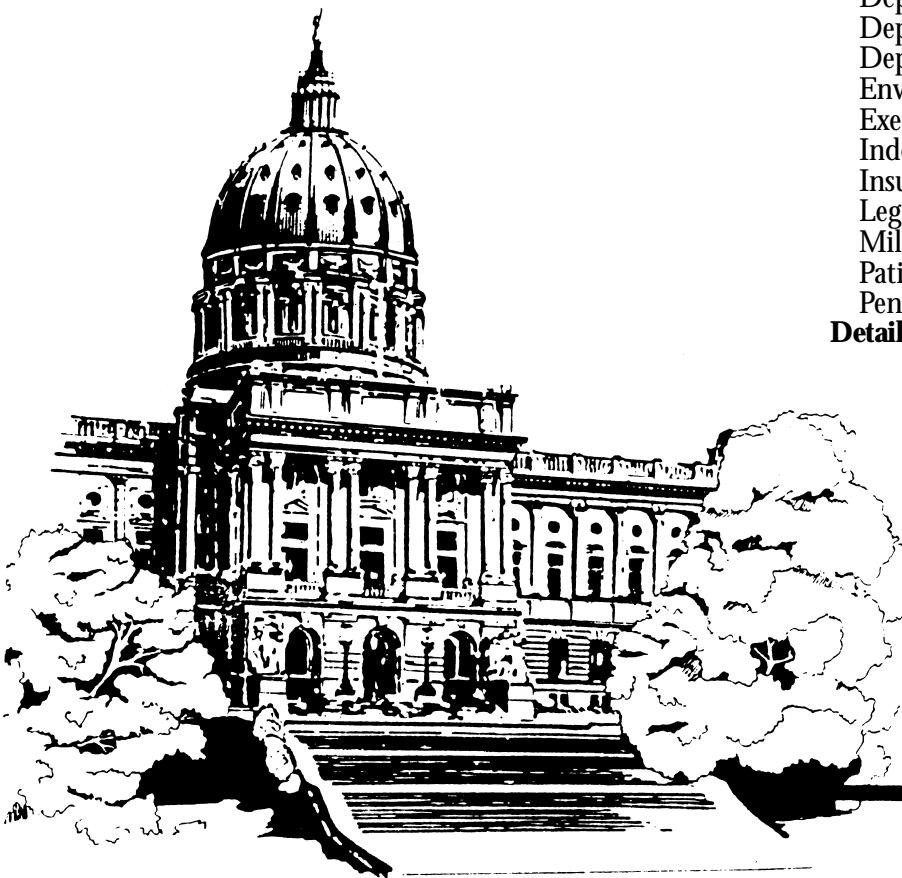


PENNSYLVANIA BULLETIN

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No. 406, September 2008

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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THE GOVERNOR

GOVERNOR'S OFFICE

[EXECUTIVE ORDER No. 2008-05]

Transition Period for the Pennsylvania Health Care Cost Containment Council

July 8, 2008

Whereas, the act of July 8, 1986 (P. L. 480, No. 89), as re-enacted and amended by act of June 28, 1993 (P. L. 146, No. 34), as re-enacted by act of July 18, 2003 (P. L. 31, No. 14), known as the Health Care Cost Containment Act (the "Act"), sunset on June 30, 2008 without being reauthorized by the General Assembly;

Whereas, the sunset of the Act eliminated the Pennsylvania Health Care Cost Containment Council ("PHC4") and terminated its more than 40 Commonwealth employees (the "Staff");

Whereas, PHC4 and its Staff collect and analyze data for the production of hundreds of public reports that help inform consumers and purchasers about the quality and cost of health care in the Commonwealth;

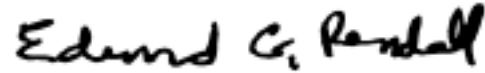
Whereas, upon sunset of the Act, the Governor's Office of Administration ("OA") took immediate action to secure the 20 years of PHC4 data to ensure its integrity and to preserve confidentiality of the records in compliance with State and Federal laws as well as in compliance with PHC4 contractual obligations and internal policies and protocols; and

Whereas, the Act lacked provision for a transition period or mechanics for winding up the affairs of PHC4.

Now Therefore, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws of the Commonwealth, do hereby declare the following:

1. The members of PHC4 on the date the Act sunset shall continue to comprise PHC4 and shall hold their offices as members of PHC4 as provided in the Act.
2. Those individuals employed by PHC4 on the date the Act sunset shall continue to be employed by PHC4.
3. PHC4 members and its Staff shall work to prepare the agency for reauthorization or for permanent dissolution, as appropriate.
4. All permissions granted by hospitals for PHC4 to view hospital specific data reported to the National Healthcare Safety Network pursuant to Chapter 4 of the act of March 20, 2002 (P. L. 154, No. 13), known as the Medical Care Availability and Reduction of Error (Mcare) Act ("Act 13"), are hereby vested in PHC4 and the Staff during the term of this Executive Order. PHC4 and the Staff shall use such data in accordance with Act 13 and solely for the purpose of analysis and reporting on hospital acquired infections.
5. PHC4 shall be deemed a continuation of the PHC4 as established under the Act. PHC4 members and Staff shall continue to operate under, and shall continue to possess all of the authority and duties provided in, the Act, associated regulations, contractual obligations and PHC4 internal policies and protocols, including the confidentiality provisions governing the data and material in possession of PHC4.
6. OA shall provide administrative and technical support to PHC4. The Governor's Office of the Budget shall provide accounting services to PHC4.

7. This Executive Order shall take effect immediately and shall expire on November 30, 2008, or the date upon which the PHC4 is reauthorized by the General Assembly, whichever occurs first.



Governor

Fiscal Note: GOV 2008-05. (1) General Fund; (2) Implementing Year 2008-09 is \$2,230,000; (3) 1st Succeeding Year 2009-10 is \$0; 2nd Succeeding Year 2010-11 is \$0; 3rd Succeeding Year 2011-12 is \$0; 4th Succeeding Year 2012-13 is \$0; 5th Succeeding Year 2013-14 is \$0; (4) 2007-08 Program—NA; 2006-07 Program—NA; 2005-06 Program—NA; (7) Pennsylvania Health Care Cost Containment Council; (8) recommends adoption. This cost estimate represents 5 months of funding based on the appropriation included in Act 38A—the General Assembly Appropriations Act of 2008 for the Pennsylvania Health Care Cost Containment Council.

[Pa.B. Doc. No. 08-1695. Filed for public inspection September 19, 2008, 9:00 a.m.]

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

[204 PA. CODE CHS. 81 AND 83]

Amendments to Rule 221 of the Pennsylvania Rules of Disciplinary Enforcement and Rule 1.15 of the Pennsylvania Rules of Professional Conduct; Disciplinary Rules; No. 67; Doc. No. 1

Order

Per Curiam:

And Now, this 4th day of September, 2008, Rule 1.15 of the Pennsylvania Rules of Professional Conduct is amended to read as set forth in Annex A as follows and Rule 221 of the Pennsylvania Rules of Disciplinary Enforcement is amended to read as set forth in Annex B as follows.

This Order shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration, shall take effect upon publication of this Order in the *Pennsylvania Bulletin* and shall govern matters thereafter commenced and, insofar as just and practicable, matters then pending.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

Subchapter A. RULES OF PROFESSIONAL CONDUCT

§ 81.4. Rules of Professional Conduct.

The following are the Rules of Professional Conduct:

* * * * *

Rule 1.15. Safekeeping Property.

(a) The following definitions are applicable to Rule 1.15:

(1) **Eligible Institution.** An Eligible Institution is a Financial Institution which has been approved as a depository of Trust Accounts pursuant to Pa.R.D.E. 221(h).

(2) **Fiduciary.** A Fiduciary is a lawyer acting as a personal representative, guardian, conservator, receiver, trustee, agent under a durable power of attorney, or other similar position.

(3) **Fiduciary Funds.** Fiduciary Funds are Rule 1.15 Funds which the lawyer holds as a Fiduciary. Fiduciary Funds may be either Qualified Funds or Non-Qualified Funds.

(4) **Financial Institution.** A Financial Institution is an entity which is authorized by federal or state law and licensed to do business in the Commonwealth of Pennsylvania as one of the following: a bank, bank and trust company, trust company, credit union, savings bank, savings and loan asso-

ciation or foreign banking corporation, the deposits of which are insured by an agency of the federal government, or as an investment adviser registered under the Investment Advisers Act of 1940 or with the Pennsylvania Securities Commission, an investment company registered under the Investment Company Act of 1940, or a broker dealer registered under the Securities Exchange Act of 1934.

(5) **Interest On Lawyer Trust Account (IOLTA) Account.** An IOLTA Account is an income producing Trust Account from which funds may be withdrawn upon request as soon as permitted by law. Qualified Funds are to be held or deposited in an IOLTA Account.

(6) **IOLTA Board.** The IOLTA Board is the Pennsylvania Interest On Lawyers Trust Account Board.

(7) **Non-IOLTA Account.** A Non-IOLTA Account is an income producing Trust Account from which funds may be withdrawn upon request as soon as permitted by law in which a lawyer deposits Rule 1.15 Funds. Only Nonqualified Funds are to be held or deposited in a Non-IOLTA Account. A Non-IOLTA Account shall be established only as:

(i) a separate client Trust Account for the particular client or matter on which the net income will be paid to the client or third person; or

(ii) a pooled client Trust Account with sub-accounting by the Eligible Institution or by the lawyer, which will provide for computation of net income earned by each client's or third person's funds and the payment thereof to the client or third person.

(8) **Nonqualified Funds.** Nonqualified Funds are Rule 1.15 Funds, whether cash, check, money order or other negotiable instrument, which are not Qualified Funds.

(9) **Qualified Funds.** Qualified Funds are Rule 1.15 Funds which are nominal in amount or are reasonably expected to be held for such a short period of time that sufficient income will not be generated to justify the expense of administering a segregated account.

(10) **Rule 1.15 Funds.** Rule 1.15 Funds are funds which the lawyer receives from a client or third person in connection with a client-lawyer relationship, or as an escrow agent, settlement agent or representative payee, or as a Fiduciary, or receives as an agent, having been designated as such by a client or having been so selected as a result of a client-lawyer relationship or the lawyer's status as such. When the term "property" appears with "Rule 1.15 Funds," it means property of a client or third person which the lawyer receives in any of the foregoing capacities.

(11) **Trust Account.** A Trust Account is an account in an Eligible Institution in which a lawyer holds Rule 1.15 Funds. A Trust Account must be maintained either as an IOLTA Account or as a Non-IOLTA Account.

(b) A lawyer shall hold all Rule 1.15 Funds and property [of clients or third persons that is in a lawyer's possession in connection with a client-

lawyer relationship] separate from the lawyer's own property. Such property shall be identified and appropriately safeguarded.

(c) Complete records of the receipt, maintenance and disposition of **[such] Rule 1.15 Funds and** property shall be preserved for a period of five years after termination of the client-lawyer or **Fiduciary** relationship or after distribution or disposition of the property, whichever is later. **A lawyer shall maintain the following books and records for each Trust Account and for any other account in which Fiduciary Funds are held pursuant to Rule 1.15(l):**

(1) **all transaction records provided to the lawyer by the Financial Institution or other investment entity, such as periodic statements, cancelled checks, deposited items and records of electronic transactions; and**

(2) **check register or separately maintained ledger, which shall include the payee, date and amount of each check, withdrawal and transfer, the payor, date, and amount of each deposit, and the matter involved for each transaction.**

(3) **The records required by this rule may be maintained in electronic or hard copy form. If records are kept only in electronic form, then such records shall be backed up at least monthly on a separate electronic storage device.**

[(b)] (d) Upon receiving Rule 1.15 Funds or property [of a client or third person in connection with a client-lawyer relationship,] which are not Fiduciary Funds or property, a lawyer shall promptly notify the client or third person[.], consistent with the requirements of applicable law. Notification of receipt of Fiduciary Funds or property to clients or other persons with a beneficial interest in such Fiduciary Funds or property shall continue to be governed by the law, procedure and rules governing the requirements of confidentiality and notice applicable to the Fiduciary entrustment.

(e) Except as stated in this Rule or otherwise permitted by law or by agreement with the client or third person, a lawyer shall promptly deliver to the client or third person any property, **including but not limited to Rule 1.15 Funds**, that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding **[such] the property; Provided, however, that the delivery, accounting and disclosure of Fiduciary Funds or property shall continue to be governed by the law, procedure and rules governing the requirements of Fiduciary administration, confidentiality, notice and accounting applicable to the Fiduciary entrustment.**

[(c)] (f) When in [connection with a client-lawyer relationship a lawyer is in possession of] possession of funds or property in which two or more persons, one of whom may be the lawyer, claim an interest, the funds or property shall be kept separate by the lawyer until the dispute is resolved. The lawyer shall promptly distribute all portions of the funds or property, including Rule 1.15 Funds, as to which the interests are not in dispute.

[(d) In those parts of this Rule dealing with funds of clients or third persons which the lawyer receives in connection with a client-lawyer rela-

tionship, excluding funds which the lawyer receives while acting as fiduciary for an estate, trust, guardianship or conservatorship, the following definitions are applicable:

(1) **Trust Account means an interest-bearing account in a financial institution, as defined in Rule of Disciplinary Enforcement 221, in which the lawyer deposits such funds.**

(2) **Qualified funds means such funds when they are nominal in amount or are reasonably expected to be held for such a short period of time that sufficient income will not be generated to justify the expense of administering a segregated account.**

(3) **Nonqualified Funds means all other such funds.**

(4) **An Interest On Lawyer Trust Account (IOLTA Account) is an unsegregated Trust Account for the deposit of Qualified Funds by a lawyer.**

(5) **The IOLTA Board means the Pennsylvania Interest on Lawyers Trust Account Board.**

(e) **] (g) The responsibility for identifying an account as a Trust Account shall be that of the lawyer in whose name the account is held.**

(h) **A lawyer shall not deposit the lawyer's own funds in a Trust Account except for the sole purpose of paying [bank services] service charges on that account, and only in an amount necessary for that purpose.**

(i) **A lawyer shall deposit into a Trust Account legal fees and expenses that have been paid in advance, to be withdrawn by the lawyer only as fees are earned or expenses incurred, unless the client gives informed consent, confirmed in writing, to the handling of fees and expenses in a different manner.**

(j) **At all times while a lawyer holds [funds of a client or third person in connection with a client-lawyer relationship] Rule 1.15 Funds, the lawyer shall also maintain another account that is not used to hold such funds.**

[(f)] (k) All Nonqualified Funds which are not Fiduciary Funds shall be placed in a [Trust] Non-IOLTA Account or in another investment vehicle specifically agreed upon by the lawyer and the client or third person which owns the funds.

(l) **All Fiduciary Funds shall be placed in a Trust Account (which, if the Fiduciary Funds are also Qualified Funds, must be an IOLTA Account) or in another investment or account which is authorized by the law applicable to the entrustment or the terms of the instrument governing the Fiduciary Funds.**

[(g)] (m) All Qualified Funds which are not Fiduciary Funds shall be placed in an IOLTA Account. [The rate of interest payable on an IOLTA Account shall not be less than the highest rate or dividend generally available from the financial institution to its non-IOLTA Account customers when the IOLTA Account meets or exceeds the same minimum balance and other account eligibility qualifications applicable to those other accounts. In no event shall the rate of interest payable on an IOLTA Account be less than the rate paid by the financial institution on negotiable order of withdrawal accounts (NOW) or super negotiable order of withdrawal accounts.

An account shall not be considered an IOLTA Account unless the financial institution at which the account is maintained shall:

(1) Remit at least quarterly any interest earned on the account to the IOLTA Board.

(2) Transmit to the IOLTA Board with each remittance and to the lawyer who maintains the IOLTA Account a statement showing at least the name of the account, service charges or fees deducted, if any, the amount of interest remitted from the account and the average daily balance, if available.

(h)] (n) A lawyer shall be exempt from the requirement that all Qualified Funds be placed in an IOLTA Account only upon exemption requested and granted by the IOLTA Board. If an exemption is granted, the lawyer must hold Qualified Funds in a Trust Account **which is not income producing**. Exemptions shall be granted if:

(1) the nature of the lawyer's practice does not require the routine maintenance of a Trust Account in Pennsylvania;

(2) compliance with this paragraph would work an undue hardship on the lawyer or would be extremely impractical, based either on the geographical distance between the lawyer's principal office and the closest **[financial institution] Eligible Institution**, or on other compelling and necessitous factors; or

(3) the lawyer's historical annual Trust Account experience, based on information from the **[financial institution] Eligible Institution** in which the lawyer deposits funds, demonstrates that the service charges on the account would significantly and routinely exceed any **[interest] income** generated.

(o) An account shall not be considered an IOLTA Account unless the Eligible Institution at which the account is maintained shall:

(1) Remit at least quarterly any income earned on the account to the IOLTA Board;

(2) Transmit to the IOLTA Board with each remittance and to the lawyer who maintains the IOLTA Account a statement showing at least the name of the account, service charges or fees deducted, if any, the amount of income remitted from the account, and the average daily balance, if available; and

(3) Pay a rate of interest or dividends no less than the highest interest rate or dividend generally available from the Eligible Institution to its non-IOLTA customers when the IOLTA Account meets the same minimum balance or other eligibility qualifications, and comply with the Regulations of the IOLTA Board with respect to service charges, if any.

[(i)] (p) A lawyer shall not be liable in damages or held to have breached any fiduciary duty or responsibility because monies are deposited in an IOLTA Account pursuant to the lawyer's judgment in good faith that the monies deposited were Qualified Funds.

[(j)] (q) There is hereby created the Pennsylvania Interest On Lawyers Trust Account Board, which shall administer the IOLTA program. The IOLTA Board shall consist of nine members who shall be appointed by the Supreme Court. Two of the appointments shall be made from a list provided to the Supreme Court by the

Pennsylvania Bar Association in accordance with its own rules and regulations. With respect to these two appointments, the Pennsylvania Bar Association shall submit three names to the Supreme Court, from which the Court shall make its final selections. The term of each member shall be three years and no member shall be appointed for more than two consecutive three year terms. The Supreme Court shall appoint a Chairperson. In order to administer the IOLTA program, the IOLTA Board shall promulgate rules and regulations consistent with this Rule for approval by the Supreme Court. **[Additionally, upon approval of the Supreme Court, the IOLTA Board shall distribute and/or expend IOLTA funds for the purpose set forth in this Rule.]**

(r) The IOLTA Board shall comply with the following:

(1) The IOLTA Board shall prepare an annual audited statement of its financial affairs.

(2) **[Disbursement and allocation of IOLTA Funds shall be subject to the prior approval of the Supreme Court.]** The IOLTA Board shall submit to the Supreme Court for its approval a copy of its audited statement of financial affairs, clearly setting forth in detail all funds previously approved for disbursement under the IOLTA program **[Additionally, a copy of]** and the IOLTA Board's proposed annual budget **[will be provided to the Court]**, designating the uses to which IOLTA Funds are recommended.

(3) Upon approval of the Supreme Court, the IOLTA Board shall distribute and/or expend IOLTA Funds.

[(k) Interest] (s) Income earned on IOLTA Accounts (IOLTA Funds) may be used only for the following purposes:

(1) delivery of civil legal assistance to the poor and disadvantaged in Pennsylvania by non-profit corporations described in section 501(c)(3) of the Internal Revenue Code of 1986, as amended;

(2) educational legal clinical programs and internships administered by law schools located in Pennsylvania;

(3) administration and development of the IOLTA program in Pennsylvania; and

(4) the administration of justice in Pennsylvania.

[(l)] (t) The IOLTA Board shall hold the beneficial interest in IOLTA Funds. Monies received in the IOLTA program are not state or federal funds and are not subject to Article VI of the act of April 9, 1929 (P. L. 177, No. 175) known as The Administrative Code of 1929, or the act of June 29, 1976 (P. L. 469, No. 117).

Comment:

(1) A lawyer should hold property of others with the care required of a professional fiduciary. The obligations of a lawyer under this Rule apply when the lawyer has come into possession of property of clients or third persons because the lawyer is acting or has acted as a lawyer in a client-lawyer relationship **[with some person]**, or when the lawyer is acting as a Fiduciary, or as an escrow agent, a settlement agent or a representative payee, or as an agent, having been designated as such by a client or having been so selected as a result of a client-lawyer relationship or the lawyer's status as such. Securities should be **[kept in a safe deposit box, except when some**

other form of safekeeping is warranted by special circumstances] appropriately safeguarded. All property which is the property of clients or third persons, including prospective clients, must be kept separate from the lawyer's business and personal property and, if [monies] Rule 1.15 Funds, in one or more Trust Accounts, or, if a Fiduciary entrustment, in an investment or account authorized by applicable law or a governing instrument. The responsibility for identifying an account as a Trust Account shall be that of the lawyer in whose name the account is held. Whenever a lawyer holds [funds of a client or third person] Rule 1.15 Funds, the lawyer must maintain at least two accounts: one in which those funds are held and another in which the lawyer's own funds may be held.

(2) A lawyer should maintain on a current basis books and records in accordance with sound accounting practices consistently applied and comply with any recordkeeping rules established by law or court order, including those records identified in paragraph (c).

[(2) The following books and records shall be maintained for each Trust Account:

(i) bank statements and check registers (which shall include the payee, date, amount and the client matter involved);

(ii) all transaction records returned by the financial institution, including canceled checks in whatever form and records of electronic transactions;

(iii) records of deposits and a ledger separately listing each deposited item and the client or third person for whom the deposit is being made.

(3) The records required by this Rule may be maintained in electronic or other form if they can be retrieved in printed hard copy. Electronic records must be regularly backed up by an appropriate storage device.

(4) [(3) While normally it is impermissible to commingle the lawyer's own funds with [client funds] Rule 1.15 Funds, paragraph [(e)] (h) provides that it is permissible when necessary to pay [bank] service charges on that account. Accurate records must be kept regarding [that part of] the funds [which are the lawyer's].

(4) A lawyer's obligations with respect to funds of clients and third persons depend on the capacity in which the lawyer receives them, on whether they are Fiduciary Funds as defined in paragraph (a)(3) and on whether they are Nonqualified Funds or Qualified Funds as defined in paragraphs (a)(8) or (9) respectively. If the lawyer receives them in one of the capacities identified in paragraph (a)(10), the obligations in paragraphs (b) through (h), such as safeguarding, notification, and recordkeeping, apply. Nonqualified Funds other than Fiduciary Funds are to be placed in a Non-IOLTA Account, as defined in paragraph (a)(7), in an Eligible Institution, as defined in paragraph (a)(1), unless the client or third person specifically agrees to another investment vehicle for the benefit of the client or

third person. Qualified Funds other than Fiduciary Funds must, subject to certain exceptions, be placed in an IOLTA Account defined in paragraph (a)(5).

(5) If the funds, whether Qualified Funds or Nonqualified Funds, are Fiduciary Funds, they may be placed in an investment or account authorized by the law applicable to the entrustment or authorized by the terms of the instrument governing the Fiduciary Funds. In such investment or account they shall be subject to the obligations of safeguarding, notification and recordkeeping. This Rule is not intended to change the substantive law or procedural rules that govern Fiduciary Funds or property with the exception of the specific recordkeeping requirements, segregation of Fiduciary Funds or property, and where Fiduciary Funds are kept in an Eligible Institution, overdraft reporting pursuant to Pa.R.D.E. 221, to the extent that those requirements underscore or supplement the requirements regarding Fiduciary Funds or property. The goal of the amendments is to require all attorneys to keep appropriate records of entrusted funds, segregate such funds from the attorney's funds, account to those with an interest in the funds, and distribute the funds when due, and to permit the disciplinary system to respond when lawyers fail to comply with these standards.

(6) This Rule does not require a Fiduciary to liquidate entrusted investments or investments made in accordance with applicable law or a governing instrument or to transfer non-income producing fiduciary account balances to an IOLTA Account. This Rule does not prohibit a Fiduciary from making an investment in accordance with applicable law or a governing instrument. Funds which are controlled by a non-lawyer professional co-fiduciary shall not be considered to be Rule 1.15 Funds for the purposes of this Rule.

[(5)] (7) Lawyers often receive funds from which the lawyer's fee will be paid. Unless the fee is non-refundable, it should be deposited to a Trust Account and drawn down as earned. The lawyer is not required to remit to the client funds that the lawyer reasonably believes represent fees owed. However, a lawyer may not hold funds to coerce a client into accepting the lawyer's contention. The disputed portion of the funds must be kept in a Trust Account and the lawyer should suggest means for prompt resolution of the dispute, such as arbitration. The undisputed portion of the funds shall be promptly distributed.

[(6) Paragraph (c) also recognizes that third] (8) Third parties may have lawful claims against specific funds or other property in a lawyer's custody such as a client's creditor who has a lien on funds recovered in a personal injury action. A lawyer may have a duty under applicable law to protect such third-party claims against wrongful interference by the client. In such cases, when the third party claim is not frivolous under applicable law, the lawyer must refuse to surrender the property to the client unless the claims are resolved. A lawyer should not unilaterally assume to arbitrate a dispute between the client and the third party. When there are substantial grounds for dispute as to the person entitled to the funds, the lawyer may file an action to have a court resolve the dispute.

[(7)] (9) Other applicable law may impose pertinent obligations upon a lawyer independent of [any] and in addition to the obligations arising from this Rule. For example, a lawyer who [serves only] receives funds as an escrow agent [is governed by the law relating to fiduciaries even though the lawyer does not render legal services in the transaction and is not governed by this Rule. A lawyer who receives funds while serving as an executor or trustee remains subject to the formal accounting procedures and other supervision of the Orphans Court; when such funds are nominal in amount or reasonably expected to be held for such a short period that sufficient interest will not be generated to justify maintaining a segregated account such funds may, in the discretion of the lawyer, be deposited into the IOLTA account of the lawyer even though such deposit is not required.] a representative payee, or a Fiduciary remains subject to the law applicable to the entrustment, such as the Probate, Estates and Fiduciaries Code, Orphans' Court Rules, the Social Security Act, and to the terms of the governing instrument. If, during the final year of a Fiduciary entrustment, the lawyer who is serving as a Fiduciary reasonably expects that the funds cannot earn income for the client or third person in excess of the cost incurred to secure such income while the funds are held, the lawyer may, in the discretion of the lawyer, deposit the funds into the IOLTA Account of the lawyer, or may arrange to discontinue the payment of interest on the segregated Trust Account.

