.]

## PENNSYLVANIA ENERGY DEVELOPMENT AUTHORITY

### \$11 Million Funding Opportunity Available

On behalf of Governor Edward G. Rendell, Kathleen A. McGinty, Secretary of the Department of Environmental Protection (Department) and Chairperson of the Pennsylvania Energy Development Authority (PEDA) McGinty announces that on April 21, 2008, PEDA will open a new solicitation. PEDA is seeking applications for innovative, advanced energy projects and for businesses interested in locating their advanced energy operations in this Commonwealth. The total amount of available funding for this round is \$11 million.

For purposes of this financial assistance opportunity, eligible projects may include solar energy; wind; low-impact hydropower; geothermal; biologically derived methane gas, including landfill gas; biomass; fuel cells; coal-mine methane; waste coal; integrated gasification combined cycle; demand management measures, including recycled energy and energy recovery, energy efficiency and load management; and clean, alternative fuels for transportation. Projects related to distributed generation for critical public infrastructure are particularly encouraged.

Under this solicitation, PEDA may award financial assistance in the form of grants of up to \$1 million. Funding for projects may be used for capital costs, including equipment with a 20-year useful life, construction and land acquisition.

For grants under this solicitation, the following entities are eligible to apply: corporations, partnerships, associations and other legal business entities; nonprofit corporations; Pennsylvania municipalities; and public corporations, authorities or bodies.

This is a competitive solicitation and funding will be determined by vote of the PEDA Board of Directors. Guidelines and applications may be viewed and downloaded from the PEDA web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us), under "Energy Topics." Applications will be accepted from April 21, 2008, through June 20, 2008.

Please note that the Department's Alternative Fuels Incentive Grant Program and the Energy Harvest Program will be open at the same time (see 38 Pa.B. 1886 and 38 Pa.B. 1889.)

KATHLEEN A. MCGINTY,  
*Chairperson*

[Pa.B. Doc. No. 08-775. Filed for public inspection April 18, 2008, 9:00 a.m.]

### \$1.8 Million Funding Opportunity Available

On behalf of Governor Edward G. Rendell, Kathleen A. McGinty, Secretary of the Department of Environmental Protection (Department) and Chairperson of the Pennsylvania Energy Development Authority (PEDA) announces that on April 21, 2008, PEDA will open a new solicitation. PEDA is offering grant funding to municipalities, local government authorities and first responders for energy efficiency and renewable premium power projects in the Duquesne Light Company's electric service territory and immediately adjacent areas. This funding is intended to help local governments and first responders cope with rising energy costs and to ensure a secure energy supply for critical operations.

For purposes of this financial assistance, eligible projects include energy efficiency projects with a payback period of 2-year or less, such as advanced lighting projects, and premium power projects for public infrastructure and first responders. Premium power projects may be solar energy; wind; low-impact hydropower; geothermal; biologically derived methane gas, including landfill gas; biomass energy; fuel cells; or coalmine methane. Premium power refers to projects that will provide reliable power even if conventional energy, such as the electricity grid, becomes unavailable. The total amount of available funding for this round is \$1.8 million.

Under this solicitation, PEDA may award financial assistance in the form of grants of up to \$100,000. Funding for projects may be used for equipment, construction, land acquisition, salaries and supplies directly related to the implementation of the project. Administrative costs are not eligible.

For grants under this solicitation, the following entities are eligible to apply: municipalities, local governmental entities and first responders.

This is a competitive solicitation and funding will be determined by vote of the PEDA Board of Directors. Guidelines and applications may be viewed and down-

loaded from the PEDAs web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us), under "Energy Topics." Applications will be accepted from April 21, 2008, through June 20, 2008.

Please note that the Department's Alternative Fuels Incentive Grant Program and the Energy Harvest Program will be open at the same time (see 38 Pa.B. 1886 and 38 Pa.B. 1889).

KATHLEEN A. MCGINTY,  
*Chairperson*

[Pa.B. Doc. No. 08-776. Filed for public inspection April 18, 2008, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. 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 May 5, 2008. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

#### **Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.***

**A-2008-2026483. Clifford H. Huffman** (P. O. Box 91, Rural Valley, Armstrong County, PA 16249), for the right to begin to transport persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Indiana, Armstrong and Clearfield, to points in Pennsylvania, and return.

**A-2008-2034318. Foster Gary Watson** (300 Vincent Avenue, Watsontown, Northumberland County, PA 17777)—for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Lycoming, Montour, Northumberland, Snyder and Union, to points in Pennsylvania and return.