[(8)] (10) A lawyer must participate in the Pennsylvania Lawyers Fund for Client Security established in Rule 503 of the Pennsylvania Rules of Disciplinary Enforcement. It is a means through the collective efforts of the bar to reimburse persons who have lost money or property as a result of dishonest conduct of a lawyer.

[(9)] (11) Paragraphs [(g)] (q) through [(l)] (t) provide for the Interest on Lawyer Trust Account (IOLTA) program [, and the definitions in paragraph (d) distinguish two types of funds of clients and third persons held by a lawyer: Qualified Funds, which must be placed in an IOLTA account, and Nonqualified Funds, which are to be placed in an interest bearing account unless the client or third person specifically agrees to another investment vehicle for the benefit of the client or third person]. There are further instructions relating to the IOLTA program in Rules 219 and 221 of the Pennsylvania Rules of Disciplinary Enforcement and in the Regulations of the Interest [on] On Lawyers Trust Account Board, 204 Pa. Code, § 81.1 et seq., which are referred to as the IOLTA Regulations.

Annex B

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter B. MISCONDUCT

Rule 221. Funds of clients and third persons. Mandatory overdraft notification.

(a) For purposes of this rule, [a] the following definitions apply:

(1) **Eligible Institution.** An Eligible Institution is a Financial Institution which has been approved as a depository of Trust Accounts pursuant to section (h), *infra*.

(2) **Financial Institution.** A Financial Institution is an entity which is authorized by federal or state law and licensed to do business in the Commonwealth of Pennsylvania as one of the following: a bank, bank and trust company, trust company, credit union, savings bank, savings and loan association or foreign banking corporation, the deposits of which are insured by an agency of the federal government, or as an investment adviser registered under the Investment Advisers Act of 1940 or with the Pennsylvania Securities Commission, an investment company registered under the Investment Company Act of 1940, or a broker dealer registered under the Securities Exchange Act of 1934.

(3) **Fiduciary Funds.** Fiduciary Funds are Rule 1.15 Funds which an attorney holds as a Fiduciary, as defined in Rule 1.15(a)(2) of the Pennsylvania Rules of Professional Conduct. Fiduciary Funds may be either Qualified Funds or Non-Qualified Funds.

(4) **Rule 1.15 Funds.** Rule 1.15 Funds are funds which an attorney receives from a client or third person in connection with a client-lawyer relationship, or as an escrow agent, settlement agent or representative payee, or as a Fiduciary, or receives as an agent, having been designated as such by a client or having been so selected as a result of a client-lawyer relationship or the attorney's status as such. When the term "property" appears with "Rule 1.15 Funds," it means property of a client or third person which the attorney receives in any of the foregoing capacities.

(5) **Trust Account.** A Trust Account [of an attorney] is an account in an Eligible Institution in which an attorney [, in accordance with Rule 1.15 of the Pennsylvania Rules of Professional Conduct, deposits] holds Rule 1.15 Funds [funds received from a client or a third person in connection with a client-lawyer relationship, excluding funds which the attorney receives while acting as fiduciary for an estate, trust, guardianship or conservatorship]. A Trust Account must be maintained either as an IOLTA Account or as a Non-IOLTA Account, as defined in Rule 1.15(a)(5) and (7) of the Pennsylvania Rules of Professional Conduct.

(b) An attorney shall maintain a Trust Account with respect to his/her practice in this Commonwealth only in [a financial institution] an Eligible Institution approved by the Supreme Court of Pennsylvania for the maintenance of such accounts. Subject to the provisions set forth herein, the Disciplinary Board shall establish regulations governing approval and termination of approval for [financial institutions] Eligible Institutions, shall make appropriate recommendations to the Supreme Court of Pennsylvania concerning approval and termination, and shall periodically publish a list of [approved financial institutions] Eligible Institutions.

[(c) A financial institution shall be approved as a depository for Trust Accounts of attorneys if it shall file with the Disciplinary Board an agreement (in a form provided by the Board) to make a prompt report to the Lawyers Fund for Client Security Board whenever any check or similar instrument is presented against a Trust Account when such account contains insufficient funds to pay the instrument, regardless of

(1) whether the instrument is honored, or

(2) whether funds are subsequently deposited that cover the overdraft or the dishonored instrument is made good.

(d) For purposes of this Rule, a Trust Account shall not be deemed to contain insufficient funds to pay a check or similar instrument solely because it contains insufficient collected funds to pay the instrument, and no report shall be required in the case of an instrument presented against uncollected or partially uncollected funds. This provision shall not be deemed an endorsement of the practice of drawing checks against uncollected funds.

(e) The term "financial institution" means banks, bank and trust companies, trust companies, savings and loan associations, credit unions, savings banks or foreign banking corporations, whether incorporated, chartered, organized or licensed under the laws of the Commonwealth of Pennsylvania or the United States, doing business in Pennsylvania and insured by the Federal Deposit Insurance Corporation, the National Credit Union Administration or an alternative share insurer.]

(c) All Fiduciary Funds shall be placed in a Trust Account (which, if the Fiduciary Funds are also Qualified Funds as defined in Rule 1.15(a)(9) of the Pennsylvania Rules of Professional Conduct, must be an IOLTA Account) or in another investment or account which is authorized by the law applicable to the entrustment or the terms of the instrument governing the Fiduciary Funds.

[(f)] (d) The responsibility for identifying an account as a Trust Account shall be that of the attorney in whose name the account is held.

[(g) The] (e) An attorney shall maintain the following books and records [shall be maintained] for each Trust Account and for any other account in which Rule 1.15 Funds are held:

(1) [bank statements and check registers (which shall include the payee, date, amount and the client matter involved);

(2)] all transaction records [returned] provided to the attorney by the [financial institution, including] Financial Institution, such as periodic statements, canceled checks in whatever form, deposited items and records of electronic transactions; and

[(3) records of deposits and a ledger separately listing each deposited item and the client or third person for whom the deposit is being made.]

(2) check register or separately maintained ledger, which shall include the payee, date and amount of each check, withdrawal and transfer, the payor, date, and amount of each deposit, and the matter involved for each transaction.

[(h)] (f) The records required by this rule may be maintained in electronic or [other form if they can be retrieved in printed] hard copy form. [Electronic records must be regularly backed up by an appropriate storage device.] If records are kept only in electronic form, then such records shall be backed up at least monthly on a separate electronic storage device.

[(i)] (g) The records required by this rule may be subject to subpoena and must be produced in connection with an investigation or hearing pursuant to these rules. Failure to produce such records may result in the initiation of proceedings pursuant to Enforcement Rule 208(f) (relating to emergency temporary suspension orders and related relief), which permits disciplinary counsel to commence a proceeding for the temporary suspension of a respondent-attorney who refuses to comply with a valid subpoena.

[(j) For purposes of this rule, funds deposited in an account prior to the close of business on the calendar date of presentation of an instrument shall be considered to be in the account at the close of business on that date notwithstanding the financial institution's treatment of such funds, for other purposes, as being received at the opening of the next banking day pursuant to 13 Pa.C.S. § 4107(b) (relating to items or deposits received after cutoff hour).

(k) For purposes of the rule, a check or draft against a Trust Account shall be deemed to be presented at the close of business on the date of presentation.

(l) No report need be made when the financial institution determines that the instrument presented against insufficient funds had been issued in reliance on a deposited instrument that was ultimately dishonored. This provision shall not be deemed an endorsement of the practice of drawing checks against uncollected funds.

(m) A failure on the part of a financial institution to make a report called for by this rule may be cause for termination of approval by the Supreme Court, but such failure shall not, absent gross negligence, give rise to a cause of action, by any person who is proximately caused harm thereby.]

(h) An Eligible Institution shall be approved as a depository for Trust Accounts of attorneys if it shall be in compliance with applicable provisions of Rule 1.15 of the Pennsylvania Rules of Professional Conduct and the Regulations of the IOLTA Board and shall file with the Disciplinary Board an agreement (in a form provided by the Board) to make a prompt report to the Lawyers Fund for Client Security Board whenever any check or similar instrument is presented against a Trust Account when such account contains insufficient funds to pay the instrument, regardless of

(1) whether the instrument is honored, or

(2) whether funds are subsequently deposited that cover the overdraft or the dishonored instrument is made good.

(i) For purposes of this rule:

(1) A Trust Account shall not be deemed to contain insufficient funds to pay a check or similar instrument solely because it contains insufficient collected funds to pay the instrument, and no report shall be required in the case of an instrument presented against uncollected or partially uncollected funds. This provision shall not be deemed an endorsement of the practice of drawing checks against uncollected funds.

(2) Funds deposited in an account prior to the close of business on the calendar date of presentation of an instrument shall be considered to be in the account at the close of business on that date notwithstanding the treatment of such funds by the Eligible Institution, for other purposes, as being received at the opening of the next banking day pursuant to 13 Pa.C.S. § 4108(b) (relating to items or deposits received after cutoff hour).

(3) A check or draft against a Trust Account shall be deemed to be presented at the close of business on the date of presentation.

(j) No report need be made when the Eligible Institution determines that the instrument presented against insufficient funds had been issued in reliance on a deposited instrument that was ultimately dishonored. This provision shall not be deemed an endorsement of the practice of drawing checks against uncollected funds.

(k) A failure on the part of an Eligible Institution to make a report called for by this rule may be cause for termination of approval by the Supreme Court, but such failure shall not, absent gross negligence, give rise to a cause of action, by any person who is proximately caused harm thereby.

[(n) Financial institutions] (l) Eligible Institutions shall be immune from suit for the filing of any reports required by this Rule or believed in good faith to be required by this Rule.

[(o) A financial institution] (m) An Eligible Institution shall be free to impose a reasonable service charge upon the attorney in whose name the account is held for the filing of the report required by this rule.

[(p)] (n) A report filed pursuant to this rule shall not, in and of itself, be considered a disciplinary complaint.

[(q)] (o) A designated representative of the Lawyers Fund for Client Security Board shall conduct a preliminary inquiry and shall, where appropriate, refer the matter to the Office of Disciplinary Counsel for further investigation. Neither a report filed with the Lawyers Fund for Client Security Board pursuant to this rule nor a referral of such report to the Office of Disciplinary Counsel shall, in and of itself, be considered a disciplinary complaint.

[(r)] (p) Reports required to be made under this rule shall be made to the Lawyers Fund for Client Security Board within five business days of the presentation of the instrument.

[Pa.B. Doc. No. 08-1696. Filed for public inspection September 19, 2008, 9:00 a.m.]

Title 207—JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE [207 PA. CODE CH. 1]

Amendment to the Rules of Procedure of the Court of Judicial Discipline; Doc. No. 1 JD 94

Order

Per Curiam

And Now, this 9th day of September, 2008, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, having adopted the amendment to Rule of Procedure No. 121(C), as more specifically hereinafter set forth, *It Is Hereby Ordered*:

That Rule 121(C) shall become effective immediately.

WILLIAM H. LAMB,
President Judge

Annex A

TITLE 207. JUDICIAL CONDUCT PART IV. COURT OF JUDICIAL DISCIPLINE ARTICLE I. PRELIMINARY PROVISIONS CHAPTER 1. GENERAL PROVISIONS DOCUMENTS GENERALLY

Rule 121. Filing; Docketing.

* * * * *

(C) Unless otherwise ordered by the Court, or as otherwise provided by these rules, a filing shall consist of the original and three (3) copies, except, in the case of pleadings in excess of 20 pages, in which case an original and 10 copies are required.

[Pa.B. Doc. No. 08-1697. Filed for public inspection September 19, 2008, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL [246 PA. CODE CH. 200]

Amendment of Rule 209 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges; No. 248 Magisterial Rules; Doc. No. 1

Order

Per Curiam:

And Now, this 9th day of September, 2008, upon the recommendation of the Minor Court Rules Committee, the proposal having been published before adoption at Volume 38, *Pennsylvania Bulletin*, page 2046 (May 3, 2008), and a Final Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pa.R.C.P.M.D.J. No. 209 be, and hereby is, amended to read as follows.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective October 1, 2008.

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART. I GENERAL

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

Rule 209. Continuances.

* * * * *

E. Continuances shall be granted in compliance with federal or state law, such as the Servicemembers Civil Relief Act., 50 App. U.S.C.A. § 501 et seq.

Official Note: This rule was amended in 2005 to consolidate the provisions of former Rules 320 (relating to continuances in civil actions) and 511 (relating to continuances in possessory actions) into one general rule governing continuances. The limitations set forth in subdivision C are intended to ensure that these cases proceed expeditiously. The grounds set forth in [subdivision] subdivisions D and E, of course, are not intended to be the only grounds on which a continuance will be granted.

Adopted March 15, 1994, effective April 2, 1994. Amended December 16, 2004, effective July 1, 2005; January 6, 2005, effective January 29, 2005; **September 9, 2008, effective October 1, 2008.**

FINAL REPORT

Amendment to Rule 209 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges

On September 9, 2008, effective October 1, 2008, upon recommendation of the Minor Court Rules Committee,¹ the Supreme Court of Pennsylvania approved an amendment to Rule 209 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges.²

I. Background

In 2007, several magisterial district judges questioned why the rules of civil procedure did not specifically address continuances for military personnel. Based upon the reported uncertainty of some magisterial district judges in dealing with military personnel's requests for continuances, the Minor Court Rules Committee ("the Committee") recommended an amendment to Rule 209 referencing the Servicemembers Civil Relief Act, 50 App. U.S.C.A. § 501 et seq. ("Act"). The Committee believed the amendment would provide a quick statutory reference as well as foster a uniform, statewide practice.

II. Discussion

The Committee determined that its main concern was ensuring that magisterial district judges were aware of the Act and follow it, when appropriate. In its deliberations, the Committee reviewed a sample request for a continuance pursuant to the Act; the Act itself; 51 Pa.C.S.A. § 7314 ("Stay of proceedings when military service affects conduct thereof") and Pa.R.C.P. No. 1920.46 ("Affidavit of Non-military Service").

The Committee decided that the simplest way to achieve its goal of compliance with the Act was through a

¹ Minor Court Rules Committee Recommendation 10-2008.
² Supreme Court of Pennsylvania Order No. 248, Magisterial Docket No. 1 (September 9, 2008).

statutory reference. While the Committee considered including a reference to the Act in the note, rather than the rule, the eventual decision was to draft a new subdivision within the rule itself. The Committee members felt strongly that individuals meeting the criteria of the Act should be granted continuances. By including the language in the rule, the exception for qualifying military personnel becomes mandatory; if simply included in the note, the reference would not be binding, as the Supreme Court of Pennsylvania does not adopt the contents of the Committee's notes to the rules.

III. Approved Rule Changes

To address the issues discussed above, the Committee included a new subdivision "E," directly following the current subdivision "D." As explained above, the new subdivision "E" provides a statutory reference to the Act.

The note was also amended to clarify that subdivisions D and E are not the exclusive grounds for granting continuances.

[Pa.B. Doc. No. 08-1698. Filed for public inspection September 19, 2008, 9:00 a.m.]

PART I. GENERAL

[246 PA. CODE CH. 300]

Amendment of Rules 341 and 342 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges; No. 247 Magisterial Rules; Doc. No. 1

Order

Per Curiam:

And Now, this 9th day of September, 2008, upon the recommendation of the Minor Court Rules Committee, the proposal having been published before adoption at Volume 37, *Pennsylvania Bulletin*, page 6745 (December 22, 2007), and a Final Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pa.R.C.P.M.D.J. Nos. 341 and 342 be, and hereby are, amended to read as follows.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective October 1, 2008.

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART. I GENERAL

CHAPTER 300. CIVIL ACTION

SATISFACTION OF MONEY JUDGMENTS

Rule 341. Request for Entry of Satisfaction; Service; Entry of Satisfaction.

* * * * *

Official Note: Subdivision A provides a mechanism for a judgment debtor, or anyone interested in the judgment, to file a written request for entry of satisfaction in the office of the magisterial district judge who rendered the judgment. See Section 8104(a) of the Judicial Code, 42 Pa.C.S. § 8104(a).

Subdivision B is intended to provide a number of alternative methods of service. See Rules 307, 308, 309, 310, 311, 312 and 313. When permitted, service by mail should be at the option of the person filing the request for entry of satisfaction. **The requester shall be required to pay for all costs associated with initiating entry of satisfaction.**

* * * * *

Adopted April 5, 2002, effective January 1, 2003.
Amended September 9, 2008, effective October 1, 2008.

Rule 342. Failure of Judgment Creditor to Enter Satisfaction; Supplementary Action.

* * * * *

Official Note: A judgment debtor may seek damages pursuant to Section 8104(b) of the Judicial Code, 42 Pa.C.S. § 8104(b). The action commenced under subdivision A of this Rule is a supplementary proceeding in the matter in which the judgment was entered. As such, it must be filed in the office of the magisterial district judge in which the request for entry of satisfaction was filed. Also, it must be indexed to the same docket number as, and made a part of the record of, the underlying action. See Rule 306 and Note. Because the supplementary action is merely a continuation of the underlying action, there are no filing costs for it, however there may be costs for service of the action. **The requester shall be required to pay for all costs associated with initiating entry of satisfaction.**

* * * * *

Adopted April 5, 2002, effective January 1, 2003.
Amended January 6, 2005, effective January 29, 2005.
Amended September 8, 2008, effective October 1, 2008.

FINAL REPORT

Amendment to the Notes to Rules 341 and 342 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges

On September 9, 2008, effective October 1, 2008, upon recommendation of the Minor Court Rules Committee,¹ the Supreme Court of Pennsylvania approved an amendment to the Notes to Rules 341 and 342 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges.²

I. Background

The Minor Court Rules Committee (the Committee) undertook a review of Rules 341 and 342 following an inquiry from a District Court administrator. The administrator pointed out that Pa.R.C.P.M.D.J. No. 341 does not address who is required to pay for service of a request for entry of satisfaction. Instead, Rule 341 simply requires service "in accordance with the rules in the 300 Series regarding service of the complaint." See Pa.R.C.P.M.D.J. No. 341B.

II. Discussion and Proposed Rule Changes

After reviewing the administrator's inquiry, the Committee agreed that the lack of direction in Pa.R.C.P.M.D.J. No. 341, with regard to payment of service costs, was problematic. In attempting to fashion a

solution, the Committee members settled upon adding language to the Notes of both Rules 341 and 342. The additional language makes it clear that the person who is requesting entry of satisfaction is the individual responsible for payment of any costs associated with his or her request.

[Pa.B. Doc. No. 08-1699. Filed for public inspection September 19, 2008, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CARBON COUNTY

Magisterial District Court 56-3-01 and Magisterial District Court 56-3-02; CP-13-AD-000007-2008

Administrative Order No. 19-2008

And Now, this 4th day of September, 2008, in order to provide efficient handling of cases by cooperative agreement between Weissport Borough and Parryville Borough regarding police coverage and pursuant to Rule 130(A)(6) of the Pennsylvania Rules of Criminal Procedure, it is hereby

Ordered and Decreed that, effective September 5, 2008, the Court temporarily assigns the following classes of cases arising within the Magisterial District Judge's jurisdiction of Parryville Borough—Traffic and Criminal—to Magisterial District Court 56-3-01 until further Order of this Court, but only on condition that the Magisterial District Judge of Magisterial District Court 56-3-01 waive any right to additional compensation under 42 Pa.C.S.A., Section 4122, or otherwise.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Pennsylvania Civil Procedural Rules Committee.
4. Forward one (1) copy for publication in the *Carbon County Law Journal*.
5. Forward one (1) copy to the Carbon County Law Library.
6. Keep continuously available for public inspection copies of the Order in the Clerk of Courts' Office.

By the Court

ROGER N. NANOVIC,
President Judge

[Pa.B. Doc. No. 08-1700. Filed for public inspection September 19, 2008, 9:00 a.m.]

¹ Minor Court Rules Committee Recommendation 2-2008.

² Supreme Court of Pennsylvania Order No. 247, Magisterial Docket No. 1, (September 9, 2008.)

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that W. Eric Cloud having been disbarred from the practice law in the District of Columbia by Opinion and Order of the District of Columbia Court of Appeals decided December 28, 2007, the Supreme Court of Pennsylvania disbarred W. Eric Cloud from the practice of law in this Commonwealth, effective October 4, 2008. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 08-1701. Filed for public inspection September 19, 2008, 9:00 a.m.]

Notice of Disbarment

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated September 4, 2008, William S. Lerach is disbarred on consent from the practice of law in this Commonwealth, to be effective October 4, 2008. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 08-1702. Filed for public inspection September 19, 2008, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that Deborah Ann Pierce having been suspended from the practice of law in the State of New Jersey for a period of 1 year by Order of the Supreme Court of New Jersey dated December 4, 2007, the Supreme Court of Pennsylvania issued an Order dated September 4, 2008, suspending Deborah Ann Pierce from the practice of law in this Commonwealth for a period of 1 year. In accordance with Rule 217(f), Pa.R.D.E., since this formerly attorney reside outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 08-1703. Filed for public inspection September 19, 2008, 9:00 a.m.]

Notice of Transfers of Attorneys to Inactive Status

Notice is hereby given that the following attorneys have been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated August 7, 2008, under Rule 111(b) Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective September 6, 2008, for Compliance Group 3 due December 31, 2007.

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

Alpha, Jennifer J.
Washington, DC

Andino III, Ralph
San Rafael, CA

Bennett, Patrick A.
Colliers, WV

Blanchard, Anne E.
Camden, NJ

Bollar, Carlos Manuel
Haddonfield, NJ

Burgess, Susan K.
Jacksonville, FL

Burke, Brian J.
Chicago, IL

Burke Jr., Roger William
Washington, DC

Case, Heather S.
Naples, FL

Coleman, Steven E.
Chesterfield, MO

Desilets Jr., Roland B.
Mount Laurel, NJ

Evans, Cheryk L.
Alexandria, VA

Gamble, Bruce
Washington, DC

Gee, Adam Michael
Elmira, NY

Gilberti, William Joseph
Syracuse, NY

Harris, Joyce Barnett
Washington, DC

Henry, Katherine J.
Washington, DC

Ikegwuonu, Patricia Ryan
Albany, GA

Jennings, Valorie Elois
Rockaway, NJ

Johnson, Joanne Du
Los Angeles, CA

Johnson, Kristen Elizabeth
Brick, NJ

Jones, Kevin Darrow
Washington, DC

Karinch, Matthew Macleod
Claymont, DE

Khalil, Gary Alan
Arlington, VA

Kucskar, Kathryn A.
Raleigh, NC

Laquintano, Nicole Marie
McLean, VA

Lee, Peter Y.
Waltham, MA

Levenson, Scott Craig
Elmwood Park, NJ

Mathena, Daniel Calderon
Arlington, VA

McGinley, Patrick C.
Morgantown, WV

Mickletz, Jeffrey C.
New York, NY

Nardone, Susan Lynn
Newark, NJ

O'Rourke, Thomas J.
Rockville, MD

Pasquariello, Anthony James
Rockaway, NJ

Rhatican, James Patrick
Roseland, NJ

Robinson, Gary A.
Fort Myers, FL

Salvatore, David
Hazlet, NJ

Sfara, David Louis
Waterbury, CT

Slocum, Carol Ann
Cherry Hill, NJ

Somers, Alan Victor
Preston, MD

Steinberg, Saul J.
Camden, NJ

Sterba, Melissa Anne
Westfield, NJ

Stiles, Jacqueline Hawkins
Atlantic City, NJ

Stumpf, Eugene Stephen
New York, NY

Thompkins, Nathaniel Valencia
Santa Fe, NM

Toll, Rachel Emily
Las Vegas, NV

Tranel, Monica Joan
Whitehall, MT

Trautmann, Gregg Douglas
Rockaway, NJ

Tutoki, Christopher R.
Zurich, Switzerland

Wallace, William Lindsay
Washington, DC

White, Martin F.
Warren, OH

Wyatt, Keith Orlando E.
Houston, TX

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

[Pa.B. Doc. No. 08-1704. Filed for public inspection September 19, 2008, 9:00 a.m.]

RULES AND REGULATIONS

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CHS. 3270 AND 3280]

Child Care Facilities; Corrective Amendment to 55 Pa. Code §§ 3270.31(c) and 3280(c)

The Department of Public Welfare has discovered discrepancies between the agency text of 55 Pa. Code §§ 3270.31(c) and 3280.31(c) (relating to age and training; and age and training) as deposited with the Legislative Reference Bureau and the official text as published at 38 Pa.B. 2437, 2446 and 2455 (May 24, 2008) and the text which appears in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 405) (August 2008). The text of paragraphs (1)—(5) which should have followed after subsection (c) in both sections was inadvertently omitted.

Therefore, under 45 Pa.C.S. § 901: The Department of Public Welfare has deposited with the Legislative Reference Bureau a corrective amendment to 55 Pa. Code §§ 3270.31(c)(1)—(5) and 3280.31(c)(1)—(5). The corrective amendment to 55 Pa. Code §§ 3270.31(c)(1)—(5) and 3280.31(c)(1)—(5) is effective May 24, 2008, the date the defective official text was printed in the *Pennsylvania Bulletin*.

The correct version of 55 Pa. Code §§ 3270.31(c)(1)—(5) and 3280.31(c)(1)—(5), appears in Annex A, with ellipses referring to the existing text of the regulations.

Annex A

Title 55. PUBLIC WELFARE

PART V. CHILDREN YOUTH AND FAMILIES MANUAL

Subpart D. NONRESIDENTIAL AGENCIES, FACILITIES AND SERVICES

ARTICLE I. LICENSING/APPROVAL

CHAPTER 3270. CHILD DAY CARE CENTERS

FACILITY PERSONS

§ 3270.31. Age and training.

* * * * *

(c) An individual 16 years of age or older who is enrolled in an approved training curriculum may be used as a staff person, if the following guidelines are met:

(1) The curriculum is conducted by an institution approved by the Department of Education and accredited by an accrediting agency recognized by the United States

Department of Education or the Council on Postsecondary Education and acceptable to the Department of Education.

(2) The curriculum includes acceptable training topics referenced in subsection (e)(2).

(3) The curriculum includes a minimum total of 600 clock hours, distributed as follows:

(i) A minimum of 400 clock hours of classroom training.

(ii) A minimum of 200 clock hours of supervised training in a child day care facility.

(4) A representative of the training institution certifies in writing that the individual has completed the required classroom training and is currently enrolled in the curriculum.

(5) The written certification required in paragraph (4) shall be retained in the staff file at the facility.

* * * * *

CHAPTER 3280. GROUP CHILD DAY CARE HOMES FACILITY PERSONS

§ 3280.31. Age and training.

* * * * *

(c) An individual 16 years of age or older who is enrolled in an approved training curriculum may be used as a staff person, if the following guidelines are met:

(1) The curriculum is conducted by an institution approved by the Department of Education and accredited by an accrediting agency recognized by the United States Department of Education or the Council on Postsecondary Education and acceptable to the Department of Education.

(2) The curriculum includes acceptable training topics referenced in subsection (e)(2).

(3) The curriculum includes a minimum total of 600 clock hours, distributed as follows:

(i) A minimum of 400 clock hours of classroom training.

(ii) A minimum of 200 clock hours of supervised training in a child day care facility.

(4) A representative of the training institution certifies in writing that the individual has completed the required classroom training and is currently enrolled in the curriculum.

(5) The written certification required in paragraph (4) shall be retained in the staff file at the facility.

* * * * *

[Pa.B. Doc. No. 08-1705. Filed for public inspection September 19, 2008, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Pennsylvania Commission on Crime and Delinquency

The Executive Board approved a reorganization of the Pennsylvania Commission on Crime and Delinquency effective August 27, 2008.

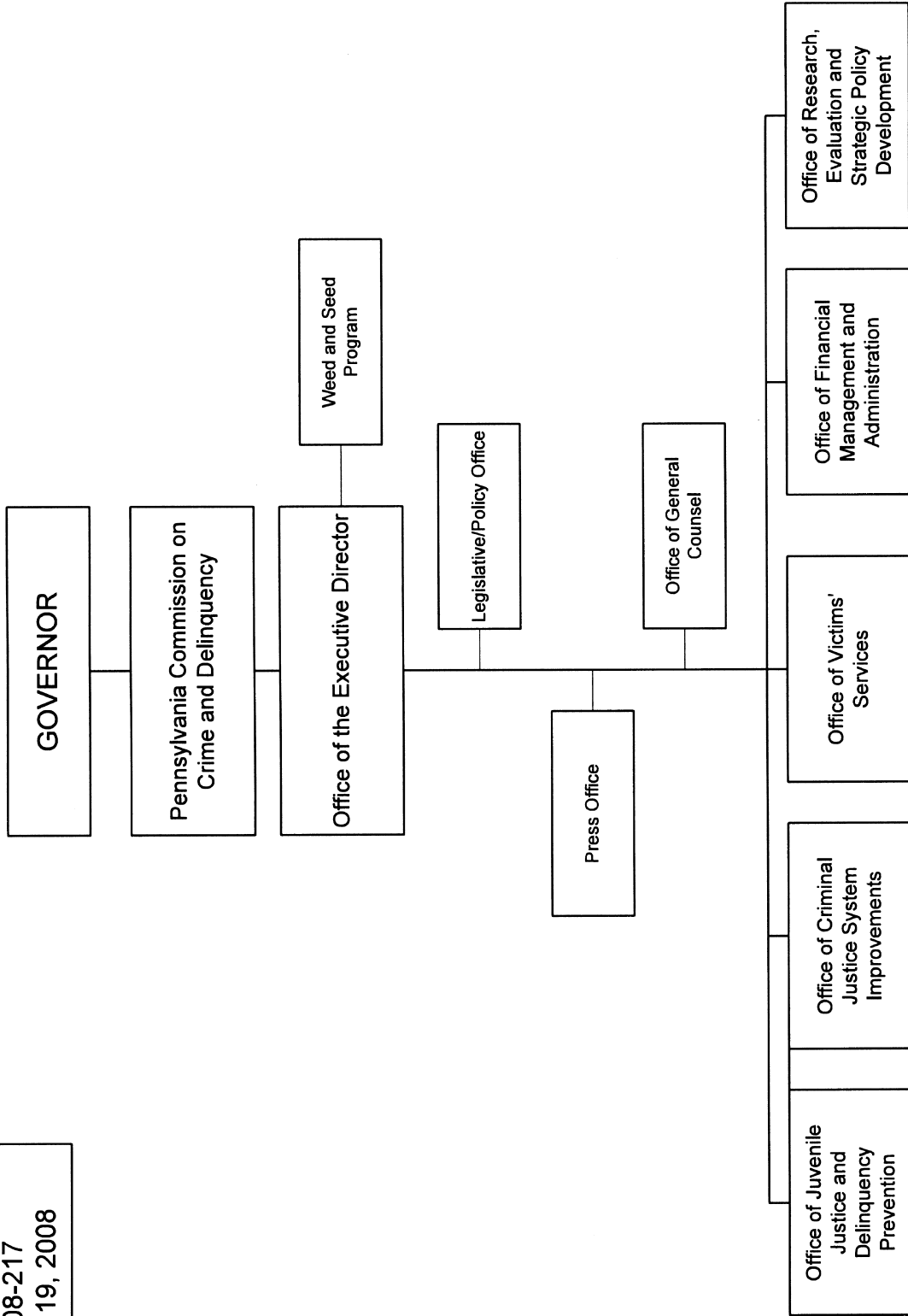
The following organization chart at 38 Pa.B. 5170 (September 20, 2008) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of code).

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

[Pa.B. Doc. No. 08-1706. Filed for public inspection September 19, 2008, 9:00 a.m.]

PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY

OR-08-217
August 19, 2008



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 September 9, 2008.

Under section 503.E of the Department of Banking Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications and any application filed prior to August 7, 2008, may file their comments in writing with the Department of Banking, 17 North Second Street, Suite 1300, Harrisburg, PA 17101. Comments must be received no later than 30 days from the date notice of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection during regular business hours. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
8-16-2008	F.N.B. Corporation, Hermitage, acquired 100% of Iron and Glass Bancorp, Inc., Pittsburgh, and thereby indirectly acquired Iron and Glass Bank, Pittsburgh, which merged with and into First National Bank of Pennsylvania, Greenville, a wholly-owned subsidiary of F.N.B. Corporation	Hermitage	Effective

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-26-2008	Abington Savings Bank Jenkintown Montgomery County	420 South York Road Hatboro Montgomery County	Opened
9-2-2008	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	910 Haddonfield-Berlin Road Voorhees Camden County, NJ	Authorization Surrendered
9-2-2008	Orrstown Bank Shippensburg Cumberland County	1020 Professional Court Hagerstown Washington County, MD	Opened

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-3-2008	Merchants Bank of Bangor Bangor Northampton County	291 West Moorestown Road Nazareth Northampton County	Filed
9-4-2008	Conestoga Bank Chester Springs Chester County	1501 South Newkirk Street Philadelphia Philadelphia County	Closed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

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

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 08-1707. Filed for public inspection September 19, 2008, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Recruits Applicants for Trails Board

The Department of Conservation and Natural Resources (Department) is accepting nominations through November 21, 2008, for three new appointments to the Pennsylvania Recreational Trails Advisory Board (Board). The Board was created on October 29, 1992, in accordance with the provisions of the Transportation Equity Act for the 21st Century (TEA 21) and as amended under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

The Board consists of one member from each of the following nine recreational trail user organizations: hiking; cross-country skiing; off-highway motorcycling; snowmobiling; horseback riding; all-terrain vehicle driving; bicycling; four-wheel driving and water trails. One member also represents physically challenged individuals.

The Board's main responsibilities include advising the Department on the use of Federal trails funding in this Commonwealth, reviewing and ranking trail project applications and presenting an annual report to the Secretary

on the accomplishments of the preceding Federal Fiscal Year, including recommendations for changes.

Nominations for the three new appointees are to be made from individuals representing the following trail user organizations: snowmobiling, all-terrain vehicle driving, water trails and a representative for physically challenged individuals.

Nominations must be submitted to the Department by November 21, 2008. Appointments will be made by the Secretary of the Department. Appointees will serve for 3-consecutive years.

To obtain a nomination form, contact Pennsylvania Recreational Trails Program, P. O. Box 8475, Harrisburg, PA 17105-8475, (717) 787-7672, loross@state.pa.us.

For more information about the Department, visit us through the Pennsylvania homepage at www.state.pa.us, or visit the Department directly at www.dcnr.state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Lori Ross at (717) 787-7672 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL F. DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 08-1708. Filed for public inspection September 19, 2008, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

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

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

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal waste; discharge into groundwater
Section IV	NPDES	MS4 individual permit

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA-0063797 (Minor Sewage)	Pocono Valley Personal Care R. R. 1 Box 1416 Stroudsburg, PA 18360	Hamilton Township Monroe County	A tributary to Cherry Creek 1E	Y
PAS802219	United States Postal Service— Lehigh Valley VMF 17 South Commerce Way Lehigh Valley, PA 18002-9731	Northampton County Bethlehem Township	UNT to Monacacy Creek 2C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0080713 (SEW)	Pennsy Supply, Inc. 1 Clear Spring Road Annville, PA 17003	Lebanon County North Londonderry and North Annville Townships	Killinger Creek 7D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0238988	David J. Tomczak 9485 Old Waterford Road Erie, PA 16509	Greene Township Erie County	UNT to the East Branch of LeBoeuf Creek 16A	Y
PA0239399	Craig V. and Julie K. King 2552 Mercer Butler Pike Grove City, PA 16127	Liberty Township Mercer County	UNT to Black Run 20-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.

Regional Manager, Water Management, 2 East Main Street, Norristown, PA 19401, (484) 250-5970.

No. PA0011266, Amendment No. 2, Industrial Waste, Cabot Supermetals, County Line Road, Boyertown, PA 19512.

This application is for an NPDES permit amendment to: (1) to divert reverse osmosis reject water from Outfall 003 to Outfall 002 and to eliminate Outfall 003; and (2) update the permitted chemical additive list, at their Boyertown Facility located in Douglass Township, **Montgomery County**. This is an existing discharge to West Swamp Creek.

The receiving stream is classified for the following uses: migratory, TSF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 0.1763 mgd, effective from permit issuance through expiration, are as follows:

Parameters	Effluent Limitations				
	Mass Units (lbs/day)		Concentrations (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Suspended Solids	29.5	59.0	20	40	50
Total Dissolved Solids	15,012	23,420	10,210	15,928	25,525
Ammonia (as N)	8.8	17.6	6.0	12.0	15.0
Oil and Grease	22.0	44.0	15.0	30.0	30.0
Nitrite and Nitrate (as N)	160	224	137	193	218
Fluoride	49.92	88.95	34.0	60.5	85.0
Sulfate as SO ₄	10,586	16,515	7,200	11,232	18,000
Chloride	11,518	17,969	7,834	12,221	19,585
Nickel, T	0.047	0.066	0.032	0.045	0.080
Zinc, T	0.93	2.28	0.638	0.996	1.58
Copper, Total	0.074	0.154	0.050	0.105	0.125
Lead, Total	0.04	0.062	0.027	0.042	0.068
Molybdenum, Total	0.27	0.61	0.183	0.415	0.458
pH	Within Limits of 6 to 9 Standard Units at all times				
Dissolved Oxygen	Minimum of 5.0 mg/l at all times				

Parameters	Effluent Limitations				
	Mass Units (lbs/day)		Concentrations (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Residual Chlorine			0.5	1.0	1.2
BOD ₅	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	
Arsenic			Monitor and Report		
Chromium, HEX			Monitor and Report		
Selenium, T			Monitor and Report		
Thallium			Monitor and Report		
Aluminum, Total			Monitor and Report		
Osmotic Pressure (MO _s /kg)			330	515	825

The proposed effluent limits for Outfall 002, based on an average flow of 0.0764 mgd, are as follows:

Parameters	Effluent Limitations				
	Mass Units (lbs/day)		Concentrations (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Suspended Solids	Monitor and Report	Monitor and Report	20	40	50
Total Dissolved Solids	Monitor and Report	Monitor and Report	650	1,014	1,625
Ammonia (as N)	Monitor and Report	Monitor and Report	6.0	12.0	15.0
Phosphorus (as P)	Monitor and Report	Monitor and Report	2.0	3.1	5.0

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Effluent Limitations</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Fluoride	Monitor and Report	Monitor and Report	40	62	100
Chloride	Monitor and Report	Monitor and Report	300	468	750
Sulfate as SO ₄	Monitor and Report	Monitor and Report	100	156	250
Total Residual Chlorine			0.5	1.0	1.2
Temperature (° F)					110° F
Osmotic Pressure (MO _s /kg)			Monitor and Report	Monitor and Report	
NO ₂ -N and NO ₃ -N	Monitor and Report	Monitor and Report	2.0	3.1	5.0
Phenols, Total			Monitor and Report	Monitor and Report	
Selenium, Total			Monitor and Report	Monitor and Report	
Trichloroethylene			Monitor and Report	Monitor and Report	
1-1, Dichloroethylene			Monitor and Report	Monitor and Report	
pH			Within Limits of 6 to 9 Standard Units at all times		
Dissolved Oxygen			Minimum of 5.0 mg/l at all times		
CBOD ₅ *			Monitor and Report		
Oil and Grease *			Monitor and Report		
Chemical Oxygen Demand *			Monitor and Report		
Total Kjeldahl Nitrogen *			Monitor and Report		
Iron, Dissolved *			Monitor and Report		
Lead, Total *			Monitor and Report		
Chromium, Total *			Monitor and Report		
Copper, Total *			Monitor and Report		
Nickel, Total *			Monitor and Report		
Molybdenum, Total *			Monitor and Report		
Cadmium, Total *			Monitor and Report		
Arsenic, Total *			Monitor and Report		
Zinc, Total *			Monitor and Report		
Nitrate Nitrogen *			Monitor and Report		
Manganese, Total *			Monitor and Report		

*These parameters are applicable to stormwater only.

Other Conditions:

The EPA waiver is in effect.

PA0011681, Industrial Waste, SIC 4924, **PECO Energy Company**, 300 Front Street, West Conshohocken, PA 19428. This existing facility is located in West Conshohocken Borough, **Montgomery County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge noncontact cooling water from vaporizers and stormwater from roof and yard drains to Gulph Creek (Outfall 001) and cooling tower blow-down to the Schuylkill River (Outfall 002).

The receiving streams, Gulph Creek and the Schuylkill River, are in the State Water Plan Watershed 3F and are classified for: WWF, aquatic life, water supply and recreation. The Schuylkill River is also classified for MF. The nearest downstream public water supply intake for Philadelphia is located on the Schuylkill River and is approximately 8.0 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of approximately 0.02 mgd:

Parameters	Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum (mg/l)
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	
Temperature					110° F
pH (Standard Units)			6.0 minimum		9.0

The proposed effluent limits for Outfall 002 are based on a design flow of 0.019 mgd:

Parameters	Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum (mg/l)
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	
Temperature					110° F
pH (Standard Units)			6.0 minimum		9.0
Total Residual Oxidant				0.2	0.5

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

1. Approved Additive Usage Rates.
2. Chemical Additives.
3. Temperature Requirements.

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

PA#0065242, Sewage, **Lower Milford Township**, 7607 Chestnut Hill Church Road, Coopersburg, PA 18036-3712. This proposed facility is located in Lower Milford Township, **Lehigh County**.

Description of Proposed Activity: Discharge of 0.035 million gpd of treated sewage.

The receiving stream, Saucon Creek, is in the State Water Plan Watershed 2C and is classified for: HQ-CWF. The nearest downstream public water supply intake for City of Allentown is located on the Lehigh River and is greater than 13 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.035 mgd.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅			
(5-1 to 10-31)	10.0	15.0	20
(11-1 to 4-30)	20.0	30.0	40
Total Suspended Solids	10.0	15.0	20
NH ₃ -N			
(5-1 to 10-31)	3.0	4.5	6.0
(11-1 to 4-30)	9.0	13.5	18.0
Phosphorus as "P"	2.0		4.0
Dissolved Oxygen	A minimum of 6.0 mg/l at all times.		
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		
pH	6.0 to 9.0 Standard Units at all times.		
Total Residual Chlorine	0.0		0.0

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

Application No. PA 0085570, Industrial Waste, SIC Code 4941, **Millersburg Area Authority**. This facility is located in Upper Paxton Township, **Dauphin County**.

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

The receiving stream, Wiconisco Creek, is in Watershed 6-C, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is United Water Company located on the Susquehanna River, approximately 15 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 0.03 mgd are:

Parameter	Concentration (mg/l)		
	Average Monthly	Maximum Daily	Instantaneous Maximum
pH (Standard Units)		From 6.0 to 9.0 inclusive	
Total Aluminum	4.0	8.0	10
Total Iron	2.0	4.0	5.0
Total Manganese	1.0	2.0	2.5
Total Residual Chlorine	Monitor and Report		Monitor and Report
Total Suspended Solids	30	60	75

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

The EPA waiver is in effect.

Application No. PA 0037150, Sewage, **Penn Township Board of Commissioners**, 20 Wayne Avenue, Hanover, PA 17331. This facility is located in Penn Township, **York County**.

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

The receiving stream, Oil Creek, is in Watershed 7-H, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Wrightsville Water Company is located on the Susquehanna River, approximately 40.5 miles downstream. The discharge is not expected to affect the water supply.

The effluent limits for Outfall 001 for CBOD₅ in the existing permit were shown in error. The amendment to the permit shows the correct limits. The correct limits are as follows:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅			
(5-1 to 10-31)	15	22.5	30
(11-1 to 4-30)	25	40	50

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.

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

PA0217883, Sewage, **Encotech Incorporated**, P. O. Box 305, Eighty Four, PA 15330. This application is for renewal of an NPDES permit to discharge treated sewage from Encotech STP in North Strabane Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Drainage Swale Tributary to Little Chartiers Creek, which are classified as a HQ-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 West View Borough Municipal Water Authority on the Ohio River.

Outfall 001: existing discharge, design flow of 0.0003 mgd.

Parameter	Concentration (mg/l)		
	Average Monthly	Average Weekly	Maximum Daily
CBOD ₅	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	Monitor and Report		
Dissolved Oxygen	not less than 3.0 mg/l		
pH	not less than 6.0 nor greater than 9.0		

The EPA waiver is in effect.

PA0219461, Sewage, **Center-West Joint Sewer Authority**, 235 Main Street, West Brownsville, PA 15417. This application is for renewal of an NPDES permit to discharge treated sewage from Center-West Joint Sewer Authority STP in Centerville Borough, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Monongahela River, 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: new discharge, design flow of 0.35 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 ₅	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform	200/100 ml as a Geometric Mean			
(5-1 to 9-30)	2,000/100 ml as a Geometric Mean			
(10-1 to 4-30)	not less than 6.0 nor greater than 9.0			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0096369-A1, Sewage, **Patrick J. DiCesare**, 116 East Pittsburgh Street, Greensburg, PA 15601. This application is for amendment of an NPDES permit to discharge treated sewage from Valley Hi MHP STP in East Huntingdon Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Buffalo Run, 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 McKeesport Municipal Water Authority.

Outfall 001: existing discharge, design flow of 0.00625 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 ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen	200/100 ml as a Geometric Mean			
(5-1 to 10-31)	3.4			6.8
(11-1 to 4-30)	10.2			20.4
Fecal Coliform	200/100 ml as a Geometric Mean			
(5-1 to 9-30)	2,000/100 ml as a Geometric Mean			
(10-1 to 4-30)	not less than 6.0 nor greater than 9.0			
Total Residual Chlorine	0.46			1.0
Dissolved Oxygen	not less than 3.0 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 0.02 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 ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen	200/100 ml as a Geometric Mean			
(5-1 to 10-31)	2.4			4.8
(11-1 to 4-30)	6.6			13.2
Fecal Coliform	200/100 ml as a Geometric Mean			
(5-1 to 9-30)	2,000/100 ml as a Geometric Mean			
(10-1 to 4-30)	not less than 5.0 mg/l			
Dissolved Oxygen	not less than 6.0 nor greater than 9.0			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0023698, Sewage, **Vanport Township Municipal Authority**, 285 River Avenue, Vanport, PA 15009. This application is for renewal of an NPDES permit to discharge treated sewage from Vanport Water Pollution Control Plant in Vanport Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Twomile Run, 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 Midland Borough Municipal Authority.

Outfall 001: existing discharge, design flow of 1.56 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform	200/100 ml as a Geometric Mean			
(5-1 to 10-31)	2,000/100 ml as a Geometric Mean			
(11-1 to 4-30)	0.5			1.6
Total Residual Chlorine				
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: Outfall 101 which discharges to the receiving waters known as Twomile Run is a stormwater outfall at the sewage treatment plant. There are at this time no specific numerical effluent limitations on that outfall. This discharge must meet the stormwater discharge requirements in Part C of the permit.

The EPA waiver is not in effect.

PA0042161, Sewage, **James M. Quinn**, P. O. Box 608, Moon Township, PA 15108. This application is for renewal of an NPDES permit to discharge treated sewage from Green Haven Estates STP in Raccoon Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Swale to UNT 33578 to Raccoon 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 Midland Borough Municipal Authority.

Outfall 001: existing discharge, design flow of 0.0112 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	10			20
Suspended Solids	25			50
Ammonia Nitrogen				
(5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	4.5			9.0
Fecal Coliform	200/100 ml as a Geometric Mean			
(5-1 to 9-30)	2,000/100 ml as a Geometric Mean			
(10-1 to 4-30)	1.4			3.3
Total Residual Chlorine				
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.

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

PA0103101, Sewage, **Wesley Woods Christian Education Center**, 1001 Fiddlers Green Road, Grand Valley, PA 16420. This proposed facility is located in Eldred Township, **Warren County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the point of discharge.

The receiving stream, the UNT to Caldwell Creek, is in Watershed 16-E and classified for: HQ-CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0213 mgd.

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX		
CBOD ₅	10		20
Total Suspended Solids	10		20
NH ₃ -N			
(5-1 to 10-31)	2.5		5.0
(11-1 to 4-30)	7.5		15.0

<i>Parameter</i>	<i>Concentrations</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	
Total Residual Chlorine	1.4		3.3
pH		6.0 to 9.0 Standard Units at all times	

XX—Monitor and report on monthly DMRs.

The EPA waiver is in effect.

PA0024805, Sewage. **Linesville Municipal Authority**, 103 Erie Street, Box 145, Linesville, PA 16424. This proposed facility is located in Linesville Borough, **Crawford County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is Tuttle Point, Pymatuning State Park, is located on the Pymatuning Creek and is approximately 3 miles below point of discharge.

The receiving stream, the Linesville Creek, is in Watershed 20-A and classified for: WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.205 mgd.

<i>Parameters</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Average Weekly (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX				
CBOD ₅	42.7	68.4	25	40	50
Total Suspended Solids	51.3	76.9	30	45	60
NH ₃ -N (5-1 to 10-31)			2.5		5
(11-1 to 4-30)			7.5		
Phosphorus			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		
Total Residual Chlorine			0.4		1.2
Dissolved Oxygen			minimum of 3 mg/l at all times		
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)

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

WQM Permit No. 4608411, Sewerage, **Springfield Township**, 1510 Paper Mill Road, Wyndmoor, PA 19038. This proposed facility is located in Springfield Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a sanitary pump station to convey the wastewater from the Squires Ridge Development to the City of Philadelphia, to Philadelphia, Southwest Wastewater Treatment Facility.

WQM Permit No. 1508411, Sewerage, **London Grove Township Municipal Authority**, 372 Rose Hill Road, Suite 300, West Grove, PA 19468. This proposed facility is located in London Grove Township, **Chester County**.

Description of Action/Activity: Construction and operation of a wastewater treatment facility and satellite spray irrigation facilities.

WQM Permit No. 1598412, Sewerage, Renewal, **Green Hill Sewer Association**, 1000 Mill Road, West Chester, PA 19380. This proposed facility is located in East Goshen Township, **Chester County**.

Description of Action/Activity: Renewal of existing wastewater treatment plant with spray permit.

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

WQM Permit No. 2282406, Amendment 08-1, Sewerage, **Berrysburg Municipal Authority**, P. O. Box 183, First and Hickory Streets, Berrysburg, PA 17005. This proposed facility is located in Berrysburg Borough, **Dauphin County**.

Description of Proposed Action/Activity: Construction/Operation of minor sewer amendment; sewer treatment plant addition of fine bar screen to headworks.

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

WQM Permit No. 0208203, Industrial Waste, **Lafarge North America, Inc.**, 555 Frost Road, Suite 100, Streetsboro, OH 44241. This proposed facility is located in West Mifflin Borough, **Allegheny County**.

Description of Proposed Action/Activity: Application for the construction and operation of a wash water/recirculation pond with a geosynthetic liner to replace an existing unlined wash pond.

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.

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 0908012	Solteck Equities, LLC 703 West Market Street Perkasie, PA 18944	Bucks	Springfield Township	Cooks and Dimple Creeks EV-TSF
PAI01 0908013	Our Kinder, LP 5 Glen Eagles Drive New Hope, PA 18938	Bucks	Solebury Township	UNT Aquelong Creek HQ-CWF
PAI01 1508058	Ameri Corp Homes One South State Street Newtown, PA 18940	Chester	West Caln Township	UNT Birch Run HQ-TSF-MF

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

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

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025203005R	Woodloch Pines, Inc. 2 Woodloch Springs Hawley, PA 18428	Pike	Lackawaxen Township	Tributary to Teedyuskung Creek HQ-CWF, MF

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

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10Q003R(2)	Jaindl Land Co. Attn: David Jaindl 3150 Coffeetown Road Orefield, PA 18069	Lehigh	Upper Macungie Township	Iron Run HQ-CWF

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

Somerset County Conservation District, Somerset County Agricultural Center, 6024 Glades Pike, Suite 103, Somerset, PA 15501, (814) 445-4652.