**A-2008-2034920. The New Yellow Cab, LLC** (P. O. Box 1523, Harrisburg, Dauphin County, PA 17105), a limited liability company of the Commonwealth—persons, upon call or demand in the Counties of Dauphin, Cumberland and York. Application for temporary authority has been filed at A-2008-2034930 seeking the right cited previously.

#### **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-2008-2031366. Corporate Sedan Service, LLC** (660 Means Avenue, 2nd Floor, Allegheny County, Pitts-

burgh, PA 15202), a limited liability company of the Commonwealth—persons, in group and party service, in vehicles seating 11 to 15 passengers, including the driver, between points in the Counties of Armstrong, Beaver, Blair, Butler, Cambria, Centre, Crawford, Erie, Fayette, Indiana, Lawrence, Mercer, Somerset, Venango, Washington and Westmoreland, and from points in said counties and the County of Allegheny, to points in Pennsylvania, and return. *Attorney:* David M. O'Boyle, Wick, Streiff, Meyer, O'Boyle & Szeligo, P.C., 1450 Two Chatham Center, Pittsburgh, PA 15219-3427.

#### **Application of the following for approval to *begin operating as a broker for transportation of persons as described under each application.***

**A-2008-2024260. Roberta J. Repine, t/d/b/a Repine Travel** (2412 Spruce Road, Cherry Tree, Indiana County, PA 15724)—brokerage license—to arrange for the transportation of persons between points in Pennsylvania.

#### **Applications of the following for the approval of the *transfer of stock as described under each application.***

**A-2008-2034726. Airport Limousine Service, Inc.** (1825 Liverpool Street, Pittsburgh, Allegheny County, PA 15233), a corporation of the Commonwealth—stock transfer—for the approval of the transfer of 100 shares of issued and outstanding stock from YC Holdings, Inc. to SuperTaxi, Inc. *Attorney:* Michael J. McShea, Northridge Office Plaza, 117 VIP Drive, Suite 310, Wexford, PA 15090.

**A-2008-2034727. Pittsburgh Cab Company, Inc.** (1825 Liverpool Street, Pittsburgh, Allegheny County, PA 15233), a corporation of the Commonwealth—stock transfer—for the approval of the transfer of 100 shares of issued and outstanding stock from YC Holdings, Inc. to SuperTaxi, Inc. *Attorney:* Michael J. McShea, Northridge Office Plaza, 117 VIP Drive, Suite 310, Wexford, PA 15090.

**A-2008-2034740. Yellow Cab Company of Pittsburgh** (1825 Liverpool Street, Pittsburgh, Allegheny County, PA 15233), a corporation of the Commonwealth—stock transfer—for the approval of the transfer of 44,457 shares of issued and outstanding stock from YC Holdings, Inc. to SuperTaxi, Inc. *Attorney:* Michael J. McShea, Northridge Office Plaza, 117 VIP Drive, Suite 310, Wexford, PA 15090.

**A-2008-2034758. Airlines Acquisition Company, Inc.** (1825 Liverpool Street, Pittsburgh, Allegheny County, PA 15233), a corporation of the Commonwealth—stock transfer—for the approval of the transfer of 2,000 shares of issued and outstanding stock from YC Holdings, Inc. to SuperTaxi, Inc. *Attorney:* Michael J. McShea, Northridge Office Plaza, 117 VIP Drive, Suite 310, Wexford, PA 15090.

**A-2008-2034768. Pittsburgh Transportation Group Charter Services, Inc.** (1825 Liverpool Street, Pittsburgh, Allegheny County, PA 15233), a corporation of the Commonwealth—stock transfer—for the approval of the transfer of 1,000 shares of issued and outstanding stock from YC Holdings, Inc. to SuperTaxi, Inc. *Attorney:* Michael J. McShea, Northridge Office Plaza, 117 VIP Drive, Suite 310, Wexford, PA 15090.

**Application of the following for the approval of the right and privilege to *discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.***

**A-00108954. William Penn Inn Limousine Service, Inc.** (Route 202 and Sumneytown Pike, P. O. Box 6, Gwynedd, Montgomery County, PA 19436), a corporation of the Commonwealth—persons in limousine service, from the facilities of the William Penn Inn at Gwynedd, Lower Gwynedd Township, Montgomery County, to points in the Counties of Montgomery, Bucks, Chester and Delaware and the City and County of Philadelphia, and vice versa;

Subject to the following condition:

That all transportation provided under the authority granted herein shall be restricted to the transportation of patrons of the William Penn Inn.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Beninati Transport Corporation; Doc. No. C-2008-2030760*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Beninati Transport Corporation, respondent, maintains its principal place of business at 220 Hemlock Road, Trafford, PA 15085.
2. That respondent was issued a Certificate of Public Convenience by this Commission on August 20, 1998, at Application Docket No. A-00114310.
3. On August 27, 2007, Enforcement Officer Andrew Rosenberger, a duly authorized enforcement officer of this Commission, attempted to reach respondent by telephone to schedule its annual small passenger inspection; the telephone number was disconnected. On September 7, 2007, Officer Rosenberger visited respondent's place of business at 220 Hemlock Road, Trafford, Pennsylvania. Homeowner, Donnalee Plecenik answered the door and informed Officer Rosenberger that she had lived at this address for the last nine years and that Paula Beninati who had owned the limousines had sold the home to her and moved to Arizona without providing a forwarding address. A review of our records indicated that respondent reported a "0" balance on its last assessment report which was filed in 2005.
4. That respondent, by failing to file an application to discontinue limousine service with this Commission, violated 52 Pa. Code § 3.381(a)(1)(v) and 66 Pa.C.S. § 1102(a)(2).

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke Beninati Transport Corporation's certificate of public convenience at A-00114310.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Wendy J. Keezel

NOTICE

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue an order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination, or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. If you file an Answer which admits or fails to deny the allegation of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may impose an additional fine of up to \$1,000.

D. If you file an answer which contests the complaint, the matter will be assigned to an administrative law



judge for hearing and decision. The judge is not bound by the optional fine set forth above.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-777. Filed for public inspection April 18, 2008, 9:00 a.m.]

*Applicant:* Metropolitan Telecommunications Corporation of PA, d/b/a MetTel

*Through and By Counsel:* David Aronow, Esquire, 44 Wall Street, 6th Floor, New York, NY 10005

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-779. Filed for public inspection April 18, 2008, 9:00 a.m.]

## Telecommunications

**A-2008-2034991. TDS Telecom and Service Electric Telephone Company, LLC.** Joint petition of TDS Telecom and Service Electric Telephone Company, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

TDS Telecom and Service Electric Telephone Company, LLC, by its counsel, filed on March 28, 2008, 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 TDS Telecom and Service Electric Telephone Company, LLC 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. 08-778. Filed for public inspection April 18, 2008, 9:00 a.m.]

## Telecommunications Service

**A-2008-2034891. Metropolitan Telecommunications Corporation of PA, d/b/a MetTel.** Application of Metropolitan Telecommunications Corporation of PA, d/b/a MetTel, for approval to offer, render, furnish or supply telecommunications services as a Data-only Resold UNE-P competitive local exchange carrier to the public in the service territory of The United Telephone Company of PA, t/a Embarq.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before May 5, 2008. 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.

## Transfer of Stock

**A-2008-2034563. D's Water Company.** Application of D's Water Company for approval of the transfer of stock of D's Water Company from Frank DePaulo to John N. Stange, III.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before May 5, 2008. 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:* D's Water Company

*Through and By Counsel:* Daniel L. Penetar, Jr., Esquire, Gazda and Penetar, Kane Building, 2nd Floor, 116 North Washington Avenue, Scranton, PA 18503

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-780. Filed for public inspection April 18, 2008, 9:00 a.m.]

# STATE BOARD OF BARBER EXAMINERS

**Bureau of Professional and Occupational Affairs v. Josiah Middleton; Doc. No. 08-42-02175**

On March 3, 2008, Josiah Middleton, of Philadelphia, Philadelphia County, was suspended for failure to pay the \$200 civil penalty imposed by the State Board of Barber Examiners (Board).

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must

serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

VINCENT IACONO,  
*Chairperson*

[Pa.B. Doc. No. 08-781. Filed for public inspection April 18, 2008, 9:00 a.m.]

## STATE BOARD OF COSMETOLOGY

### Bureau of Professional and Occupational Affairs v. Gregoria Medina; Doc. No. 0183-45-2008

On January 28, 2008, Gregoria Medina, of Hazleton, Luzerne County, had her license suspended for failure to pay the \$1,000 civil penalty imposed by the State Board of Cosmetology (Board).

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review.

The Board contact for receiving service of the appeals is the previously-named Board counsel.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 08-782. Filed for public inspection April 18, 2008, 9:00 a.m.]

### Bureau of Professional and Occupational Affairs v. Shirley's Fresh Look Salon; Doc. No. 0401-45- 2008

On March 3, 2008, Shirley's Fresh Look Salon, of Philadelphia, Philadelphia County, had their license suspended for failure to pay the \$2,250 civil penalty imposed by the State Board of Cosmetology (Board).

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 08-783. Filed for public inspection April 18, 2008, 9:00 a.m.]