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI055608003	Seven Springs Mountain Resort 777 Waterwheel Drive Champion, PA 15622	Somerset	Middlecreek Township	Blue Hole and Allen Creeks 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)

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

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

Based upon preliminary reviews, the State Conservation Commission (SCC), or County Conservation Districts (CCD) working under a delegation agreement with the SCC, have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at www.pacd.org/districts/directory.htm or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

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

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

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

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET—APPLICATIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Kenneth Loht 250 Road Apple Drive McClure, PA 17841	Mifflin	85	468.4	Swine	N/A	Renewal

**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

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

Permit No. 1708502—Construction, Public Water Supply.

Applicant	Cooper Township Municipal Authority
Township or Borough	Cooper Township
County	Clearfield

Responsible Official Sharon Josefik, Chairperson
Cooper Township Municipal Authority
P. O. Box 466
4596 Winburne Munson Road
Winburne, PA 16879

Type of Facility Public Water
Supply—Construction

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

Permit Issued Date September 8, 2008

Description of Action Design and construct a potable water pumping station in attempt to increase water pressure and availability at peak hour's throughout the Grassflats system. Immediately following this project, water line repairs are expected to commence in the Grassflats area. Municipality has been made aware; the increased water pressure is likely to create water line leaks.

MINOR AMENDMENT

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

Application No. 3208503MA, Minor Amendment.

Applicant **Indiana County Municipal Services Authority**
602 Kolter Drive
Indiana, PA 15701

Township or Borough Pine Township

Responsible Official Michael Duffalo, Executive Director
Indiana County Municipal Services Authority
602 Kolter Drive
Indiana, PA 15701

Type of Facility Strongstown project

Consulting Engineer Gibson-Thomas Engineering Co., Inc.
1004 Ligonier Street
P. O. Box 853
Latrobe, PA 15650

Application Received Date September 8, 2008

Description of Action Extension of water line into Pine Township. This will connect to the 6" water line at the Heilwood Treatment Plant. Construction of a 317,000 gallon water storage tank.

WATER ALLOCATIONS

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

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

WA45-89B, Water Allocation, Borough of East Stroudsburg, 24 Analomink Street, P. O. Box 303, East Stroudsburg, PA 18301, East Stroudsburg Borough, Monroe County.

The applicant is requesting the right to continue to withdraw from the following sources:

Name of Source	Requested Withdrawal	Type
(1) Sambo Creek	2.0 mgd	Peak Day
(2) Michael Creek	2.48 mgd	Peak Day/30 Day Avg.

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

WA 10-1010, Water Allocations, Borough of Zelienople, 111 West New Castle Street, Zelienople, PA 16063, Zelienople Borough, Butler County. The permittee has requested authorization to purchase 900,000 gpd of water on a peak month basis from the Beaver Falls Municipal Authority.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

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

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

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

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

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

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

Old Orchard Estates, Wallace Township, **Chester County**. Jason Free, 629 Creek Road, Bellmawr, NJ 08031 on behalf of John Panizza, Gen Terra, 65 Dowlin Forge Road, Exton, PA 19341 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of pesticide. The intended future use of the property is a commercial development.

Logan Square, Abington and Norristown Townships, **Montgomery County**. Thomas Brady, PT Consultants, 629 Creek Road, Bellmawr, NJ 08031 on behalf of Charles Gallub, Johnson & Markley Redevelopment, LP, has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of No. 4 fuel oil. The intended future use of the property is a residential development.

Inglis Apartments at Elmwood, City of Philadelphia, **Philadelphia County**. Emily Dippold, Kleinfelder East, Inc., 180 Sheree Boulevard, Suite 3800, Exton, PA 19341 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with lead. The owner intends to construct residential housing on the site.

East Street Cleaners, Doylestown Borough, **Bucks County**. Gary Brown, P. E., RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Buck Collins, URGE Properties, 530 West Butler Avenue, Chalfont, PA 18914 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of chlorinated solvents. The site is expected to be used as nonresidential commercial real estate, specifically as a dry cleaner.

Jadko Realty Corporation, Limerick Township, **Montgomery County**. Craig Herr, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Jim Derrah, Sr., Jadko Realty Corporation, P. O. Box 781, Gwynedd Valley, PA 19437, Debi Geyer, Stankly Tool Works, Route 2 Briggs Drive, East Greenwich, RI 02818 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of selenium, arsenic and lead. The intended future use of the property will be mix residential and nonresidential.

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

Lakeside Energy (formerly known as Williams-Hazleton Generation Facility), 10 Maplewood Drive, Hazle Township, **Luzerne County**. Jeffrey Thomas, Epsys Corp., 1414 North Cameron Street, Harrisburg, PA 17103 has submitted a Notice of Intent to Remediate (on behalf of his client, Lakeside Energy, LLC, 150 North Michigan Avenue, Suite 2930, Chicago, IL 60601), concerning the remediation of soils found to have been impacted by fuel oil in April 2002 and in May 2003 and by glycol in November 2005 and in April 2006 as a result of accidental releases. The applicant proposes to remediate the site to meet the Statewide Health Standard. The proposed future use of the property will be nonresidential for use as a power generation facility. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

Former Sherwood Herring Signs, Inc., Emmaus Borough, **Lehigh County**. Donald Rood, J. Rockwood & Associates, Inc., 718 North Quincy Street, Allentown, PA 18109 has submitted a Notice of Intent to Remediate (on behalf of his client, Stellar Construction Company, P. O. Box 52, Schnecksville, PA 18078), concerning the remediation of soils found to have been impacted by gasoline from an old storage tank. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

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

American Sterilizer Company, Millcreek Township, **Erie County**. MACTEC Engineering & Consulting, Inc., 800 North Bell, Suite 200, Carnegie, PA 15106 on behalf of STERIS, 1880 Industrial Drive, Libertyville, IL 60048 has submitted a Notice of Intent to Remediate. The primary contaminants of concern are trichloroethene and tetrachloroethene in groundwater that exceed used aquifer MSCs but not non-use aquifer MSCs. The future use of the property will be nonresidential industrial. The Notice of Intent was published in the *Erie Times-News* on July 23, 2008.

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

Med-Flex, Inc., P. O. Box 357, Hainesport, NJ 08036. License No. PA-HC 0207. Received on June 20, 2008.

Med Trace, Inc., 927 Red Toad Road, North East, MD 21901. License No. PA-HC 0220. Received on June 20, 2008.

Veolia ES Technical Solutions, LLC, 1 Eden Lane, Flanders, NJ 07836. License No. PA-HC 0221. Received on July 2, 2008.

Katibug Transport, LLC, 3421 Chapel Hill Court, Export, PA 15632. License No. PA-HC 0231. Received on August 25, 2008.

Cole Care, Inc., 1001 East Second Street, Coudersport, PA 16915. License No. PA-HC 0178. Received on August 27, 2008.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 1901.

General Permit Application No. WMGR028SE003A. Highway Materials, Inc., (Plymouth Meeting Asphalt Plant) located at 5100 Joshua Road, Plymouth Meeting, PA 19462, Whitemarsh Township, **Montgomery County**. This application is for a determination of applicability under the beneficial use of baghouse fines and/or scrubber pond precipitates, generated by hot-mix asphalt plants as an aggregate in roadway construction, an ingredient or component in cement or asphalt products, a soil additive or a soil conditioner. The application for determination of applicability was accepted as administratively complete by the Southeast Regional Office on September 3, 2008.

General Permit Application No. WMGR028SE003B. Highway Materials, Inc., (Malvern Asphalt Plant) located at 680 Morehall Road, Malvern, PA 19355, East Whitehall Township, **Chester County**. This application is for a determination of applicability under the beneficial use of baghouse fines and/or scrubber pond precipitates, generated by hot-mix asphalt plants as an aggregate in roadway construction, an ingredient or component in cement or asphalt products, a soil additive or a soil conditioner. The application for determination of applicability was accepted as administratively complete by the Southeast Regional Office on September 3, 2008.

General Permit Application No. WMGR028SE003C. Highway Materials, Inc., (Downingtown Asphalt Plant) located at 850 Quarry Road, Downingtown, PA 19335, East Clain Township, **Chester County**. This application is for a determination of applicability under the beneficial use of baghouse fines and/or scrubber pond precipitates, generated by hot-mix asphalt plants as an aggregate in roadway construction, an ingredient or component in cement or asphalt products, a soil additive or a soil conditioner. The application for determination of applicability was accepted as administratively complete by the Southeast Regional Office on September 3, 2008.

General Permit Application No. WMGR028SE003D. Highway Materials, Inc., (Perkiomenville Asphalt Plant) located at 1128 Crusher Road, Perkiomenville, PA 18074, Marlborough Township, **Montgomery County**. This application is for a determination of applicability under the beneficial use of baghouse fines and/or scrubber pond precipitates, generated by hot-mix asphalt plants as an aggregate in roadway construction, an ingredient or component in cement or asphalt products, a soil additive or a soil conditioner. The application for determination of applicability was accepted as administratively complete by the Southeast Regional Office on September 3, 2008.

General Permit Application No. WMGR028SE004A. TDPS Materials, Inc., located at 3870 North 2nd Street, Philadelphia, PA 19120, City of Philadelphia. This application is for a determination of applicability under the beneficial use of baghouse fines and/or scrubber pond precipitates, generated by hot-mix asphalt plants as an aggregate in roadway construction, an ingredient or component in cement or asphalt products, a soil additive or a soil conditioner. The application for determination of applicability was accepted as administratively complete by the Southeast Regional Office on September 3, 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.

PPL Brunner Island, LLC, East Manchester Township, **York County**, **Permit Number 301354**. This is a new operating permit modification to Solid Waste Permit No. 301354 for the operation of Type 2 Residual Waste Landfill—Disposal Area 8, issued in accordance with Article V of the Solid Waste Management Act, 35 P. S. §§ 6018.101—6018.1003. This approves a permit to construct and operate a Type 2 Residual Waste Landfill.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the

objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

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

PLAN APPROVALS

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

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

65-00207A: OMNOVA Solutions, Inc. (1001 Chambers Avenue, Jeannette, PA 15644-3207) for installation of a plastic film extrusion process at their Title V facility in Jeannette City, **Westmoreland 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.

46-0032D: SPS Technologies, Inc. (301 Highland Avenue, Jenkintown, PA 19046) for installation of a Plating Line, at SPS major manufacturing aerospace parts facility at Highland Avenue, Abington Township, **Montgomery County**. The installation of the Plating Line may result in the emissions of: 7.80 tpy of PM and 7.80 tpy of HAPs. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The facility currently has a Title V Operating Permit No. 46-00032. The Plan Approval will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

09-0010B: TEVA Pharmaceuticals USA, Inc. (650 Cathill Road, Sellersville, PA 18960) for addition of ethanol and isopropyl alcohol granulation formulations to an existing Glatt 120 Fluid Bed Processor at their facility in West Rockhill Township, **Bucks County**. The potential VOC emissions from this project were estimated to be 11.7 tpy on a 12-month rolling sum basis. The facility limit for VOC emissions is 24 tpy on a 12-month rolling sum basis.

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

48-317-022: ConAgra Food Ingredients Co. (Route 611, Martins Creek, PA 18063) for installation and operation of four air cleaning devices (fabric collectors) on the existing bulk flour operations at their facility in Lower Mt. Bethel Township, **Northampton County**. The facility is a non-Title V (State-only) facility and has been issued the Synthetic Minor Operating Permit No. 48-00022. The PM emissions from flour bin 16, flour bin 17, flour bin 20 and flour bin 21 will be controlled by its own separate fabric collector. The PM emissions from each fabric collector will be less than the BAT standard of 0.02 grains/dscft. The Plan Approval and Operating Permit will include emission restrictions, monitoring, reporting, recordkeeping and work practice requirements designed to keep the sources operating within all applicable air quality requirements. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Synthetic Minor Operating Permit through an administrative amendment at a later date.

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

21-05002B: PPG Industries, Inc. (400 Park Drive, Carlisle, PA 17013) for installation of an electrostatic precipitator and selective catalytic reduction system at their flat glass manufacturing plant in South Middleton Township, **Cumberland County**. These installations are voluntary in anticipation of future regulatory requirements and may appreciably reduce PM and NOx emissions from the No. 2 glass furnace. The plan approval will include emission limits along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. The facility operates under Title V operating permit No. 21-05002.

34-03005C: Energex American, Inc. (R. R. 5, Box 343, Mifflintown, PA 17059) for installation of a wood pellet mill system with fabric filter and a pellet mill cooler system with fabric filter at the plant in Walker Township, **Juniata County**. Facility PM emissions from these installations will increase by less than 4 tpy. The plan approval and State-only operating permit will include emission limits along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

20-123C: Lord Corp. (124 Grant Street, Cambridge Springs, PA 16403) for installation of five automated spray booths and associated preheat ovens at their facility in Cambridge Springs Borough, **Crawford County**. This is a Title V facility.

Under 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue Plan Approval 20-123C to Lord Corporation for the installation of five automated spray booths and associated preheat ovens at the company's facility located at 124 Grant Street, Cambridge Springs Borough, Crawford County. The facility currently has a Title V permit No. 20-00123. The Plan Approval will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 20-123C is for the installation of five automated adhesive spray booths and associated preheat ovens. Based on the information provided by the applicant and the Department's own analysis, the proposed sources will emit a total of 18.07 tons of VOCs per year and 0.03 ton of PM per year, all of which will be PM/PM10. This proposed installation will not increase the facility's current facility-wide VOC emissions limit.

The Plan Approval will contain additional recordkeeping and work practice requirements designed to keep the facility operating within all applicable air quality requirements. This proposed installation will additionally be subject to 40 CFR 63 Subparts MMMM and PPPP, the applicable requirements of which will be contained in the Plan Approval.

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. 20-123C.
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 such 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.

25-025M: General Electric Transportation (2901 East Lake Road, Erie, PA 16531) for installation of three engine test cells in Building 63 and modification of three engine test cells in Building 4E in Lawrence Park Township, **Erie County**.

Under 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue Plan Approval, 25-025M, to General Electric Transportation for the installation of three new engine test cells and modification of three engine test cells at the company's facility located in Lawrence Park Township, Erie County. The facility currently has a Title V permit No. 25-00025. The Plan Approval will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 25-025M is for the installation of three engine test cells in Building 63 and the modification of three engine test cells in Building 4E. The engine test cells will be used conduct life cycle testing as well as new

engine/component testing. Based on the information provided by the applicant and the Department's own analysis, the engine test cells will emit approximately 4 tons of VOCs per year, 342 tons of NOx per year, 73 tons of SO₂ per year, 12.7 tons of PM per year and 29 tons of CO per year. The net emission decrease at the facility is approximately 29 tons of NOx per year, 36 tons of CO per year, 3.5 tons of VOCs per year, 783 tons of SO₂ per year and 7.8 tons of PM per year.

GE Transportation has proposed in the plan approval application to equip each engine test cell with a Trimer Cloud Chamber that will control PM and SO₂, a selective catalytic reduction system that will control NOx, and an oxidation catalyst that will control VOCs and CO. GE Transportation has proposed to install a continuous emission monitor for CO. The Department is proposing that GE Transportation install a continuous emission monitor for NOx.

The Plan Approval will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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, for an appointment.

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. 25-025M.
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 such 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.

25-095G: Lord Corporation—Erie Plant (1635 West 12th Street, Erie, PA 16514) for installation of a new 18,000 cfm baghouse to replace an existing baghouse (C06) that controls emissions from silicone mixer (152), silicone mills (153 and 154), compound storage weigh station (155) and lampblack weigh station (114) in Erie City, **Erie County**. This is a State-only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later

date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source:

- Emissions shall with 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive, odor and visible emissions respectively.

- No person may permit the emission into the outdoor atmosphere of PM in a manner that the concentration of PM in the effluent gas exceeds 0.02 grain per dry standard cubic foot.

- Conduct stack testing for PM.

- The company shall maintain a log of all preventative maintenance inspections of the source and control devices. The inspection logs, at a minimum, shall contain the dates of the inspections, the name of the person performing the inspection, record of any bag/cartridge replacements, any mechanical repairs and/or adjustments, any potential problems or defects that were encountered and the steps taken to correct them. The log shall also contain any visual or audible conditions that might indicate a need for additional maintenance.

- The permittee shall record the following operational data from the control devices (these records may be done with strip charts recorders, data acquisition systems or manual log entries):

- Pressure differential—weekly defined as at least once every calendar week

- The permittee shall perform a weekly operational inspection of the control device.

- The permittee shall perform monthly maintenance inspections of the control device.

- A magnehelic gauge or equivalent shall be permanently installed and maintained at a conveniently readable location to indicate the pressure drop across the control device.

- All gauges employed by the permittee to monitor the required control device operating parameters shall have a scale such that the expected normal reading shall be no less than 20% of full scale and be accurate within $\pm 2\%$ of full scale reading.

- Control device operating parameters, including pressure drop, shall be operated in a range defined by the manufacturer or in a range developed during compliant stack testing. The operating range shall be determined within 90 days after startup of the control device and shall be indicated to the Department in writing prior to administratively amending into the facility operating permit. The operating range shall be made part of the facility operating permit.

- The permittee shall maintain 20% of the required filter elements for the control device associated with this source, on site, for emergency replacement.

- The permittee shall operate the control device at all times that the source is in operation.

- The permittee shall maintain and operate the source and control device in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

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

AMS 08150: LaSalle University (1900 West Olney Avenue, Philadelphia, PA 19141) for performance of the following on a 14.65 mmBtu/hr boiler in the City of Philadelphia, **Philadelphia County**: limit operation to 1,000 hours per rolling 12-month period, remove the ability to burn No. 2 oil (will only burn natural gas), accept a requirement to perform an annual adjustment or tune-up on the boiler, and remove a parts per million NO_x emission limit from a previous plan approval. The changes will result in a reduction in potential NO_x emissions from the boiler. The plan approval will contain operating, monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

AMS 08114: SJA Construction, Inc. (South 26th Street, Independence Pier 2, Philadelphia, PA 19145) to reactivate a 300 tph batch asphalt plant and baghouse in the City of Philadelphia, **Philadelphia County**. The emissions from the facility will be limited to less than the following limits per rolling 12-month period: 25 tons of NO_x, 3 tons of VOCs, 8 tons of PM (filterable), 100 tons for CO, 26 tons of SO₂ and 3 tons of combined HAPs. The plan approval will contain operating, testing, monitoring, recordkeeping and reporting requirements to ensure operation within all applicable requirements.

OPERATING PERMITS

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

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

15-00104: Tasty Baking Oxford, Inc. (700 Lincoln Street, Oxford, PA 19363) issuance of a Title V Operating Permit for manufacturing pastries and donuts in Oxford Borough, **Chester County**. Primary sources of air pollution include three fryers, a conveyor oven and a rack oven. The facility also operates various smaller combustion units. The Title V Operating incorporates requirements from RACT Operating Permit No. OP-15-0104 and Plan Approval No. 15-0104C. The facility is subject to a site wide emission limit of 49.40 tpy for VOC. The facility is not subject to NSR, PSD, NSPS or NESHAP. The Title V Operating Permit contains monitoring and recordkeeping requirements designed to keep the facility operating within the allowable emission rate and all applicable air quality requirements.

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

48-00017: C. F. Martin & Co., Inc. (510 Sycamore Street, Nazareth, PA 18064) for renewal of a Title V Operating Permit to operate a guitar manufacturing process in Upper Nazareth Township, **Northampton County**. The proposed Title V Operating Permit will incorporate the requirements of Plan Approval No. 48-318-135. The facility's major sources of emissions are from 10 paint spray booths which primarily emit VOCs. The proposed Title V Operating Permit does not reflect any change in air emissions from the facility. This Title V Operating Permit shall include emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

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

24-00131: SGL Carbon Corp.—St. Marys Plant (900 Theresia Street, P. O. Box 1030, St. Marys, PA 15857) for re-issuance of the Title V Operating Permit to this carbon and graphite manufacturing facility in St. Marys Borough, **Elk County**. The permit will be re-issued for a new 5 year term.

25-00923: Energy Systems North East, LLC—North East Cogeneration Plant (10915 Ackerman Lane, North East, PA 16428-3828) for re-issuance of the Title V Operating Permit and the Phase II Acid Rain Permit for each of the affected units at their facility in North East Township, **Erie County**. Energy Systems North East, LLC facility is a natural gas fired electric cogeneration facility. The facility's air emission sources include two combustion turbines an emergency backup generator, a parts washer and an emergency diesel fire pump engine. The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to the facility's potential to emit NOx and CO emissions. The facility is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

42-00009: PGH Corning Corp. (701 North Main Street, Port Allegany, PA 16743-0039) for re-issuance of a Title V Permit to operate a pressed and blown glass manufacturing facility in Port Allegany Borough, **McKean County**. The facility's major emission sources include melting furnace (lines 1—4), melting furnace (lines 5 and 6), two glass block edge coaters, five glass block edge coaters, distributors, forehearths, presses/sealers, glass block annealing lehrs (1—8), No. 2 batch mixer and conveyer. The facility is a major facility due to its potential to emit of NOx and VOC. The facility is not subject to CAM plan requirement.

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.

46-00142: Custom Processing Services, LLC (461 State Street, East Greenville, PA 18041), for a State-only, Natural Minor Operating Permit Renewal in East Greenville Borough, **Montgomery County**. The company provides customized grinding, milling, blending and drying services of various mineral products. The pollutant of concern is PM. Dust collectors are used on all sources for PM control. The permit will include monitoring, recordkeeping and reporting requirements designed to address all applicable air quality requirements.

15-00088: Kidde-Fenwal, Inc., d/b/a Kidde Fire Fighting. (350 East Union Street, West Chester, PA 19382) for operation of their chemical preparation facility in West Chester Borough, **Chester County**. The permit is for a non-Title V (State-only) facility. Major sources of air emissions include a protein-based firefighting chemical manufacturing facility, and associated control devices. This renewal also addresses a change of ownership for the facility. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00230: East Norriton-Plymouth-Whitpain Joint Sewer Authority (200 Ross Street, Plymouth Meeting, PA 19462) for operation of their sewage processing plant in Plymouth Township, **Montgomery County**. The per-

mit is for a non-Title V (State-only) facility. No changes have taken place at the facility since the permit was last issued on September 24, 2003. Major sources of air emissions include a sewage sludge incinerator and associated control devices. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

23-00102: Brandywine Veterinary Hospital (1270 Baltimore Pike, Chadds Ford, PA 19317) for operation of their veterinary hospital in Chadds Ford Township, **Delaware County**. The permit is for a non-Title V (State-only) facility. The source of air emissions is an animal crematory with an integral afterburner. No changes have taken place since the permit was last issued on November 13, 2003. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

09-00127: Braclente Manufacturing Company, Inc. (20 West Creamery Road, Trumbauersville, PA 18970), for a State-only, Natural Minor Operating Permit in Trumbauersville Borough, **Bucks County**. The company has eight cold degreasers, 20 heaters, each rated at less than 250,000 btu/hr and five inhibitors. The pollutant of concern is VOCs. The total actual VOC emissions are less than 11.5 tpy. The permit will include monitoring, recordkeeping and reporting requirements designed to address all applicable air quality requirements.

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

01-03012: Temple-Inland (136 East York Street, Biglerville, PA 17307) for operation of a corrugated box manufacturing facility in Biglerville Borough, **Adams County**. This is a renewal of the State-only operating permit issued in September 2003.

06-03004: Metropolitan Edison Company (2800 Pottsville Pike, Reading, PA 19605) for operation of an office complex with five diesel fire emergency generators in Muhlenberg Township, **Berks County**. This action is a renewal of the State-only operating permit issued in 2003.

22-03002: Conopco, Inc. d/b/a Unilever Bestfoods NA (523 South 17th Street, Harrisburg, PA 17104) for pasta manufacturing operation in the City of Harrisburg, **Dauphin County**. This is a renewal of the State-only operating permit issued in 2003.

22-03057: Dayton Parts, LLC (1300 North Cameron Street, Harrisburg, PA 17103) for steel spring manufacturing operation in the City of Harrisburg, **Dauphin County**. This is a renewal of the State-only operating permit issued in 2003.

36-05131: Keystone Quality Products, LLC (83 South Groffdale Road, Leola, PA 17540) for operation of a surface coating facility for the painting of wood cabinets and furniture in Upper Leacock Township, **Lancaster County**. This is a renewal of the State-only operating permit issued in September 2003.

50-03002: Pennsy Supply, Inc. (P. O. Box 3331, Harrisburg, PA 17105) for operation of the Newport Plant limestone crushing operations in Oliver Township, **Perry County**. This is a renewal of the State-only operating permit issued in September 2003.

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

41-00026: Alcan Products Corporation (409 Reighard Avenue, Williamsport, PA 17701) for the renewal of a State-only operating permit for the operation of an insulated aluminum cable manufacturing facility in the City of Williamsport, **Lycoming County**.

The facility incorporates 45 small natural gas/propane-fired boilers, heaters, and the like, (with a total combined heat input of 11.81 mmBtu/hr), three natural gas/propane-fired heat treat furnaces (with a total combined heat input of 6.7 mmBtu/hr), a polyethylene bead conveying and blending system, two polyethylene bead railcar unloading systems, a cable grinding/shredding system, five solvent parts washers, three ink jet printers, a burn-off oven, a cable sand blasting system, a cross-linked polyethylene cable insulating process, a cable wash and reprint line and seven gasoline and natural gas-fired reciprocating internal combustion engines (19 horsepower, 13 horsepower, 5.5 horsepower, 5.5 horsepower, 16.5 horsepower, 66.2 horsepower and 30.1 horsepower).

The PM emissions from each of the vacuum pumps incorporated in the polyethylene bead conveying and blending system are controlled by a separate control system incorporating two pleated paper filters operating in series, the PM emissions from each of the vacuum pumps incorporated in the polyethylene bead railcar unloading systems are controlled by a separate control system incorporating a cartridge collector and a foam filter connected in series, the PM emissions from the cable grinding/shredding system are controlled by a cyclone separator and the PM, CO and VOC emissions from the burn-off oven are controlled by an integral secondary combustion chamber.

The air contaminant emissions from the facility are not expected to exceed 94.08 tons of CO, 39.88 tons of PM/PM10, 21.39 tons of VOCs, 19.15 tons of NOx and .05 ton of SOx per year.

The Department of Environmental Protection (Department) proposes to renew State-only Operating Permit 41-00026. The Department intends to incorporate into the renewal all conditions currently contained in State-only Operating Permit 41-00026 with these exceptions, additions and changes:

1. Conditions requiring the performance of monthly inspections of the facility to detect the presence of visible air contaminant emissions, visible fugitive air contaminant emissions and malodorous air contaminant emissions, and the maintenance of records of the results of these inspections, have been removed from the permit as the types of sources existing at the facility are not likely to generate visible air contaminant emissions, visible fugitive air contaminant emissions and malodorous air contaminant emissions except under equipment malfunction conditions which would be likely to be detected, and corrected, long before the once per month inspection would be performed.

2. A condition requiring malfunctions to be reported to the Department has been changed to exempt malfunctions which are not resulting in, or potentially resulting in, air contaminant emissions in excess of an applicable air contaminant emission limitation or are not resulting in, or potentially resulting in, noncompliance with a permit condition.

3. Conditions have been added to the permit limiting the total combined VOC emissions from three ink jet printers to less than 8.0 tons in any 12-consecutive month period, requiring the maintenance of records of the amount of ink used in the ink jet printers each month as well as the VOC content of the inks used and specifying the applicable 25 Pa. Code § 123.13 PM emission limitation and 25 Pa. Code § 123.21 SOx emission limitation for the print bake burners associated with the ink jet printers. A condition requiring the maintenance of records of the hazardous material content of the ink used in the ink jet printers has been removed from the permit as the term "hazardous material" has no regulatory meaning with respect to 25 Pa. Code Chapters 121—145.

4. A polyethylene bead conveying and blending system has been added to the permit along with a condition requiring the PM emissions from each of the vacuum pumps incorporated in the system to be controlled by two pleated paper filters operating in series, a condition specifying the applicable 25 Pa. Code § 123.13 PM emission limitation for the vacuum pump exhaust and a condition specifying the applicable 25 Pa. Code § 123.21 SOx emission limitation for the extrusion burn-off oven burners incorporated in the system.

5. Two polyethylene bead railcar unloading systems have been added to the permit along with a condition requiring the PM emissions from each of the vacuum pumps incorporated in the systems to be controlled by a cartridge collector and a foam filter operating in series and a condition specifying the applicable 25 Pa. Code § 123.13 PM emission limitation for the vacuum pump exhaust.

6. A condition has been added to the permit prohibiting the use, in the facility's five solvent parts washers, of any solvent to which a HAP has been intentionally added.

7. A cross-linked polyethylene cable insulating process has been added to the permit along with a condition limiting the VOC emissions to no more than 2.1 tons in any 12-consecutive month period, a condition limiting the amount of VTMOs grafted polyethylene processed to no more than 27 million pounds in any 12-consecutive month period and a condition requiring the maintenance of records of the amount of VTMOs grafted polyethylene processed each month.

8. A cable sand blasting operation has been added to the permit along with a condition requiring the PM emissions from the operation to be controlled by a cartridge collector, conditions requiring the cartridge collector to be equipped with instrumentation to continuously monitor the differential pressure across the collector and the air compressor supplying compressed air to the collector to be equipped with an air dryer and an oil trap and a condition specifying the applicable 25 Pa. Code § 123.13 PM emission limitation for the collector exhaust.

9. A cable wash and reprint line has been added to the permit along with a condition limiting the VOC emissions from the line to less than 10.0 tons in any 12-consecutive month period, a condition requiring the maintenance of records of the amount of solvent and ink utilized each month as well as the VOC content of the solvents and inks used and conditions specifying the applicable 25 Pa. Code § 123.13 PM emission limitation and 25 Pa. Code § 123.21 SOx emission limitation for the print bake burner incorporated in the line.

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

37-00272: Kerry Coal Company (309 Industrial Park Drive, Wampum, PA 16157-2209) for issuance of a Natural Minor Operating Permit to operate a coal processing plant in New Beaver Borough, **Lawrence County**. The facility's primary emission source is a coal preparation plant.

PA-63-00650B Reaxis, Inc. (941 Robinson Highway, McDonald, PA 15057-2213) for construction of one 3,200 gallon fiberglass reactor (chemical reaction vessel/digester) and an associated alkali scrubber at their facility in Robinson Township, **Washington County**.

In accordance with 25 Pa. Code §§ 127.44(b), 127.45 and 127.48, notice is hereby given that the Department of Environmental Protection (Department) will hold a public meeting, to be immediately followed by a public hearing, on September 23, 2008, 7 p.m., at the Robinson Township Municipal Building located at 8400 Noblestown Road, McDonald, PA 15057.

The purpose of the meeting is for the Department and Reaxis to each present a short summary of the project, to be followed by an informal question and answer period. The purpose of the public hearing is to formally accept testimony regarding the issuance of an Air Quality Plan Approval to Reaxis, Inc. Plan Approval is being issued to allow the construction of one 3,200 gallon fiberglass reactor (chemical reaction vessel/digester) and an associated alkali scrubber at their facility located in Robinson Township, Washington County.

The proposed facility is subject to the applicable requirements of 25 Pa. Code Chapter 127, related to construction, modification, reactivation and operation of sources. The Department believes that the facility will meet these requirements by complying with the following Plan Approval conditions:

1. This Plan Approval authorizes the construction of a new 3,200 gallon reactor (chemical reaction vessel/digester), a new 2,000 cfm packed bed scrubber, and associated equipment at the Reaxis McDonald facility located in Robinson Township, Washington County.

2. Emissions from the reactor shall be controlled by the scrubber at all times. Reactor shall not operate if the scrubber is not operating properly.

3. Scrubber system shall be equipped with a fluid flow meter to measure the volume of recirculating scrubber fluid and a pressure gauge to measure pressure drop across the scrubber.

4. The flow meter and the pressure gauge shall be observed and recorded once every day, while system is operating. The scrubber medium shall be operated with a pH of 11 or higher at all times.

5. The pH of the scrubber medium shall be tested and recorded once every day, while system is operating.

6. Adjustments to the pH level of the scrubber medium, including scrubber media replacement, shall be recorded.

7. The required records shall be maintained in a logbook and kept on site for period of 2 years. Logbook shall be made available to the Department upon request.

8. Upon completion of the construction of the facility, company must request that the existing Operating Permit be updated to include the new equipment and the new requirements. Notify the Department when the installation is completed so that the facility can be inspected for issuance of an operating permit.

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

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

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

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

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

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

(d) The permittee may request an extension of the 180-day shakedown period if further evaluation of the air contamination aspects of the sources is necessary. The request for an extension should be submitted, in writing, to the Department at least 15 days prior to the end of the initial 180-day shakedown period and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance, and the reasons compliance has not been established. This temporary operation period will be valid for a limited time and may be extended for additional limited periods, each not to exceed 120 days.

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

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

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

(a) Upon cause shown by the permittee that the records, reports or information or a particular portion thereof, but not emission data, to which the Department has access under the act, if made public, would divulge production or sales figures or methods, processes or production unique to that person or would otherwise tend to affect adversely the competitive position of that person by revealing trade secrets, including intellectual property rights, the Department will consider the record, report or information, or particular portion thereof confidential in the administration of the act. The Department will implement this section consistent with §§ 112(d) and 114(c) of the CAA (42 U.S.C.A. §§ 7412(d) and 7414(c)). Nothing in this section prevents disclosure of the report, record or information to Federal, State or local representatives as necessary for purposes of administration of Federal, State or local air pollution control laws, or when relevant in a proceeding under the act. (25 Pa. Code §§ 127.12(c) and (d) and 35 P.S. § 4013.2)

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

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

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

- (i) A justification for the extension,
- (ii) A schedule for the completion of the construction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24. No person may permit the use of a device, stack height which exceeds good engineering practice stack height, dispersion technique or other technique which, without resulting in reduction of the total amount of air contaminants emitted, conceals or dilutes an emission of air contaminants which would otherwise be in violation of this plan approval, the APCA or the regulations promulgated thereunder, except that with prior approval of the Department, the device or technique may be used for control of malodors. (25 Pa. Code §§ 121.9 and 127.216)

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

Regional Air Program Manager
Department of Environmental Protection
(At the address given on the plan approval transmittal letter or otherwise notified) (25 Pa. Code § 127.12c)

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

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

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

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

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

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

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

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

Those wishing to present oral testimony during the hearing should contact Community Relations Coordinator, Helen Humphreys, at (412) 442-4000. Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Helen Humphreys or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

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

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

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

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

Comments must be received prior to the close of business 30 days after the date of this publication, or by October 3, 2008, whichever is later.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the district mining office indicated above each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—34.

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

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

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

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

For noncoal mining activities, the proposed limits are found in Table 2. Discharges from noncoal mines located in some geologic settings (for example, in the coal fields)

may require additional effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description below specifies the parameters. The limits will be in the ranges specified in Table 1.

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

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

Persons wishing to comment on an NPDES permit application should submit a statement to the Department at the address of the district mining office indicated above each application within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the

name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

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

Coal Applications Received

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

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (Total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (Total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH ¹		greater than 6.0; less than 9.0	
Alkalinity greater than acidity ¹			

¹The parameter is applicable at all times.

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

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

10841302 and NPDES Permit No. PA0002780, ArcelorMittal Pristine Resources, Inc., (P. O. Box 26, 129 Bethlehem Road, Revloc, PA 15948), to revise the permit for the Fawn Mine No. 91 in Clinton Township, **Butler County** and related NPDES permit to construct a water treatment plant for mine water discharge treatment and increase effluent limits to existing NPDES discharge. Surface Acres Proposed 5.9. Receiving stream: Lardintown Run, classified for the following use: TSF. Application received July 14, 2008.

30841316 and NPDES Permit No. PA0213535, Consol Pennsylvania Coal Company, (1525 Pleasant Grove Road, P. O. Box J, Claysville, PA 15323), to revise the permit the Bailey Mine and Prep Plant in Richhill Township, **Greene County** and related NPDES permit to

construct Phase II of the Crabapple Overland Belt from the prep plant to the slope site. Surface Acres Proposed 212.0. Receiving streams: UNT 23 to Enlow Fork and UNT 30 to Enlow Fork, both classified for the following use: WWF. Application received August 7, 2008.

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

24000101 and NPDES Permit No. PA0241733, Tamburlin Brothers Coal Co., Inc. (P. O. Box 1419, Clearfield, PA 16830). Renewal of an existing bituminous surface strip operation in Fox Township, **Elk County** affecting 62.1 acres. Receiving streams: UNT "A" to Sawmill Run, Sawmill Run, UNT "A" to Little Toby Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received September 2, 2008.

33990109 and NPDES Permit No. PA0241539, McKay Coal Company, Inc. (P. O. Box 343, Punxsutawney, PA 15767). Transfer of an existing bituminous surface strip operation in Perry Township, **Jefferson County** affecting 66.0 acres. Receiving streams: Two UNTs to Perryville Run and Perryville Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Transfer from Strishock Coal Company. Application received September 4, 2008.

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

17080112 and NPDES No. PA0256919. Kasubick Brothers Coal Company (501 David Street, Houtzdale, PA 16651), commencement, operation and restoration of a bituminous surface mine in Woodward Township, **Clearfield County**, affecting 46.8 acres. Receiving stream: Upper Morgan Run and North Branch, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received August 20, 2008.

17030120 and NPDES No. PA0243663. RES Coal,

LLC (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920), revision of an existing bituminous surface mine for an Insignificant Permit Boundary Correction in Beccaria and Bigler Townships, **Clearfield County**, affecting 96.3 acres. Receiving stream: UNT to Banian Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received August 7, 2008.

Noncoal Applications Received

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

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

* The parameter is applicable at all times.

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

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

21020301 and NPDES Permit No. PA0224251. Pennsy Supply, Inc., 1001 Paxton Street, Harrisburg, PA 17104, renewal of NPDES Permit, Penn Township, **Cumberland County**. Receiving stream: UNT Mt. Rock Spring Creek classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received August 29, 2008.

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

63082801. Boyle Land and Fuel Company (Box 400, Laughlinton, PA 15655). Application for commencement, operation and reclamation of a small noncoal surface mine, located in East Bethlehem Township, **Washington County**, affecting 5 acres. Receiving stream: UNT to Ten Mile Creek, classified for the following use: WWF. Noncoal application received August 25, 2008.

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

67960301C7 and NPDES Permit No. PA0223701. Codorus Stone & Supply Co., Inc., (135 Mundis Race Road, York, PA 17402), correction to an existing quarry operation to increase the average daily NPDES Discharge rate from 0.5 mgd to 6.0 mgd, receiving stream: Codorus Creek, classified for the following use: WWF. Application received August 8, 2008.

40080301. Hazleton Materials, LLC, (2052 Lucon Road, Skippack, PA 19474), commencement, operation and restoration of a quarry operation in Foster Township, **Luzerne County** affecting 164.0 acres, receiving stream: UNT to Sandy Run, classified for the following use: HQ-CWF. Application received September 2, 2008.

PA0224081R2. Stoudt's Ferry Preparation Co., Inc., (P. O. Box 279, St. Clair, PA 17970), renewal of NPDES Permit for discharge of treated mine drainage at Seyfert Basin Processing Plan in Exeter Township, **Berks County**, receiving stream: Schuylkill River, classified for the following use: WWF. Application received September 3, 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.

E51-233. City of Philadelphia Streets Department, 1401 JFK Boulevard, Room 830, Philadelphia, PA 19107, City of Philadelphia and **Philadelphia County,** United States Army Corps of Engineers, Philadelphia District.

To remove the existing bridge and to construct and maintain, in its place, a 160-foot long, 54-foot wide, 5.3-foot high bridge across the Frankford Creek (WWF, MF) associated with the extension of the Delaware Avenue North between Lewis and Orthodox Streets. The site is located approximately 300 feet west of the intersection of Lewis Street and Delaware Avenue (Camden NJ-PA, USGS Quadrangle N: 20 inches; W: 11.00 inches).

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

E50-244: John McCrae, Route 1, Box 233, East Waterford, PA 17021, Toboyne Township, **Perry County,** United States Army Corps of Engineers, Baltimore District.

To construct and maintain a 1.0-foot thick, 10.0-foot wide by 75.0-foot long shale access road within the left bank floodway of Horse Valley Run (HQ-CWF) (Blairs Mills, PA Quadrangle N: 6.83 inches; W: 4.0 inches, Latitude: 40° 17' 15"; Longitude: 77° 39' 13") in Toboyne Township, Perry County.

E21-408: Stephen T. Blair and Suzanne White, 101 East Pine Street, Mt. Holly Springs, PA 17065, Mt. Holly Springs Borough, **Cumberland County,** United States Army Corps of Engineers, Baltimore District.

To construct a 1,470.0 square foot single-family dwelling along the right bank floodway and floodplain of Mountain Creek (HQ-CWF) located 600.0 feet downstream of Pine Street Bridge (Mt. Holly Springs, PA Quadrangle N: 21.27 inches; W: 8.90 inches, Latitude: 40° 07' 01"; Longitude: 77° 11' 04") in Mt. Holly Springs Borough, Cumberland County.

E06-640: Department of Transportation Engineering District 5-0, 1713 Lehigh Street, Allentown, PA 18103, Greenwich, Perry and Richmond Townships, **Berks County,** United States Army Corps of Engineers, Philadelphia District.

To: (1) raze a bridge installed in 1998 as a temporary crossing of Maiden Creek for SR 0143 (Kutztown, PA Quadrangle N: 4.6 inches; W: 17.3 inches, Latitude: 40° 31' 36"; Longitude: 75° 52' 28"); (2) raze the SR 0143 steel plate two-span girder bridge having a width of 18.0 feet, a total span of 157.0 feet, and an underclearance of 16.0 feet carrying SR 0143 over Maiden Creek until it was closed in 1998 (Kutztown, PA Quadrangle N: 4.6

inches; W: 17.3 inches, Latitude: 40° 31' 36"; Longitude: 75° 52' 28"); and (3) construct and maintain a two-span steel girder bridge having a width of 43.4 feet, a total span of 180.0 feet, and an underclearance of 11.5 feet at a location approximately 60 feet south of the confluence of Maiden Creek and Sacony Creek (Kutztown, PA Quadrangle N: 4.6 inches; W: 17.3 inches, Latitude: 40° 31' 36"; Longitude: 75° 52' 28"). The purpose of this project is to replace the closed SR 0143, Section 01B bridge over Maiden Creek in Greenwich, Perry and Richmond Townships, Berks County. The project will result in 250.0 linear feet of temporary perennial stream impacts and 200.0 linear feet of permanent perennial stream impacts. The project will involve the installation of temporary cofferdams.

E01-282: Metropolitan Edison Company, 2800 Pottsville Pike, Reading, PA 19612-6001, Cumberland Township, **Adams County,** United States Army Corps of Engineers, Baltimore District.

To construct and maintain electric power lines in and across Plum Run (WWF) and a UNT in order to preserve the condition of the Gettysburg National Park located along Wheatfield Road and Crawford Avenue (Gettysburg, PA Quadrangle N: 8.47 inches; W: 15.96 inches, Latitude: 39° 47' 48"; Longitude: 77° 14' 19"; N: 7.77 inches; W: 16.19 inches, Latitude: 39° 47' 34"; Longitude: 77° 14' 25"), and along Slyder Farm Road (Fairfield, PA Quadrangle N: 7.87 inches; W: 0.35 inch, Latitude: 39° 47' 36"; Longitude: 77° 15' 09") in Cumberland Township, Adams County.

E28-350: D-111 Group, LLC, Attn: Eugene R. Strite, 826 Tallow Hill Road, Chambersburg, PA 17202, Whiskey Run Vista Residential Subdivision, Hamilton Township, **Franklin County,** United States Army Corps of Engineers, Baltimore District.

To: 1) fill and maintain 0.004 acre of PEM wetland (Latitude: 39° 57' 20"; Longitude: 77° 42' 43"); 2) construct and maintain a 108.0-foot long, 6.0-inch depressed, 7.0-foot by 5.0-foot concrete box culvert in a UNT to Back Creek (TSF) (Latitude: 39° 57' 20"; Longitude: 77° 42' 43"); 3) construct and maintain a utility line crossing in a UNT to Back Creek (TSF) (Latitude: 39° 57' 20"; Longitude: 77° 42' 43"); 4) construct and maintain a utility line crossing in a UNT to Back Creek (TSF) (Latitude: 39° 57' 7"; Longitude: 77° 42' 48"); 5) construct and maintain a 40.0-foot long, 6.0-inch depressed, 4.0-foot by 3.0-foot concrete box culvert in a UNT to Back Creek (TSF) (Latitude: 39° 57' 6"; Longitude: 77° 42' 50"); 6) construct and maintain a utility line crossing in a UNT to Back Creek (TSF) (Latitude: 39° 57' 6"; Longitude: 77° 42' 50"); 7) fill and maintain 0.003 acre of PEM wetland (Latitude: 39° 57' 6"; Longitude: 77° 42' 50"); 8) fill and maintain 0.088 acre of PEM wetland (Latitude: 39° 57' 6"; Longitude: 77° 42' 53"); 9) fill and maintain 0.009 acre of PEM wetland (Latitude: 39° 57' 3"; Longitude: 77° 42' 52"); 10) construct and maintain a 199.0-foot long, 6.0-inch depressed, 5.0-foot by 3.0-foot concrete box culvert in and UNT to Back Creek (TSF) (Latitude: 39° 57' 2"; Longitude: 77° 42' 51"); 11) construct and maintain a utility line crossing in a UNT to Back Creek (TSF) (Latitude: 39° 57' 2"; Longitude: 77° 42' 53"); 12) fill and maintain 0.010 acre of PEM wetland (Latitude: 39° 56' 46"; Longitude: 77° 43' 6"); 13) fill and maintain 0.001 acre of PEM wetland (Latitude: 39° 56' 50"; Longitude: 77° 43' 3"); 14) construct and maintain a 207.0-foot long, 6.0-inch depressed, 7.0-foot by 4.0-foot concrete box

culvert in a UNT to Back Creek (TSF) (Latitude: 39° 57' 50"; Longitude: 77° 43' 3"); 15) construct and maintain a utility line crossing in a UNT to Back Creek (TSF) (Latitude: 39° 56' 50"; Longitude: 77° 43' 3"); 16) construct and maintain a utility line crossing in a UNT to Back Creek (TSF) (Latitude: 39° 56' 55"; Longitude: 77° 43' 7"); 17) construct and maintain a utility line crossing in a UNT to Back Creek (TSF) (Latitude: 39° 57' 6"; Longitude: 77° 43' 18"); 18) construct and maintain a utility line crossing in a UNT to Back Creek (TSF) (Latitude: 39° 57' 11"; Longitude: 77° 43' 21"); 19) to fill and maintain 0.073 acre of PEM wetland (Latitude: 39° 57' 26"; Longitude: 77° 43' 20"); 20) construct and maintain a utility line crossing temporarily impacting PEM wetland (Latitude: 39° 57' 26"; Longitude: 77° 43' 20"); 21) to fill and maintain 0.148 acre of PEM wetland (Latitude: 39° 57' 3"; Longitude: 77° 43' 5"); 22) construct and maintain a utility line crossing in a UNT to Back Creek (TSF) (Latitude: 39° 57' 5"; Longitude: 77° 43' 16"); and 23) construct and maintain a utility line crossing in a UNT to Back Creek (TSF) (Latitude: 39° 57' 1"; Longitude: 77° 43' 13"). The project is located north of Crottestown Road approximately 1 mile east of its intersection with Twin Bridge Road (Chambersburg, PA Quadrangle N: 13.5 inches; W: 13.0 inches, Latitude: 39° 56' 51"; Longitude: 77° 43' 35") in Hamilton Township, Franklin County. The impacts are the result of a proposed residential subdivision and development.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.

E14-510. Millheim Borough, P. O. Box 421, Millheim, PA 16854. Elk Creek Dry Fire Hydrant Installation, in Millheim Borough, **Centre County**, United States Army Corps of Engineers, Baltimore District (Millheim, PA Quadrangle N: 1.06 inches; W: 5.38 inches).

To construct and maintain a 6-inch diameter strainer inlet pipe in Elk Creek with a universal dry hydrant in the right floodway of the creek to assist local fire companies in obtaining firefighting water. This project proposes to impact 4 linear feet of Elk Creek, which is classified as an Exceptional Value—CWF.

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

E25-724, City of Erie, 626 State Street, Erie, PA 16501. Lake Erie Arboretum at Frontier Park, in the City of Erie, **Erie County**, United States Army Corps of Engineers, Pittsburgh District (Erie South, PA Quadrangle N: 42° 07' 00"; W: 80° 07' 00").

To construct and maintain one 40' long by 8' wide and one 20' long and 8' wide pedestrian bridge over Cascade Creek (WWF) at the NW corner of the intersection of West 8th Street and the Bayfront Parkway in Frontier Park.

ACTIONS

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

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOI) for coverage under general permits. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

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

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for coverage under general NPDES permits. The approval for coverage under general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in each general permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. Permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of

practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PAS232202	Leo Taur Technology Group, Inc. 111 Lehigh Street Macungie, PA 18062	Macungie Borough Lehigh County	UNT to Swabia Creek HQ-CWF 2C	Y
PA-0052132 (Minor Sewage)	Parkland School District 2219 North Cedar Crest Boulevard Allentown, PA 18104	South Whitehall Township Lehigh County	Jordan Creek 2C	Y
PA-0051896	Dixie Consumer Products, LLC 605 Kueber Road Easton, PA 18040	Forks Township Northampton County	Dry Swale to Bushkill Creek Watershed 1F HQ-CWF	Y
PA0032999	Department of Conservation and Natural Resources Bureau of Facility Design and Construction 3808 Three Mile Run Road Perkasie, PA 18944	Carbon County Kidder Township	Hickory Run HQ-CWF 2A	Y
PA-0063681 (Minor Industrial Waste)	Penske Truck Leasing Company, LP Route 10 Green Hills Reading, PA 19603	North Manheim Township Schuylkill County	Schuylkill River 3A	Y
PA0034631 (Sewage)	Kung Mern Sern Tao Chang Tao Center, Inc.—Birchwood STP 3404 Birchwood Drive East Stroudsburg, PA 18301-9583	Pocono Township Monroe County	Cranberry Creek 1E	Y
PA0061263-A1	Wheelabrator Frackville Energy Company 475 Morea Road Frackville, PA 17931	Schuylkill County Mahanoy Township	Mill Creek CWF Watershed 3A Schuylkill	Y
PA0062341 (Minor Sewage)	Aqua Pennsylvania, Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010-3489	Lackawaxen Township Pike County	Teedyuskung Creek 01B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0096113 Sewage	McGuffey School District 90 McGuffey Drive Claysville, PA 15323	Washington County Buffalo Township	UNT of Buffalo Creek	Y
PA0205559 Sewage	Crystal Waters Personal Care Facility 4639 Route 119 Home, PA 15747	Indiana County Rayne Township	Pine Run	Y
PA0021148 Sewage	Borough of Mount Pleasant Etze Avenue Mount Pleasant, PA 15666	Westmoreland County Mount Pleasant Township	Shupe Run	N

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0023451	Mount Jewett Borough Mount Jewett Regional Sewer Authority P. O. Box 680 Mt. Jewett, PA 16740	Jewett Borough McKean County	UNT to Kinzua Creek 16-B	Y

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

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

NPDES Permit No. PA0033065, Amendment No. 1, Sewage, **John Vanderhoef, Vanderhomes, LLC**, 2379 Brandt Road, Annville, PA 17003. This proposed facility is located in South Annville Township, **Lebanon County**.

Description of Proposed Action/Activity: Transfer of Permit.

NPDES Permit No. PA0261157, Sewage, **Velma Kerstetter**, R. R. 1, Box 2680, McAlisterville, PA 17049. This proposed facility is located in Delaware Township, **Juniata County**.

Description of Proposed Action/Activity: Authorization to discharge to 12-B.

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

NPDES Permit No. PA0240214, Sewage, **Glenn Kosmatine**, 6630 Maple Lane, Tinley Park, IL 60477-2842. This proposed facility is located in Harborcreek Township, **Erie County**.

Description of Proposed Action/Activity: A single Residence Sewage Treatment Plant.

NPDES Permit No. PA0000701, Sewage, **PFV Enterprises, Inc.**, 125 North Franklin Street, Titusville, PA 16354. This proposed facility is located in Oil Creek Township, **Venango County**.

Description of Proposed Action/Activity: Renewal of an NPDES permit for an existing discharge of treated sewage.

NPDES Permit No. PA0240206, Sewage, **Ronald L. Cokain**, 34789 Tryonville Road, Townville, PA 16360. This proposed facility is located in Steuben Township, **Crawford County**.

Description of Proposed Action/Activity: A single Residence Sewage Treatment Plant.

NPDES Permit No. PA0238767, Sewage, **Stoneworth Apartments, LLC**, 877 New Castle Road, Slippery Rock, PA 16057. This proposed facility is located in Worth Township, **Butler County**.

Description of Proposed Action/Activity: A new NPDES permit replacing an expired permit for a treated sewage discharge.

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

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

WQM Permit No. 2208405, Sewage, **Susquehanna Township Authority**, 1900 Linglestown Road, Harrisburg, PA 17110. This proposed facility is located in Susquehanna Township, **Dauphin County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of the replacement of the Second Street Pump Station.

WQM Permit No. 3888409, Transfer 1, Sewage, **John Vanderhoef, Vanderhomes, LLC**, 2379 Brandt Road, Annville, PA 17003. This proposed facility is located in South Annville Township, **Lebanon County**.

Description of Proposed Action/Activity: Transfer of Permit.

WQM Permit No. 3408401, Sewage, **Velma Kerstetter**, R. R. 1, Box 2680, McAlisterville, PA 17049. This proposed facility is located in Delaware Township, **Juniata County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of: a small flow, single-family residence sewage treatment facility with a 1,000-gallon septic tank, a 500-gallon pump tank, Ecoflo Peat Filter and UV disinfection.

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

WQM Permit No. 2005403, Sewerage, **Bloomfield Township Sewage Authority**, 22978 Shreve Ridge Road, Union City, PA 16438. This proposed facility is located in Bloomfield Township, **Crawford County**.

Description of Proposed Action/Activity: North Inlet reconstruction and Church Camp and Ghost Town sanitary sewer relocation.

WQM Permit No. 2005403, Sewerage, **Glenn Kosmatine**, 6630 Maple Lane, Tinley Park, IL 60477-2842. This proposed facility is located in Harborcreek Township, **Erie County**.

Description of Proposed Action/Activity: A single Residence Sewage Treatment Plant.

WQM Permit No. WQG018643, Sewerage, **Dale Weaver**, 2796 William Flynn Highway, Slippery Rock, PA 16057. This proposed facility is located in Brady Township, **Butler County**.

Description of Proposed Action/Activity: A single Residence Sewage Treatment Plant.

WQM Permit No. 2008401, Sewerage, **Ronald L. Cokain**, 34789 Tryonville Road, Townville, PA 16360. This proposed facility is located in Steuben Township, **Crawford County**.

Description of Proposed Action/Activity: A single Residence Sewage Treatment Plant.

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

WQM Permit No. WQG02460813, Sewerage, **Lower Merion Township**, 75 East Lancaster Avenue, Ardmore, PA 19003. This proposed facility is located in Lower Merion Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a sewer extension.

WQM Permit No. 0983418, Sewerage, **Bucks County Water and Sewer Authority**, 1275 Almhouse Road, Warrington, PA 19876. This proposed facility is located in Doylestown Township, **Bucks County**.

Description of Action/Activity: The installation of a dechlorination system at the Kings Plaza Wastewater Treatment Plant.

WQM Permit No. 4608408, Sewerage, **Plymouth Township**, 700 Belvoir Road, Plymouth Meeting, PA 19462. This proposed facility is located in Plymouth Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a new force main.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 0908004	Thornwood Builders, LLC P. O. Box 260 Springtown, PA 18081	Bucks	Springfield Township	Cooks Creek EV
PAI01 1508022	Cathie Whitlock 2737 Coventryville Road Pottstown, PA 19465	Chester	South Coventry Township	Pigeon Creek HQ-TSF
PAI01 1508035	S. Paone, Inc. 1120 North Bethlehem Pike P. O. Box 280 Spring House, PA 19477	Chester	East Whiteland Township	UNT Valley Creek EV-TSF
PAI01 5108002	School District of Philadelphia 440 North Broad Street Philadelphia, PA 19130-4015	Philadelphia	City of Philadelphia	Delaware Direct South WWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032107007	Seven Gables Development, LLC 4081 East Lake Estates Drive Davie, FL 33328	Cumberland	Carlisle Borough	Letort Spring Run HQ-CWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041408003	Kent Rishel Krislund Camp and Conference Center P. O. Box 116 Madisonburg, PA 16852	Centre	Miles and Walker Townships	Roaring Run EV

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041408004	Jess Burkholder Burkholder's Country Market 165 Burkholder Lane Spring Mill, PA 16875	Centre	Penn Township	Elk Creek EV
PAI041408005	Thomas F. Songer Benjamin Heights Torrion Group, LP 1951 Pine Hall Drive Suite 150 State College, PA 16801	Centre	Harris Township	Spring Creek HQ-CWF
PAI041408006	Irvin Weaver, Jr. Weaver's Store 1352 Hilltop Road Narvon, PA 17555	Centre	Penn Township	Elk Creek EV
PAI041408007	Jonathan Light Teamsters Local Union No. 8 1411 North Atherton Street State College, PA 16803	Centre	Benner Township	Buffalo Run HQ-CWF

Montour County Conservation District: 112 Woodbine Lane, Suite 2, Danville, PA 17821, (570) 271-1140.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI044707001	Dawn E. Quinn-Doiron 150 East Ninth Street Suite 1 Bloomsburg, PA 17815	Montour	Mayberry Township	UNT to South Branch of Roaring Creek HQ-CWF

Potter County Conservation District: 107 Market Street, Coudersport, PA 16915 (814) 274-8411, Ext. 4.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI045308001	Mark Chambers Potter County Family Campground 444 Peet Brook Road Coudersport, PA 16915	Potter	Sweden Township	Trout Run HQ Ninemile Run HQ

Tioga County Conservation District: 50 Plaza Lane, Wellsboro, PA 16901, (570) 724-1801, Ext. 3.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI045908001	AES Armenia Mountain Wind, LLC 4300 Wilson Boulevard Arlington, VA 22203	Bradford and Tioga Counties	Armenia, Richmond, Sullivan, and Ward Townships	Fellows Creek CWF Gaffers Creek TSF Corey Creek CWF Fall Brook CWF Morgan Creek TSF Rathbone Creek CWF Tioga River CWF South Branch Sugar Creek TSF West Branch Sugar Creek TSF North Branch Towanda Creek CWF Webier Creek CWF

Union County Conservation District: Union County Government Center, 155 North 15th Street, Lewisburg, PA 17837, (570) 524-3860.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI046008001	Noah E. Zimmerman 235 Diehl Road Mifflinburg, PA 17844	Union	Lewis Township	Coal 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

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Haycock Township Bucks County	PAG200 0906070-1	Robert Cope 472 Old Bethlehem Road Quakertown, PA 18951	Tohickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Southampton Township Bucks County	PAG200 0908028	Michael Chiusolo 1230 Stump Bridge Road Southampton, PA 18966	Tributary Mill Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Makefield Township Bucks County	PAG200 0907142	Sidney Yates 1567 Wrightstown Road Newtown, PA 18940	Houghs and Jericho Creeks WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Warrington Township Bucks County	PAG200 0908031	Central Bucks School District 20 Welden Drive Doylestown, PA 18901	Neshaminy Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bensalem Township Bucks County	PAG200 0908065	Joseph Venezia Builders and Contractors 439 Mill Road Bensalem, PA 19020	Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Middletown Township Delaware County	PAG200 2308005	Paul and Margaret F. Linville Assoc. c/o Jean Hannemann 137 West Knowlton Road Media, PA 19063	Chester Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Chaddsford Township Delaware County	PAG200 2308051	Glen Eagle Retail, LLC c/o Steven Schnur 100 East Pratt Street 20th Floor Baltimore, MD 21202	West Branch Chester Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Springfield Township Delaware	PAG200 2308008	PREIT Services, LLC 200 South Broad Street Philadelphia, PA 19102	Whiskey Run to Crum Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia	PAG201 5106063	University of Pennsylvania 3101 Walnut Street Philadelphia, PA 19104-6289	Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hatfield Township Montgomery County	PAG200 4603189-1	Site Development, Inc. 17000 Horizon Way Mt. Laurel, NJ 08054	West Branch Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Providence Township Montgomery County	PAG200 4607151	Corrado Builders P. O. Box 915 Blue Bell, PA 19422	UNT Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Norriton Township Montgomery County	PAG200 4608092	R & H Hotels, Inc. 2522 West Main Street Norristown, PA 19403	Indian Creek WWF	R & H Hotels, Inc. 2522 West Main Street Norristown, PA 19403
Franklin Township Carbon County	PAG2001308005	Greg Lapotosky Route 209 Rainbow Plaza Brodheads ville, PA 18322	Lehigh River TSF	Carbon County Conservation District (610) 377-4894
Frailey Township Schuylkill County	PAG2005408014	PPL Electric Utilities 4810 Lycoming Mall Drive Montoursville, PA 17754-8301	Good Spring Creek CWF Pine Creek CWF	Schuylkill County Conservation District (570) 622-3742
Hanover Township Lehigh County	PAG2003908010	Joseph Ketterbaugh B. Braun Medical, Inc. 901 Marcon Boulevard Allentown, PA 18109	Lehigh River TSF	Lehigh County Conservation District (610) 391-9583
South Abington Township Lackawanna County	PAG2003507013(1)	Richard Florey, Jr. 1170 Winola Road Clarks Summit, PA 18411	South Branch Tunkhannock Creek CWF	Lackawanna County Conservation District (570) 281-9495
Mahoning Township Carbon County	PAG2001308006	TKC Land Dev. II, LLC 5935 Carnegie Boulevard Suite 200 Charlotte, NC 28209	Mahoning Creek CWF	Carbon County Conservation District (610) 377-4894
Bethlehem Township Northampton County	PAG2004807029	American Bank Attn: Mark Jaindl 4029 Tilghman Street Allentown, PA 18104	Lehigh River WWF	Northampton County Conservation District (610) 746-1971
Bethlehem Township Northampton County	PAR10U141R	Townes at Highland Park Partners Attn: Santino Calantoni 6065 William Penn Highway Easton, PA 18045	Nancy Run CWF, MF Tributary to Lehigh River CWF	Northampton County Conservation District (610) 746-1971

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
South Londonderry Township Lebanon County	PAG2003808007	Scott Galbraith South Londonderry Township Municipal Authority 20 West Market Street P. O. Box 3 Campbelltown, PA 17011-0003	Killinger Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
North Cornwall Township Lebanon County	PAG2003803043R	TKC LCVIII, LLC c/o Kenneth R. Beuley 5935 Carnegie Boulevard Suite 200 Charlotte, NC 28209	Snitz Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
Union Township Lebanon County	PAG2003808013	Donald E. Smith Brewster Development Company 75 Mystic Harbor Bradford Woods, PA 15015	Swatara Creek WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
Bethel Township Lebanon County	PAG2003808015	Leonard Martin 221 Deep Run Road Myerstown, PA 17067	Little Swatara Creek by means of Deep Run Creek WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
Union Township Lebanon County	PAG2003807009	Joel Sattazahn Pennsylvania Air National Guard 142 Gettysburg Street Annville, PA 17003	Qureg Run-Reeds Run WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
South Lebanon and Heidelberg Townships Lebanon County	PAG2003808017	Brian L. Boyd 424 Greenfield Drive Lebanon, PA 17042	Tulpehocken Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
Union Township Lebanon County	PAG2003808006	Joel Sattazahn Pennsylvania Air National Guard 142 Gettysburg Street Annville, PA 17003	Qureg Run-Reeds Run WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
Ayr Township Fulton County	PAG2002908004	Bard/Binder, LLC 650 South Coldbrook Avenue Chambersburg, PA 17201	UNT to Big Cove Creek CWF	Fulton County Conservation District 216 North Secotn Street Suite 16 McConnellsburg, PA 17233 (717) 485-3547, Ext. 121
Conewago Township Adams County	PAG2000108016	Joan McAnall Radio Hanover, Inc. 275 Radio Road P. O. Box 234 Hanover, PA 17331	Conewago Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636

NOTICES

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<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
East Berlin Borough Adams County	PAG2000108015	Phil Keener East Berlin Borough 128 Water Street East Berlin, PA 17316	West Conewago Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Menallen Township Adams County	PAG2000106040	David Rice Rice Fruit Company P. O. Box 66 Gardners, PA 17324	UNT to Oppossum Creek TSF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Centre County Ferguson Township	PAG2001408016	Charles Driscoll Driscoll Automotive Group/Leitzinger Imports 3220 West College Avenue State College, PA 16801	Slab Cabin Run CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
Columbia County Briar Creek Borough	PAG2001908005	Sheetz, Incorporated Brian K. Soyka 5700 Sixth Avenue Altoona, PA 16602	Susquehanna River CWF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310, Ext. 102
Columbia County Millville Borough	PAG2001908009	Creveling Excavating Gerald W. Creveling 179 Bottom Road Orangeville, PA 17859	Little Fishing Creek CWF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310, Ext. 102
Columbia County Hemlock Township	PAG2001908010	Columbia Bloomsburg PA, LLC Rich Hewitt 550 Marshall Street Phillipsburg, NJ 08865	Fishing Creek WWF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310, Ext. 102
Northumberland County Ralpho Township	PAG2004908007	Daniel Honaberger Creekside 574 Bear Gap Road Elysburg, PA 17824	UNT of Shamokin Creek CWF	Northumberland County Conservation District R. R. 3 Box 238-C Sunbury, PA 17801 (570) 286-7114, Ext. 4
Northumberland County Point Township	PAG2004908014	JoAnne Rasper Acacia Field 300 Dornsife Road P. O. Box 284 Northumberland, PA 17857	UNT to North Branch of Susquehanna River CWF	Northumberland County Conservation District R. R. 3 Box 238-C Sunbury, PA 17801 (570) 286-7114, Ext. 4
Snyder County Monroe Township	PAG2005503005R	Eastern Communities, LP John Kerschner 7300 Derry Street Harrisburg, PA 17111	Penns Creek WWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, Ext. 5
Allegheny County Moon and Findlay Townships	PAR10A456-3-R	Allegheny County Airport Authority P. O. Box 12370 Pittsburgh, PA 15231-0370	Montour Run TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County Moon Township	PAR10A609-R	Maronda Homes 202 Park West Pittsburgh, PA 15275	Montour Run TSF	Allegheny County Conservation District (412) 241-7645

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Allegheny County Pine Township	PAR10A610-R	Manor Development Group II 109 Gateway Avenue Wexford, PA 15090	Pine Creek CWF	Allegheny County Conservation District (412) 241-7645
Allegheny County North Fayette Township	PAR10A618-R	Maronda Homes, Inc. 202 Park West Drive Pittsburgh, PA 15275	Montour Run TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County South Fayette Township	PAG20005000 203001-R	John Kosky P. O. Box 136 Cuddy, PA 15031	Fishing Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County McCandless Township	PAG20005000 203046-R	Town of McCandless 9955 Grubbs Road Wexford, PA 15090	Lowries Run TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County Upper St. Clair Township	PAG20005000 203061-R	RCH St. Clair, LP 100 Beecham Drive Pittsburgh, PA 15205	Chartiers Creek WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Collier Township	PAG2000203073-R	Settler's Cabin Business Park, LP 2000 Lincoln Road Pittsburgh, PA 15235	Scotts Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County South Fayette Township	PAG2000205028-1	Berkshires, LLC 409 Broad Street Sewickley, PA 15143	Dolphin Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Upper St. Clair Township	PAG2000205048-1	Upper St. Clair Township 1820 McLaughlin Run Road Pittsburgh, PA 15241	Chartiers Creek WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Pittsburgh	PAG2000206008-1	Department of Conservation and Natural Resources P. O. Box 387 Prospect, PA 16052	Allegheny and Monongahela Rivers WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Robinson Township	PAG2000206040-1	No. 1 Cochran Automotive 4520 William Penn Highway Monroeville, PA 15146	Campbells Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Kilbuck, Aleppo, South Fayette, Collier, Marshall, and Upper St. Clair Townships Glenfield Borough Neville, Franklin Park, Bradford Woods, Robinson, Ohio, Pine and McCandless Townships	PAG2000207004-1	Equitrans, LP 200 Allegheny Center Mall Pittsburgh, PA 15212	Robinson Run, Moon Run, Tributary Moon Run, Ohio River, Tributary Toms Run, Toms Run WWF Bear Run, Tributary Loweries Run, Lowries Run TSF Wexford Fun, Tributary Wexbord Run, Pine Creek CW	Allegheny County Conservation District (412) 241-7645
Allegheny County Pittsburgh	PAG2000207034-1	Sports and Exhibition Authority 425 Sixth Avenue Pittsburgh, PA 15219	Monongahela River WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Pittsburgh	PAG2000207044-2	Bakery Square, LP 5500 Walnut Street Suite 300 Pittsburgh, PA 15232	Ohio River WWF	Allegheny County Conservation District (412) 241-7645

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Allegheny County Ross Township	PAG2000207105	North Hills School District 135 Sixth Avenue Pittsburgh, PA 15229	Lowries Run TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County Plum Borough	PAG2000208005	Longwood at Oakmont 500 Route 910 Verona, PA 15147 and Mistick Construction Co. 1300 Brighton Road Pittsburgh, PA 15233	Plum Creek WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Moon Township	PAG2000208008	Wal-Mart Stores, Inc. 2001 SE 10th Street—SWDC Bentonville, AZ 72716-0550	Flaugherty Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County South Fayette Township	PAG2000208009	South Fayette Township 515 Millers Run Road Morgan, PA 15064	Chartiers Creek WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Mt. Lebanon	PAG2000208012	Chatcham Development Corporation 105 Markan Drive Pittsburgh, PA 15228	Saw Mill Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Ross Township	PAG2000208013	Trek Development Group 4415 Fifth Avenue Pittsburgh, PA 15213	Nelson Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Franklin Park Borough	PAG2000208016	Deerfield Management Group, Inc. 100 Arthur Drive Wexford, PA 15090	Lowries Run TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County Mt. Lebanon	PAG2000208017	Seton-LaSalle Catholic High School 1000 McNeilly Road Pittsburgh, PA 15226	Saw Mill Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Moon Township	PAG2000208018	Synergy Development Moon, LLC 803 East Smithfield Street Greenock, PA 15047	Montour Run TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County Collier Township	PAG2000208019	Kossman Development Company Eleven Parkway Center Pittsburgh, PA 15220	Chartiers Creek WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Robinson Township	PAG2000208020	John M. Prendergast 871 Valleyview Road Pittsburgh, PA 15243	Campbells Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County McKeesport	PAG2000208023	City of McKeesport 500 Fifth Avenue McKeesport, PA 15132	Long Run TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County Collier Township	PAG2000208027	Greater PA Regional Council of Carpenters 650 Ridge Road Pittsburgh, PA 15205	Campbells Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Monroeville	PAG2000208028	Redevelopment Authority of Allegheny County 425 Sixth Avenue Pittsburgh, PA 15219	Dirty Camp Run WWF	Allegheny County Conservation District (412) 241-7645

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Allegheny County Richland Township	PAG2000208034	TKC Land Development II, LLC 5935 Carnegie Boulevard Suite 200 Charlotte, NC 28209	Deer Creek CWF	Allegheny County Conservation District (412) 241-7645
Allegheny County O'Hara Township	PAG2000208036	St. Joseph's Roman Catholic Church 330 Dorseyville Road Pittsburgh, PA 15215	Allegheny River WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County North Versailles Township	PAG2000208038	North Versailles Retirement Living Properties, LP 654 Alpha Drive Pittsburgh, PA 15238	Brush Creek TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County Plum Borough	PAG2000208039	Alltek Properties, LLC 11900 Frankstown Road Pittsburgh, PA 15235	Turtle Creek TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County Pittsburgh	PAG2000208043	Polaries Real Estate Equities 617 Charles Place Highland Heights, OH 44143	Monongahela River CWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Pittsburgh	PAG2000208045	Housing Authority of the City of Pittsburgh 200 Ross Street Pittsburgh, PA 15219	Allegheny River WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Findlay Township	PAG2000208046	Sean and Company, LP 2304 Brodhead Road Aliquippa, PA 15001	Montour Run TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County West Mifflin Borough	PAG2000208049	Tomas Sailor 425 East 11th Avenue Homestead, PA 15120-2001	Streets Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Moon Township	PAG2000208050	Moon Area Soccer Association P. O. Box 1002 Coraopolis, PA 15108	Boggs Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Monroeville	PAG2000208053	Hanlon Electric Co. 530 Old Frankstown Road Monroeville, PA 15146	Thompson Run WWF Turtle Creek TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County Pine Township	PAG2000208054	Salem Land Development Company 6000 Brooktree Road Wexford, PA 15090	Pine Creek CWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Castle Shannon Borough	PAG2000208055	Columbia Gas of Pennsylvania 501 Technology Drive Canonsburg, PA 15317	Saw Mill Run WWF	Allegheny County Conservation District (412) 241-7645
Armstrong County Manor Township	PAG2000308004	Department of Military and Veterans Affairs Bureau of Facilities and Engineering Building 0-47 Fort Indiantown Gap Annville, PA 17003-8413	Garrett's Run and Allegheny River WWF	Armstrong County Conservation District (724) 548-3425

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Cambria County Richland Township	PAG2001108008	Karen Skoka Diversified Associates 1360 Eisenhower Boulevard Johnstown, PA 15904	UNT Stonycreek River CWF	Cambria County Conservation District (814) 472-2120
Fayette County Georges Township	PAG2002608014	Fayette Industrial Fund P. O. Box 2101 Uniontown, PA 15401	Georges Creek WWF	Fayette County Conservation District (724) 438-4497
Washington County California Borough	PAG2006308018	California University of PA 250 University Avenue California, PA 15419	Lilly Run WWF	Washington County Conservation District (724) 228-6774
Butler County Adams Township	PAG200008010	Chatham Court Timothy D. Kelly Grace Bay, LP 147 Link Lane Slippery Rock, PA 16057	UNT Breakneck Creek WWF	Butler County Conservation District (724) 284-5270
Lawrence County Hickory Township	PAG2003708007	Croach Construction Attn: William Croach 1003 Pearl Street New Castle, PA 16101 and Triplet Construction Attn: William Triplet 137 Savannah Gardner Road New Castle, PA 16101	UNT to Big Run WWF UNT to Neshannock Creek TSF	Lawrence County Conservation District (724) 652-4512

General Permit Type—PAG-3

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lebanon County South Lebanon Township	PAR703521	AES Ironwood, LLC 305 Prescott Road Lebanon, PA 17042-9178	UNT Tulpehocken Creek CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

General Permit Type—PAG-4

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Richland Township Bucks County	PAG040091	Janet Berry c/o DelVal Soil and Environmental Consultants, Inc. 4050 Skyron Drive Suite A2 Doylestown, PA 18902	UNT to Morgan Creek Three Mile Run 2D	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Warwick Township Bucks County	PAG040097	Howard A. Kuntz, Jr. 1348 Highwoods Drive Jamison, PA 18929	Unnamed intermittent Tributary to Little Neshaminy Creek Watershed 2F	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Thornbury Township Delaware County	PAG040093	Eugene Mochan 51 Carter Road Thornton, PA 19373	UNT to West Branch Chester Creek Watershed 3G	Southeast Regional Office 2 East Main Street Norristown, PA 19401
York County Springettsbury Township	PAG043670	Corstiaan VanVugt 2503 South Queen Street York, PA 17402	Kreutz Creek WWF 7-I	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*Facility Location:
Municipality &
County*

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAG043696	Michael and Gayniale Nowak 958 Roxbury Road Newburg, PA 17240	UNT Peebles Creek WWF 7-B	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
PAG046386	James Destefano 408 Utopia Road Apollo, PA 15613	Pine Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
PAG048897	Kathleen L. Puskar 161 Glade Run Road Renfrew, PA 16053-8711	UNT to Glade Run 20-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
PAG049455	Dale Weaver 2796 William Flynn Highway Slippery Rock, PA 16057	Storm Sewer to Big Run 20-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
PAG048511	Katie J. and Thomas F. Spetz 303 Egypt Road Warren, PA 16365	UNT to Hatch Run 16-B	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
PAG048925	Michael G. Phelan 16635 Highway 98 Meadville, PA 16335	UNT to Cussewago Creek 16-D	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-5

*Facility Location:
Municipality &
County*

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAG050082	Topper Petroleum, Inc. 1425 South Mountain Drive Bethlehem, PA 18015	UNT to Cabin Run 2D Three Mile Run	Southeast Region Office 2 East Main Street Norristown, PA 19401
PAG056227	Coen Oil Company P. O. Box 34 1045 West Chestnut Street Washington, PA 15301	UNT to Aunt Clara Fork Kings Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-10

*Facility Location:
Municipality &
County*

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAG106123	MarkWest Energy Appalachia, LLC 13233 Slone Court Ashland, KY 41102	Chartiers Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

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

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under the act of July 6, 2005 (Act 38 of 2005, 3 Pa.C.S. §§ 501–522) (hereinafter referred to as Act 38), for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92. This notice is provided in accordance with 25 Pa. Code Chapter 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1–691.1001) and the Federal Clean Water Act.

Persons aggrieved by any action may appeal under section 517 of Act 38, section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501–508 and 701–704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachael 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 at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Ken Haller	Lebanon	36.7	443.87	Poultry—Broiler	Hammer Creek—HQ, CWF	Approved
Kreider Farms—Mount Pleasant Facility 1486 Mount Pleasant Road Lebanon, PA 17042	Lebanon	82.2	7,870.50	Layers	NA	Approved

PUBLIC WATER SUPPLY (PWS) PERMITS

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501–508 and 701–704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of

itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Operations Permit issued to **HMS Host**, 4290808, Taylor Township, **Fulton County** on August 28, 2008, for the operation of facilities approved under Construction Permit No. 2907501.

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

Permit No. M.A.—Operation, Public Water Supply.

Applicant **Duncan Township Municipal Water Authority**
 Township or Borough Duncan Township
 County **Tioga**
 Responsible Official Ken Foreman
 Duncan Township Municipal Water Authority
 R. R. 1
 Box 55
 Wellsboro, PA 16901

Type of Facility Public Water Supply—Operation
 Consulting Engineer N/A
 Permit Issued Date September 3, 2008
 Description of Action Operation of the blow-off for Well No. 2 and the modifications to the chlorination facilities.

Permit No. 4906501—Operation, Public Water Supply.

Applicant **Sunbury Municipal Authority**
 Township or Borough City of Sunbury
 County **Northumberland**
 Responsible Official Charles Schlegel, Chairperson
 Sunbury Municipal Authority
 462 South Fourth Street
 Sunbury, PA 17801-3413

Type of Facility Public Water Supply—Operation
 Consulting Engineer John Bender
 Uni-Tec Consulting Engineers
 2007 Cato Avenue
 State College, PA 16801

Permit Issued Date September 8, 2008
 Description of Action Operation of the recently rehabilitated Susquehanna River raw water pump station.

Permit No. M.A.—Construction, Public Water Supply.

Applicant **Cherry Spring State Park**
 Township or Borough West Branch Township
 County **Potter**
 Responsible Official Chip Harrison
 Lyman Run State Park
 454 Lyman Run Road
 Galeton, PA 16922

Type of Facility Public Water Supply—Construction
 Consulting Engineer Barry Eppley
 Department of Conservation and Natural Resources
 262 Sizerville Road
 Emporium, PA 15834

Permit Issued Date September 8, 2008
 Description of Action Installation of Ion Exchange unit with Adedge Absorption Media for arsenic removal.

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

Permit No. 6399504A1, Public Water Supply.

Applicant **Pennsylvania American Water Company**
 800 West Hersheypark Drive
 P. O. Box 888,
 Hershey, PA 17033

Borough or Township Franklin Township
 County **Washington**
 Type of Facility Franklin Manor Booster Pump Station

Consulting Engineer
 Permit to Construct August 29, 2008
 Issued

Permit No. 3007501, Public Water Supply.

Applicant **Southwestern Pennsylvania Water Authority**
 P. O. Box 187
 1442 Jefferson Road
 Jefferson, PA 15344

Borough or Township Perry, Wayne and Center Townships
 County **Greene**
 Type of Facility Interconnection with Mt. Morris Water Authority, Interconnection with Clay Battelle Public Service District, Interconnection with North Fayette County Municipal Authority and gas chlorination at the Graysville Pump Station.

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

Permit to Construct August 29, 2008
 Issued

Operations Permit issued to S-2 Properties, Harshbarger's Mobile Home Park, P. O. Box 24509, Pittsburgh, PA 15234 (PWSID No. 5040002) Hanover Township, Beaver County on August 29, 2008, for the operation of facilities approved under Construction Permit No. 0408501.

Operations Permit issued to Croyle Township Water Authority, P. O. Box 249, Summerhill, PA 15948 (PWSID No. 4110299) Croyle Township, Cambria County on September 4, 2008, for the operation of facilities approved under Construction Permit No. 1186503MA.

Operations Permit issued to Borough of Tarentum, 318 Second Avenue, Tarentum, PA 15084 (PWSID No. 5020055) Tarentum Borough, Allegheny County on August 29, 2008, for the operation of facilities approved under Construction Permit No. 5056A3.

Operations Permit issued to Monroeville Municipal Authority, 219 Speers Lane, Monroeville, PA 15146 (PWSID No. 5020027) Monroeville Borough, Allegheny County on August 29, 2008, for the operation of facilities approved under Construction Permit No. 0208503.

Operations Permit issued to Hillsdale Nursing and Rehabilitation Center, 138 Mountain View Drive, Hillsdale, PA 15746 (PWSID No. 5320017) Montgomery Township, Indiana County on September 5, 2008, for the operation of facilities approved under Transfer Permit No. 5320017A1T1.

Permit No. 2608503MA, Minor Amendment, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**
124 Park & Pool Road
New Stanton, PA 15672

Borough or Township Rostraver and South Huntingdon Townships

County **Westmoreland**

Type of Facility Waterline crossing of the Youghiogheny River

Consulting Engineer MS Consultants, Inc.
Airport Office Park 4
333 Rouser Road
Coraopolis, PA 15108

Permit to Construct Issued September 2, 2008

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

Transfer of Operations Permit issued to **C & M Land Company, LLC, d/b/a Crestview Mobile Home Park**, PWSID No. 6200033, Vernon Township, **Crawford County**. Permit No. 2089508-T2 issued September 4, 2008, for operation of Wells No. 1 as well and treatment, according to specifications approved by construction permit 2089508, issued August 16, 1990.

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: St. Luke's Hospital—Riverside Outpatient Complex

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Bethlehem Township	Municipal Building 4225 Easton Avenue Bethlehem, PA 18020	Northampton

Plan Description: The approved plan provides for the subdivision plan submitted for the above referenced proposed Official Plan Revision consisting of a medical office building complex which will be sited on 58 acres of a 200.82 acre tract. An 18" gravity interceptor sewer will be constructed from the existing Bethlehem Township Municipal Authority (BTMA) Pump Station No. 2 to a new pump station originally proposed for the Summit Project (St. Luke's Hospital has acquired the Summit tract). The gravity sewer will be constructed in either public right-of-way of Hope Road or through the lands owned by St. Luke's. A 14" force main will be installed from the new pump station within the Hope Road right-of-way under PA Route 33, through the St. Luke's property proposed for this current initial development on the west side of PA Route 33 and connect to the existing BTMA interceptor sewer in Freemansburg Avenue. The connection of the force main will be made within a new doghouse manhole just west of BTMA Manhole No. 387. The Outpatient Complex will connect to the new pump station using a 10" PVC gravity sewer. The proposed 30,000 gpd of sewage flows will flow by gravity to the City of Bethlehem's Waste Water Treatment Facility by means of the city's northeast trunk line. Easton Suburban Water Authority

will provide public water to the project. 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>
Ayr Township	P. O. Box 212 McConnellsburg, PA 17233	Fulton

Plan Description: The approved plan provides for the subdivision of the Dinah Chamberlain property into one new building lot using an onlot sewage system with a groundwater recharge easement area. 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>
Freedom Township	Municipal Street P. O. Box 156 East Freedom, PA 16637	Blair

Plan Description: The approved plan provides for the upgrade of Freedom Township's wastewater treatment facility to treat maximum monthly flow of 0.970 mgd, Peak Daily flow of 1.94 mgd, Peak hourly flow of 2.430 mgd and maximum monthly organic loading of 1,530 #/day. The plan also propose to abandoned McKee pump station by constructing 800' of 8" gravity sewer line.

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.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

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

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

Plan Location: at Spring Drive and Chestnut Hill Road.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Franklin Township	150 Century Lane Dillsburg, PA 17019	York

Plan Description: The planning module, entitled Chestnut Hill Estates, proposing two single-family residential lots, was disapproved because the preliminary hydrogeologic evaluation was flawed in that it used an incorrect groundwater recharge rate in the calculations.

Plan Location: Located at 10561 Tanyard Hill Road (Route 433), northwest of Orrstown Borough in Southampton Township, Franklin County.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Southampton Township	P. O. Box 352 Shippensburg, PA 17257	Franklin

Plan Description: The Official Plan Revision, entitled Tracey Frey, proposing a small flow treatment facility to serve a new single-family residence, was disapproved because the well on the neighboring property is approximately 155 feet from the drainage swale that will convey the effluent from the small flow sewage treatment facility. Chapter 71, section 71.64(c)(3) of the Department of Environmental Protection's regulations requires that adequate hydrogeologic documentation be developed and submitted with the planning documents that confirms that existing drinking water uses are protected and that the effluent from the small flow treatment facility will not create a public health hazard or nuisance.

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.

National Transit Thorndale, Downingtown Borough, **Chester County**. Michael Edelman, Malcom Pirnie, Inc., 111 South Independence Mall, Suite 1010, Philadelphia, PA 19106 on behalf of Mark Himmerger Pennzoil Quaker State Co., d/b/a SOPUS Products, 12700 Northborough Drive, 300 E-11, Houston, TX 77067 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 6 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Haven Peniel Senior Citizens Residence, City of Philadelphia, **Philadelphia County**. William G. Murray, URS Corporation, 335 Commerce Drive, Suite 300, Fort Washington, PA 19034 on behalf of Faye Wilson, Haven Penile Development Corporation, 2301 Oxford Street, Philadelphia, PA 19121 has submitted a Final Report concerning remediation of site soil contaminated with lead and PAH's. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Cambridge Square Condominium II, Lower Merion Township, **Montgomery County**. Stephan Brower, Environmental Standards, Inc., 1140 Valley Forge Road, P. O. Box 810, Valley Forge, PA 19482 on behalf of Peter Monaghan, Sibley Avenue Associates, LP, 1008 Gulph Road, Wayne, PA 19087, Steven Ohrwaschel, Lewis Environmental Group, P. O. Box 639, Royersford, PA 19468 has submitted a Final Report concerning remediation of site soil contaminated with pcb's. The report is intended to document remediation of the site to meet the Statewide Health Standard.

56 West Lincoln Highway, Middletown Township/Pennel Borough, **Bucks County**. Charlene Drake, React Environmental Professional Services Group, 6901 Kinsessing Avenue, Suite 201, Philadelphia, PA 19142 on behalf of Chris Neill, Primax Properties, LLC, 1065 Eat Moreland Street, 4th Floor, Charlotte, NC 28204 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with inorganic. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Staats Oil, Borough of Malvern and Township of Willistown, **Chester County**. Michael Welsh, Applied Environmental Management, Inc., 16 Chester County Commons, Malvern, PA 19355 on behalf of Eli Kahn, 237 King Partners, LLC, 55 County Club Drive, Downingtown, PA 19335 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

PECO (Royersford MGP Site), Royersford Borough, **Montgomery County**. John Roberts, Jacques Whitford Company, 450 South Graves Road, Suite 105, Plymouth Meeting, PA 19462 on behalf of Steven Freedman, Crest Club of Royersford, LP, 1715 East Butler Pike, Maple Glen, PA 19002 has submitted a Risk Assessment, Remedial Investigation and Final Report concerning remediation of site groundwater and soil contaminated with PAH's. The report is intended to document remediation of the site to meet the Site-Specific Standard.

1702-1708 Tulip Street, City of Philadelphia, **Philadelphia County**. Guy Sheets, Malcom Pirnie, 640 Freedom Business Center, Suite 310, King of Prussia, PA 19406 on behalf of Kenneth Chadwick, Temple East, Inc., d/b/a Northeastern Hospital, 2301 East Allegheny Avenue, Philadelphia, PA 19134 has submitted a Final Report concerning remediation of site soil contaminated with No. 4 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard

Goldman Paper/Wilde Dyehouse Site, City of Philadelphia, **Philadelphia County**. Robert Byer, Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Domenic Vallone, Jewish Federation of Greater Philadelphia, 2100 Arch Street, Philadelphia, PA 19103 has submitted a Final Report concerning remediation of site [media] contaminated with groundwater and soil. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Frankford Cleaners, City of Philadelphia, **Philadelphia County**. Jonathan Rybacki, Apex Companies, LLC, 269 Great Valley Parkway, Malvern, PA 19355 on behalf of Eric Silvers, USRP, I, LLC, One Independent Drive, Suite 114, Jacksonville, FL 32202 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Summit Cleaners, Middletown Township, **Montgomery County**. Kevin Billings, Property Solutions, Inc., 323 New Albany Road, Moorestown, NJ 08057 on behalf of Ronald D. Gigliotti, Gigliotti Group, Inc., Suites 2G-H, Summit Square Center, SR 413 and Double Woods Road, Langhorne, PA 19047 has submitted a Remedial Investigation and Final Report concerning remediation of site groundwater and soil contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Boulevard Plaza, City of Philadelphia, **Philadelphia County**. James Mullan, Hocage Corporation Incorporated, 987 Haddon Avenue, Collingwood, NJ 08108 has submitted a Risk Assessment and Remedial Investigation concerning remediation of site groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

Blair Marketing/Former Katie Waters Residence, Allegheny Township, **Blair County**. Groundwater & Environmental Services, Inc., 6 Sheraton Drive, Suite 2, Altoona, PA 16601, on behalf of Blair Marketing, R. D. 2, Box 582, Altoona, PA 16601, submitted a Final Report concerning remediation of site soils and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to the Statewide Health Standard.

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

Walker Fuel Oil Spill Site, Fairfield Township, **Crawford County**. Moody & Associated, Inc., 11548 Cotton Road, Meadville, PA 16335, on behalf of Fortunata Walker, 704 Sara Lane, Verona, PA 15147 has submitted a Final Report concerning remediation of site soils contaminated with benzene, isopropylbenzene (cumene), ethylbenzene, fluorene, naphthalene, phenanthrene and toluene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

For further information concerning the plans and reports, contact the Environmental Cleanup Program 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.

Pennsburg Auto Parts, Borough of Pennsburg, **Montgomery County**. Richard Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of

MA Trexler, Pennsburg Auto Parts, 752 Main Street, Pennsburg, PA 18073, Joshua Misnick, 760 Main Street, Pennsburg, PA 18073, Liz Hotz, Fast Tags and Keystone Tax Services, 772 and 774 Main Street, Pennsburg, PA 18073, Barry Rodenberger, 778 Main Street, Pennsburg, PA 18073, Penney Ganley, Quaker City Motor Parts, P. O. Box 5000, Middletown, DE 19709 has submitted a Final Report concerning the remediation of site soil and groundwater 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 August 8, 2008.

Air Shields Property, Warminster Township, **Bucks County**. Samuel Kucia, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of Gregory Rogerson, JERC Partners VIII, LP, 171 Route 173, Suite 201, Asbury, NJ 08802 has submitted a Final Report concerning the remediation of site groundwater contaminated with other organics. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on August 21, 2008.

Laurel Pipeline Booth Station, Bethel Township, **Delaware County**. Paul Miller, Environmental Alliance Inc., 1812 Newport Gap Pike, Wilmington, DE 19808 on behalf of Danielle Trittenbach, Buckeye Partners, LP, 5 TEK Park, 9999 Hamilton Boulevard, Breinigsville, PA 18031 has submitted a Final Report concerning the remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on August 26, 2008.

Kardon Park, Downingtown Borough and East Clam Township, **Chester County**. Paul Stratman, P. E., P. G., Advance GeoService Cooperation, 1055 Andrew Drive, Suite A, West Chester, PA 19380 on behalf of Steve Sullins, Borough of Downingtown, 6 West Lancaster Avenue, Downingtown, PA 19335 has submitted a Remedial Investigation, Risk Assessment and Cleanup Plan concerning the remediation of site groundwater and soil contaminated with inorganics. The Remedial Investigation, Risk Assessment and Cleanup Plan were approved by the Department of Environmental Protection on August 6, 2008.

John R. Young & Company, Inc., Upper Salford Township, **Montgomery County**. Christopher Candela, ATC Associates, Inc., 920 Germantown Pike, Plymouth Meeting, PA 19462 on behalf of John Young, John R. Young & Company, 751 Lumber Street, Green Lane, PA 18054 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with PAH's and lead gasoline. The Final Report did not demonstrate attainment of the Site-Specific Standard and Statewide Health Standard and was placed on hold by the Department of Environmental Protection on August 19, 2008.

USPS Philadelphia VMF Body Shop, City of Philadelphia, **Philadelphia County**. Glenn Randall, URS Corporation, 335 Commerce Drive, Fort Washington, PA 19034 on behalf of Cheryl Drach, United States Postal Service, 22 West Maple Avenue, 2nd Floor, Merchantville, NJ 08109 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Final Report did not demonstrate attainment of the Statewide Health Standard and Site-Specific Standard and was placed on hold by the Department of Environmental Protection on August 19, 2008.

Imperial Plaza Shopping Center, City of Philadelphia, **Philadelphia County**. John Fowler, GZA GeoEnvironmental, Inc., 501 Office Center Drive, Suite 220, Fort Washington, PA 19034 on behalf of John Liang, Imperial/Aramingo, LLP, Closter, NJ 07624 has submitted a Final Report concerning the remediation of site groundwater contaminated with diesel fuel. The Final Report did not demonstrate attainment of the Site-Specific Standard and was placed on hold by the Department of Environmental Protection on August 26, 2008.

Atoll Property, Royersford Borough, **Montgomery County**. Craig Herr, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Joseph Price, the Riverwalk at Royersford, LP, 721 Dresher Road, Horsham, PA 19044 has submitted a Final Report concerning the remediation of site groundwater contaminated with chlorinated solvents and other organics. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on September 2, 2008.

Metropolx Center, Plymouth Township, **Montgomery County**. Bill Schmidt, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104 on behalf of Anthony Ziccardi, Brandywine Realty Trust, 55 East Lancaster, Radnor, PA 19087 has submitted a Final Report concerning the remediation of site soil contaminated with asbestos. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on September 2, 2008.

Mancill Mill Road Company, Upper Merion Township, **Montgomery County**. Walter Hungarter, III, RT Environmental Services, Inc., 15 West Church Road, King of Prussia, PA 19406 on behalf of Annunzio Calvarese, Mancill Mill Road Company, 50 Brandon Road, Jeffersonville, PA 19403 has submitted a Cleanup Plan concerning the remediation of site soil contaminated with asbestos. The Cleanup Plan was approved by the Department of Environmental Protection on August 28, 2008.

Heintz Corporation Property Parcel B, City of Philadelphia, **Philadelphia County**. Steve Coe, Brown Environmental Services Company, 301 South State Street, Suite S201, Newtown, PA 18940 has submitted a Final Report concerning the remediation of site groundwater contaminated with lead. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on June 18, 2008.

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

McCulligan Residence (319 Norton Avenue), Scranton City, **Lackawanna County**. Jeffrey Wynn, Patriot Environmental Management, LLC, P. O. Box 629, Douglassville, PA 19518 submitted a Final Report (on behalf of his client, Gene McColligan, 319 Norton Avenue, Scranton, PA 18504), concerning the remediation of site soils found to have been impacted by No. 2 fuel oil as a result of an overfill during a home heating oil delivery. The report demonstrated attainment of the Statewide Health Standard and was approved on August 29, 2008. The report was originally submitted within 90 days of the release.

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

Strube, Inc., Marietta Borough, **Lancaster County**. Gemchem, Inc., 53 North Cedar Street, Lititz, PA 17543, on behalf of Strube, Inc., 629 West Market Street, Marietta, PA 17547, submitted a Final Report concerning remediation of site soils contaminated with mineral oil from two buried drums. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on September 8, 2008.

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

Former EMI/Gunite Site, City of Erie, **Erie County**. MACTEC Engineering & Consulting, Inc., Carnegie Office Park, Building 4, 700 North Bell Avenue, Suite 200, Pittsburgh, PA 15106 on behalf of Cathedral Preparatory School, 225 West 9th Street, Erie, PA 16501 has submitted a Remedial Investigation/Risk Assessment/Final Report concerning remediation of site soil contaminated with arsenic, benzo[a]pyrene, dibenzo[a,h]anthracene, dibenzofuran and site groundwater contaminated with aluminum, arsenic, iron, lead manganese and thallium. The Report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on September 2, 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

Siemens Water Technologies Transport, 1657 Commerce Drive, Suite 10B, South Bend, IN 46628. License No. PA-AH 0722. Effective June 27, 2008.

Maumee Express, Inc., 297 Zimmerman Lane, Langhorne, PA 19047. License No. PA-AH 0420. Effective July 1, 2008.

Allstate Power Vac, Inc., 928 East Hazelwood Avenue, Rahway, NJ 07065. License No. PA-AH 0339. Effective July 9, 2008.

Aqua-Tex Transport, Inc., P. O. Box 1204, Hammononton, NJ 08037. License No. PA-AH S179. Effective July 16, 2008.

Consolidated Transportation, Inc., 23 Perrine Street, P. O. Box 768, Auburn, NY 13021. License No. PA-AH 0059. Effective July 23, 2008.

Ken's Marine Service, Inc., P. O. Box 4001, Bayonne, NJ 07002. License No. PA-AH S154. Effective July 25, 2008.

American Environmental Services, Inc., 2100 Georgetown Drive, Suite 303, Sewickley, PA 15143. License No. PA-AH 0671. Effective July 28, 2008.

Transport TFI, S.E.C., 1950 3rd Street, ST-Romuald, PQ G6W 5M6. License No. PA-AH 720. Effective July 30, 2008.

Enpro Services, Inc., 12 Mulliken Way, Newburyport, MA 01950. License No. PA-AH 0696. Effective August 5, 2008.

Suttles Truck Leasing, Inc., P. O. Box 129, Demopolis, AL 36723. License No. PA-AH 0332. Effective August 12, 2008.

Hydrochem Industrial Services, Inc., 900 Georgia Avenue, Deer Park, TX 77536. License No. PA-AH 0694. Effective August 19, 2008.

US Environmental, Inc., 409 Boot Road, Downingtown, PA 19335. License No. PA-AH0675. Effective August 21, 2008.

Harold Marcus Limited, 15124 Longwoods Road, Bothwell, ON N0P 1C0. License No. PA-AH 0207. Effective August 22, 2008.

Ameritech Environmental Services, Inc., P. O. Box 539, Eliot, ME 03903. License No. PA-AH 0677. Effective August 25, 2008.

Donnie Lester, Bed Rock, Inc., d/b/a TSMTCO, P. O. Box 113, Joplin, MO 64802. License No. PA-AH 0697. Effective August 29, 2008.

Vickery Transportation, Inc., 18375 East, 345 South, Grammer, IN 47236. License No. PA-AH 0698. Effective August 27, 2008.

Eldredge, Inc., 898 Fern Hill Road, West Chester, PA 19380. License No. PA-AH 0056. Effective September 4, 2008.

Hazardous Waste Transporter License Issued

Environmental Products & Services, P. O. Box 315, Syracuse, NY 13209. License No. PA-AH 0748. Effective July 18, 2008.

U.S. Industrial Technologies, Inc., 13075 Newburgh Road, Livonia, MI 48150. License No. PA-AH 0747. Effective July 21, 2008.

Altom Transport, Inc., 4242 South Knox Avenue, Chicago, IL 60632. License No. PA-AH 0693. Effective August 4, 2008.

Inland Waters Pollution Control Services, 2021 South Schaefer Highway, Detroit, MI 48217. License No. PA-AH 0746. Effective August 13, 2008.

The Tauro Brothers Trucking, Company, 1775 North State Street, Girard, OH 44420. License No. PA-AH 0750. Effective August 19, 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

NuWay Industrial Services, Inc., 1741 Calks Ferry Road, Lexington, SC 29073. License No. PA-AH 0666. Effective January 31, 2008.

Hazardous Waste Transporter License Voluntarily Terminated

Vexor Technology, Inc., 955 West Smith Road, Medina, OH 44256. License No. PA-AH 0685. Effective June 19, 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

Med-Flex, Inc., P. O. Box 357, Hainesport, NJ 08036. License No. PA-HC 0207. Effective June 30, 2008.

Med Trace, Inc., 927 Red Toad Road, North East, MD 21901. License No. PA-HC 0220. Effective June 30, 2008.

Veolia ES Technical Solutions, LLC, 1 Eden Lane, Flanders, NJ 07836. License No. PA-HC 0221. Effective July 11, 2008.

Katibug Transport, LLC, 3421 Chapel Hill Court, Export, PA 15632. License No. PA-HC 0231. Effective August 29, 2008.

Cole Care, Inc., 1001 East Second Street, Coudersport, PA 16915. License No. PA-HC 0178. Effective September 3, 2008.

Infectious and Chemotherapeutic Waste Transporter License, actions taken 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 Voluntarily Terminated

Blood-Line Medical Waste Recovery Systems, Inc., 24 Grove Street, South Hackensack, NJ 07606. License No. PA-HC 0229. Effective July 21, 2008.

REGISTRATION FOR RESIDUAL WASTE GENERAL PERMITS

Registration for General 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 Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

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

General Permit Number WMGR097R008. Brookside Dairy, 2677 Old Route 56, Homer City, PA 15748.

General Permit Number WMGR097R008 authorizes the R&D activities associated with the processing and beneficial use of grease trap waste to be combined with manure and anaerobically digested. The methane gas produced will be used to generate electricity and the digested mixture will be used for land application. The Department of Environmental Protection (Department) issued the registration on September 2, 2008.

Persons interested in reviewing the general permit should contact Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users should contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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. 101494. Waste Management of Pennsylvania, Inc., 1000 New Ford Mill Road, Morrisville, PA 19067, Falls Township and Tullytown Borough, **Bucks County**. This permit modification is for the 34 acres of landfill expansion area known as the Eastern Expansion Area at the existing Tullytown Resource Recovery Facility Landfill. The permit was issued by the Southeast Regional Office on September 8, 2008.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); and Residual Waste Regulations for a General Permit To Operate Residual Waste Processing Facilities (25 Pa. Code § 287.611 relating to authorization for general permit).

Southcentral Regional Office: Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

General Permit No. WMGR028-SC02A and WMGR028-SC02B. Highway Materials, Inc., 1750 Walton Road, Blue Bell, PA 19422-0465. On September 12, 2008, the Department of Environmental Protection (Department) issued two Determinations of Applicability under General Permit WMGR028 to Highway Materials for the use of baghouse fines and scrubber pond precipitates for use as an aggregate in roadway construction, a soil additive, a soil conditioner or a component or ingredient in the manufacturing of construction products. These Determinations of Applicability are for two of their plants; WMGR028-SC02A is located at their Lititz Asphalt Plant, 859 Woodcrest Avenue, Lititz, PA, **Lancaster County**, Warwick Township and WMGR028-SC02B is located at their Wrightsville Asphalt Plant, 740 South Front Street, Wrightsville, PA, York County, Hellam Township.

Persons interested in reviewing the general permit should contact John Oren, Facilities Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users should contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

AIR QUALITY

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

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

GP3-23-0018: Haines & Kibblehouse, Inc. (2052 Lucon Road, Skippack, PA 19474) on September 4, 2008, to operate a portable crushing plant in Springfield Township, **Delaware County**.

GP9-23-0007: Haines & Kibblehouse, Inc. (2052 Lucon Road, Skippack, PA 19474) on September 4, 2008, to operate a diesel/No. 2 fuel fired internal combustion engines in Springfield Township, **Delaware County**.

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

39-310-041GP3: Haines & Kibblehouse (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on August 26, 2008, to construct and operate a Portable Crushing Operation with watersprays at their site at the Sands Bethworks Gaming Site in Bethlehem, **Lehigh County**.

39-329-013GP9: Haines & Kibblehouse (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on August 26, 2008, to install and operate a Diesel I/C engine at the Sands Bethworks Gaming Site in Bethlehem, **Lehigh County**.

35-329-004GP9: Bank of America (1 Fleet Way, Scranton, PA 18507) on August 26, 2008, to install and operate a Diesel I/C engine at their site in Moosic Borough, **Lackawanna County**.

48-310-077GP3: Delaware Quarries, Inc. (P. O. Box 778, 6603 Route 202, New Hope, PA 18938) on August 27, 2008, to construct and operate a Portable Crushing Operation with watersprays at their site in Lower Mt. Bethel Township, **Northampton County**.

40-310-078GP3: Mericle Construction, Inc. (East Mountain Corporate Center, 100 Baltimore Drive, Wilkes-Barre, PA 18702) on September 8, 2008, to construct and operate a Portable Crushing Operation with watersprays at the site in Plains Township, **Luzerne County**.

40-320-029GP7: Kappa Graphics, LP (50 Rock Street, Hughestown, PA 18640) on September 8, 2008, to construct and operate a sheet-fed offset lithographic press at the site in Hughestown Borough, **Luzerne County**.

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

GP1-22-03081: Upper Dauphin School District (5668 SR 209, Lykens, PA 17048) on September 3, 2008, for Small Gas and No. 2 Oil Fired Combustion Units under GP1 in Elizabethtown Borough, **Dauphin County**.

GP3-38-03048A: Haines & Kibblehouse, Inc. (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474) on August 29, 2008, for Portable Nonmetallic Mineral Processing Plants under GP3 in Cornwall Borough, **Lebanon County**.

GP14-06-03022A: Perkiomen Animal Hospital (919 Gravel Pike, Palm, PA 18070) on September 4, 2008, for Human or Animal Crematories under GP14 in Hereford Township, **Berks County**.

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

GP-61-011A: Merisol Antioxidants, LLC (292 SR 8, Oil City, PA 16301) on September 8, 2008, to operate a natural gas fired boiler (BAQ-GPA/GP-1) in Cornplanter Township, **Venango 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.

09-0015G: Rohm and Haas Co. (Route 413 and State Road, Bristol, PA 19007) on September 5, 2008, to install a Natural Gas Injection System on a regenerative thermal oxidizer in Bristol Township, **Bucks County**. The oxidizer controls emissions from No. 10 kettle acryloid coatings batch production process, building 30 spot vents, No. 7 kettle acryloid coatings batch production process and volatile organic liquid storage tanks in polymers area. This is a Title V facility. The installation will reduce the use of natural gas. This installation will result in increased emissions of NOx and CO. The company will continue to monitor and continuously record the inlet, combustion chamber and outlet temperature of the thermal oxidizer.

09-0024F: Waste Management Disposal Services of Pennsylvania, Inc.—Tullytown Landfill (1121 Bordertown Road, Morrisville, PA 19067) on September 8, 2008, for installation of Eastern Expansion of 7,400,000 cubic yards at their Tullytown Facility in Tullytown Borough, **Bucks County**. The design includes a modification of a gas collection and control system by adding collection wells, extending gas pipeline system, using the existing back-up flares and installing a new back-up flare. The permit shall comply with 40 CFR Part 60, Subpart WWW. The permit is for a Title V facility. The permit will include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

36-03175A: US Boiler Co., Inc. (P. O. Box 3079, 2930 Old Tree Drive, Lancaster, PA 17604-3079) on September 2, 2008, to construct two dip coating tanks at their heating equipment manufacturing facility in East Hempfield Township, **Lancaster County**.

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

17-00060A: Penfield Collieries, LLC (301 Market Street, Kittanning, PA 16201) on August 26, 2008, for modification of a coal preparation plant and associated coal stockpiling and railcar/truck loading operations by stockpiling a portion of the incoming coal by dumping it directly onto the ground or stockpile from trucks rather than stockpiling all incoming coal with a stacking tube in Huston Township, **Clearfield County**.

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

10-355A: Glacial Sand and Gravel Co. (P. O. Box 1022, One Glade Park East, Kittanning, PA 16201) on August 27, 2008, to construct a Sand and Gravel Plant in Worth Township, **Butler County**. This is a State-only facility.

20-040E: Advanced Cast Products, Inc. (18700 Mill Street, Meadville, PA 16335) on August 29, 2008, to install a casting line and associated baghouse at their facility in **Crawford County**. This is a Title V facility.

24-131M: SGL Carbon, LLC (900 Theresia Street, St. Marys, PA 15857) on August 29, 2008, to construct a new CVD Reactor (Reactor 8) and associated scrubber system in the City of St. Marys, **Elk County**. This is a Title V facility.

25-179B: Erie Sewer Authority (68 Port Access Road, Erie, PA 16507-2202) on August 29, 2008, to modify the pressure drop range across the two scrubbers that control the incinerators in Erie City, **Erie County**. This is a Title V facility.

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

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

47-00001B: PPL Montour, LLC (Two North Ninth Street, Allentown, PA 18101) on September 4, 2008, to extend the authorization to operate two bituminous coal-fired electric utility boilers (Units 1 and 2), upon which flue gas desulfurization systems were installed, as well as two diesel fuel-fired engines on a temporary basis to March 3, 2009, at the Montour Steam Electric Station in Derry Township, **Montour County**.

08-00002C: E. I. duPont de Nemours & Company, Inc. (Patterson Boulevard, Towanda, PA 18848) on September 5, 2008, to extend the authorization to operate a thermal color filters coater (No. 11 Coater) and associated air cleaning device (a regenerative thermal oxidizer) on a temporary basis to March 4, 2009, in North Towanda Township, **Bradford 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.

PA-65-00101B: MAX Environmental Technologies, Inc. (233 Max Lane, Yukon, PA 15698-1003) on September 5, 2008, received a 6 month extension of their plan approval to complete construction of the building and install the permitted air pollution control devices at their Yukon Plant in South Huntingdon Township, **Westmoreland County**.

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

16-132B: Clarion Boards, Inc. (1 Fiberboard Avenue, Shippensville, PA 16245) on September 30, 2008, to modify the fiberboard plant in Paint Township, **Clarion County**.

16-132C: Clarion Boards, Inc. (143 Fiberboard Road, Shippensville, PA 16254) on September 30, 2008, to install dryers, venturi and cyclonic separator in Paint Township, **Clarion County**.

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

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

21-05031: Community Refuse Service, Inc.—Cumberland County Landfill (135 Vaughn Road, Shippensburg, PA 17257-9727) on August 27, 2008, to operate a refuse disposal facility in Hopewell and North Newton Townships, **Cumberland County**. This is a renewal of the Title V operating permit.

36-05146: PPL Renewable Energy, LLC (2 North 9th Street, GENPL8, Allentown, PA 18101-1139) on September 2, 2008, to operate two landfill gas-fired engines at the Frey Farm-Creswell Landfill in Manor Township, **Lancaster County**. This Title V operating permit was administratively amended due to a name change. This is Revision No. 1.

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

16-00021: OEM Enterprises, Inc. (2465 Penn Street, Fairmount City, PA 16224-1335) on September 5, 2008, to reissue a Title V Operating Permit to operate a wood furniture manufacturing and coating facility in Redbank Township, **Clarion County**. The primary emission sources include three boilers, five paint booths, miscellaneous wood working equipment and flash off ovens.

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

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

40-00012: State Correctional Institution at Retreat (660 SR 11, Hunlocks Creek, PA 18621) on August 30, 2008, to re-issue a State-only (Synthetic Minor) Operating Permit for operation of boilers at their facility in Newport Township, **Luzerne County**.

40-00112: Four Daughters, LLC (1 Korn Street, Kingston, PA 18704) on September 8, 2008, to operate of spray booths and associated air-cleaning devices in Kingston Borough, **Luzerne County**. This is a State-only Synthetic Minor operating permit.

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

21-03046: Safety Kleen Systems, Inc. (5400 Legacy Drive, Building 3, Plano, TX 75024-3105) on September 2, 2008, to operate their service center for recycling washer fluids parts in Silver Spring Township, **Cumberland County**. This is a renewal of the State-only operating permit.

38-03039: Martin's Wood Products (650 Houtztown Road, Myerstown, PA 17067-2196) on September 8, 2008, to operate a wood furniture finishing system in Jackson Township, **Lebanon County**. This is a renewal of the State-only operating permit.

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

OP-04-00065: WHEMCO—Steel Castings, Inc. (1 12th Street, Midland, PA 15059-1645) on August 29, 2008, received a synthetic minor permit for the operation of a steel foundry, consisting of an electric arc furnace, two coreless induction furnaces, heat-treating activities, shot blasting operations and scrap burning operations at Midland Borough, **Beaver County**.

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

16-00122: Northwestern PA Crematory (330 Wood Street, Clarion, PA 16214-1341) on September 3, 2008, to issue a Natural Minor Operating Permit to operate a human cremator in Clarion Borough, **Clarion County**. The facility's primary emission source a cremator.

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.

09-00102: Clean Earth of Southeast PA, Inc. (7 East Steel Road, Morrisville, PA 19067) on September 5, 2008, is a non-Title V facility located in Falls Township, **Bucks County**. The Synthetic Minor Operating Permit No. 09-00102 has been amended to incorporate conditions from Plan Approval No. 09-0102B, which modifies the facility's soil remediation process. Modifications include: (1) changes to the operating requirements of the PTU and the afterburner; and (2) and increase in emissions of CO, PM and benzene. The Synthetic Minor Operating Permit contains monitoring, recordkeeping and operating conditions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

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

32031301 and NPDES Permit No. PA0235580, Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201), to transfer the permit for the Lowry Deep Mine in White Township, **Indiana County** and related NPDES permit from Britt Energies, Inc. No additional discharges. Application received February 5, 2008. Permit issued September 2, 2008.

26970702 and NPDES Permit No. PA0215112, Matt Canestrone Contracting, Inc., (P. O. Box 234, Belle Vernon, PA 15012-0234), to revise the permit for the LaBelle Site in Luzerne Township, **Fayette County** and related NPDES permit to add an NPDES discharge point for Slurry Pond No. 3. Receiving Stream: Meadow Run, classified for the following use: WWF. Application received January 24, 2008. Permit issued September 4, 2008.

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

56813005 and NPDES No. PA0605697. Action Mining, Inc., 1117 Shaw Mines Road, Meyersdale, PA 15552, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Southampton Township, **Somerset County**, affecting 121.9 acres. Receiving streams: UNT to North Branch of Jennings Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received June 26, 2008. Permit issued September 2, 2008.

32030106 and NPDES No. PA8249475. Thomas J. Smith, Inc., 2340 Smith Road, Shelocta, PA 15774, permit renewal of reclamation only of a bituminous surface and auger mine in Young Township, **Indiana County**, affecting 9.3 acres. Receiving streams: UNT to Blacklegs Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 9, 2008. Permit issued September 2, 2008.

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

03803044 and NPDES Permit No. PA0126375. State Industries, Inc. (P. O. Box 1022, Kittanning, PA 16201). Transfer of permit formerly issued to C. H. Snyder Company for continued operation and reclamation of a bituminous surface/auger mining site located in East Franklin Township, **Armstrong County**, affecting 97.9 acres. Receiving streams: UNT to Limestone Run. Application received May 9, 2008. Transfer permit issued September 2, 2008.

03050103 and NPDES Permit No. PA0250961. Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767). Transfer of permit formerly issued to Mountain Coal Co., Inc., for continued operation and reclamation of a bituminous surface/auger mining site located in Madison Township, **Armstrong County**, affecting 140.8 acres. Receiving streams: UNT to Allegheny River and Allegheny River. Application received June 9, 2008. Transfer permit issued September 3, 2008.

03050105 and NPDES Permit No. PA0250821. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Permit revised to add 6.0 acres of Middle Kittanning coal mining at an existing bituminous surface mining site located in Madison Township, **Armstrong County**, now affecting 294.9 acres. Receiving streams: UNTs to Mahoning Creek and Mahoning Creek. Application received April 29, 2008. Revised permit issued September 3, 2008.

03050105 and NPDES Permit No. PA0250821. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Permit revised to add 8.0 acres of Upper Freeport coal mining by adding 10.5 acres of previously affected area and to allow mining within 125 feet of the WGM Gas Company Truitt No. 1 gas well, at an existing bituminous surface mining site located in Madison Township, **Armstrong County**, now affecting 305.4 acres. Receiving streams: UNTs to Mahoning Creek and Mahoning Creek. Application received June 6, 2008. Revised permit issued September 4, 2008.

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

17930117 and NPDES No. PA0219584. RES Coal, LLC (224 Grange Hall Road, Armagh, PA 15920). Transfer of an existing bituminous surface mine from Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849), located in Goshen Township, **Clearfield County**, affecting 329.8 acres. Receiving stream: Surveyor Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 20, 2008. Permit issued August 27, 2008.

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

19950101C10. Blaschak Coal Corp., (P. O. Box 12, Mahanoy City, PA 17948), incidental boundary correction to an existing anthracite surface mine operation in Conyngham Township and Centralia Borough, **Columbia County** affecting 846.0 acres, receiving stream: none. Application received January 29, 2008. Correction issued September 2, 2008.

54-305-011GP12. Summit Anthracite, Inc., (196 Vista Road, Klingerstown, PA 17941), general operating permit to operate a coal preparation plant on Surface Mining Permit No. 54851336 in Porter Township, **Schuylkill County**. Application received August 13, 2008. Permit issued September 8, 2008.

Noncoal Applications Returned

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

34070801. Long's Excavation, Inc., R. R. 2, Box 503, Port Royal, PA 17082, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Milford Township, **Juniata County**, affecting 5.0 acres, receiving streams: UNT to Licking Creek. Permit received February 14, 2007. Permit returned September 2, 2008.

21070803. Richard W. Wahl, 22 Richs Drive, Shippenburg, PA 17257, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Hopewell Township, **Cumberland County**, affecting 3.0 acres. Receiving streams: Conodoquinet Creek. Application received November 9, 2007. Permit returned September 4, 2008.

Noncoal Permits Actions

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

37940302 and NPDES Permit No. PA0212041. Three Rivers Aggregates (P. O. Box 6090, Falmouth, VA 22403). Revision to an existing sand and gravel operation to add 3.5 acres to the permit in Scott and Plain Grove Townships, **Lawrence County** affecting 137.5 acres. Receiving streams: UNT to Slippery Rock Creek and UNT to Taylor Run. Application received April 2, 2008. Permit Issued September 3, 2008.

17802-37940302-E-2. Three Rivers Aggregates (P. O. Box 6090, Falmouth, VA 22403). Application for a stream encroachment to conduct mining activities within 100 feet of UNT No. 1 to Slippery Rock Creek. Receiving streams: UNT to Slippery Rock Creek and UNT to Taylor Run. Application received April 2, 2008. Permit Issued September 3, 2008.

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

59050301 and NPDES No. PA0256170. Glenn O. Hawbaker, Inc. (711 East College Avenue, Pleasant Gap, PA 16823), transfer of an existing noncoal sand and gravel mine from Fred J. Robbins (R. R. 2, Box 25A, Tioga, PA 16946), located in Lawrence Township, **Tioga County**, affecting 31.08 acres. Receiving streams: Mutton Lane Creek to Tioga River, classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received July 27, 2007. Permit issued August 8, 2008.

Final Bond Release

08010816. Konstantinos Economou (1321 Deer Run Road, Hatfield, PA 19440), noncoal mining operation in Stevens Township, **Bradford County**. Restoration of 1.0 acre completed. Receiving stream: Cold Creek, tributary to Wyalusing Creek. Application received August 14, 2008. Final bond release August 26, 2008.

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

58070836. William A. Smith, (R. R. 5, Box 34, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Jessup Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received June 20, 2007. Permit issued September 3, 2008.

58080840. Charles P. Church, (41 Montrose Street, New Milford, PA 18834), commencement, operation and restoration of a quarry operation in Brooklyn Township, **Susquehanna County** affecting 1.0 acre, receiving stream: none. Application received June 24, 2008. Permit issued September 3, 2008.

36080302. Martin Limestone, Inc., (P. O. Box 550, Blue Ball, PA 17506), commencement, operation and restoration of a quarry operation in Ephrata Township, **Lancaster County** affecting 35.0 acres, receiving stream: none. Application received February 28, 2008. Permit issued September 4, 2008.

39880301A1C8 and NPDES Permit No. PA0594199. Eastern Industries, Inc., (4401 Camp Meeting Road, Center Valley, PA 18034), renewal of NPDES Permit for discharge of treated mine drainage in North Whitehall Township, **Lehigh County**, receiving stream: Copley Creek. Application received July 22, 2008. Renewal issued September 4, 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.

01084113. M & J Explosives, Inc., P. O. Box 608, Carlisle, PA 17013-0608, blasting activity permit issued for residential development in Cumberland Township, **Adams County**. Blasting activity permit end date is August 31, 2009. Permit issued August 25, 2008.

28084122. David H. Martin Excavating, Inc., 4961 Cumberland Highway, Chambersburg, PA 17201-9655, blasting activity permit issued for gas station development in Chambersburg Borough, **Franklin County**. Blasting activity permit end date is August 22, 2009. Permit issued August 25, 2008.

28084123. David H. Martin Excavating, Inc., 4961 Cumberland Highway, Chambersburg, PA 17201-9655, blasting activity permit issued for residential development in Antrim Township, **Franklin County**. Blasting activity permit end date is August 22, 2009. Permit issued August 26, 2008.

01084114. David H. Martin Excavating, Inc., 4961 Cumberland Highway, Chambersburg, PA 17201-9655, blasting activity permit issued for sewage treatment plant development in Franklin Township, **Adams County**. Blasting activity permit end date is August 22, 2009. Permit issued August 26, 2008.

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

35084119. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for the Keystone Landfill in Dunmore Borough, **Lackawanna County** with an expiration date of August 30, 2009. Permit issued August 2, 2008.

39084118. Austin Powder Company, (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Weis Market Lehigh Hills Upper Macungie Township,

Lehigh County with an expiration date of August 27, 2009. Permit issued August 2, 2008.

36084002. Explosives Experts, Inc., (P. O. Box 879, Sparks, MD 21152), construction blasting for Lowes of East Lancaster in the City of Lancaster, **Lancaster County** with an expiration date of December 31, 2008. Permit issued August 3, 2008.

13084104. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Turkey Hill Trail in Kidder Township, **Carbon County** with an expiration date of August 29, 2009. Permit issued September 5, 2008.

45084145. Dyno-Nobel, Inc., (567 Main Street, Tremont, PA 17981), construction blasting for Sciota Properties, LLC in Hamilton Township, **Monroe County** with an expiration date of August 31, 2009. Permit issued September 5, 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

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

E67-847: Department of Transportation Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699, Dover and Washington Townships, **York County**, United States Army Corps of Engineers, 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° 57' 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.

E67-848: Department of Transportation Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699, Dover and Washington Townships, **York County**, United States Army Corps of Engineers, 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.

E22-537: Susquehanna Township Authority, Attn: Pamela Winters, 1900 Linglestown Road, Harrisburg, PA 17110, 2nd Street Pump Station Additions and Alterations, Susquehanna Township, **Dauphin County**, United States Army Corps of Engineers, Baltimore District.

To replace and maintain an existing dry well pump station with a wet well pump station. The upgrade consists of installing an 8.0-foot diameter concrete section to extend the wet well 3.0 feet above existing grade and to construct a 16.0-foot by 24.0-foot concrete pad elevated 3.0 feet above existing grade for the placement of an emergency generator, electrical controls and pump station valve chamber in the floodplain of the Susquehanna River (WWF). The project is located on 2nd Street (Harrisburg West, PA Quadrangle N: 13.7 inches; W: 3.3 inches, Latitude 40° 19' 31"; Longitude: 76° 53' 53") in Susquehanna Township, Dauphin County. The upgrade will replace outdated and failing equipment.

E67-837: Louis Appell Jr., 140 East Market Street, York, PA 17401, York Township, **York County**, United States Army Corps of Engineers, Baltimore District.

To restore and maintain approximately 1,600.0 linear feet of a UNT to Tyler Run (WWF) (York, PA Quadrangle N: 9.74 inches; W: 11.18 inches, Latitude: 39° 55' 43.00"; Longitude: 76° 42' 17.13") through the construction and/or installation of: 1) 0.22 acre of wetland creation; 2) 22 rock cross vanes; 3) 15 J-hook vanes; 4) 360.0 linear feet of rock toe protection; and 5) 550.0 linear feet of new/relocated stream channel for the purpose of restoring the channel reach to stabilize the channel and improve aquatic habitat. The project is located between Powder Mill Road and Business Interstate in York Township, York County.

E67-826: Jerry Watson, Barnhart Drive Associates, LP, 30 Marianne Drive, York, PA 17406, East Manchester Township, **York County**, United States Army Corps of Engineers, Baltimore District.

To fill 0.26 acre of palustrine emergent wetlands associated to a UNT to Codorus Creek (WWF) at a point just east of Route 181 and south of Manchester Borough (York Haven, PA Quadrangle N: 7.0 inches; W: 14.0 inches, Latitude: 40° 2' 19"; Longitude: 76° 43' 30") in East Manchester Township, York County. The Applicant proposes 0.52 acre of wetland mitigation.

E67-852: Wrightsville Borough, 129 South Second Street, P. O. Box 187, Wrightsville, PA 17368, Wrightsville Borough Wastewater Treatment Plant, **York County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain 1,400.0 cubic yards of fill over a 0.675-acre area to depths of 0-2 inches to match existing grade and provide a level lot for recreational use in the 100-year floodway of the Susquehanna River (WWF) (Columbia West, PA Quadrangle North: 3.6 inches; West: 3.1 inches, Latitude: 40° 1' 17"; Longitude: 76° 31' 26") in Wrightsville Borough, York County.

E22-479: Lower Paxton Township Authority, 75 South Houcks Road, Harrisburg, PA 17109, Lower Paxton, West Hanover and South Hanover Townships, **Dauphin County**, United States Army Corps of Engineers, Baltimore District.

To rescind E22-479, previously authorized on March 19, 2008, and to reissue, under the same permit number, E22-479, the following: To (1) place fill in the floodway of Beaver Creek (WWF), permanently impacting 0.034 acre of wetlands (Hershey, PA Quadrangle N: 4.14"; W: 17.05", Latitude: 40° 16' 22" N; Longitude: 76° 44' 50" W) for construction of a Wet Weather Treatment Plant; and (2) authorize 1,600 feet of stream impacts, 0.007 acre of permanent wetland impacts and 6.12 acres of temporary wetland impacts from 33 stream crossings and 22 wetland crossings of sewer, water and temporary roads, all within the floodway, floodplain or across UNTs to Nyes Run (WWF), Nyes Run (WWF), UNTs to Beaver Creek (WWF) and Beaver Creek (WWF) (Harrisburg East, PA Quadrangle N: 15.37"; W: 3.05", Latitude: 40° 20' 4.75" N; Longitude: 76° 46' 18.9" W to Hershey, PA Quadrangle N: 4.14"; W: 17.05", Latitude: 40° 16' 22" N; Longitude: 76° 44' 50" W) within Lower Paxton, South Hanover and West Hanover Townships, Dauphin County to upgrade and maintain an existing pumping station and install and maintain 30,940 feet of sewer piping. The project is necessary to meet the requirements of a second consent decree to address sewage overflows. Related approvals for the structures are pending and this permit does not authorize construction of the Wet Weather Treatment Plant or the upgrade of the pumping station and sewer piping.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.

E41-589. Matthew M. Meyer, 260 Willow Brook Road, Williamsport, PA 17701. Small Projects Water Obstruction and Encroachment Joint Permit, in Fairfield Township, **Lycoming County**, United States Army Corps of Engineers, Susquehanna River Basin District (Montoursville North, PA Quadrangle N: 41° 16' 40"; W: 76° 55' 03).

To construct and maintain a residential structure measuring 80 feet long by 40 feet wide, as well as an attached deck measuring 80 feet by 16 feet, within the floodway of Loyalsock Creek located along Lyon's Barr Road in Fairfield Township, Lycoming County. This project does not propose to impact any wetlands. This permit was issued under Section 105.13(e) "Small Projects."

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

E04-322. Dominion Transmission, Inc., 445 Main Street, Clarksburg, WV 26307. To construct concrete matting in the channel of several tributaries in North Sewickley Township, **Beaver County**, United States Army Corps of Engineers, Pittsburgh District (Beaver Falls, PA Quadrangle N: 11.0 inches; W: 2.5 inches, Latitude: 40° 48' 29"; Longitude: 80° 16' 45"). To construct and maintain concrete matting in the channel of several UNTs to Brush Run (WWF) for the purpose of protecting the exposed pipe lines LN 25 and LN 35 located along Collins and Harpers Ferry Roads. Collins Road Crossing 1 (LN 35) matting will be approximately 36.0 feet in length and is located approximately 4,000.0 feet southeast from the intersection of Collins Road and SR 65. Collins Road Crossing 2 (LN 25) matting will be approximately 25.0 feet in length and is located approximately 2,000.0 feet southeast from the intersection of Collins Road and SR 65. Harpers Ferry Road Crossing LN 25 and LN 35 matting will be approximately 57.0 feet in length and is located approximately 6,000.0 feet west from the intersection of Harpers Ferry Road and SR 65 and will impact approximately 124.0 linear feet of stream channel. Approval is granted to construct and maintain two temporary road crossings consisting of timber matting across UNTs to Brush Run to provide access to the exposed pipelines.

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

E27-081, Hickory Township, 95 Hardwood Drive, Kane, PA 16735. Bridge Over Otter Creek, Hickory Township, **Forest County**, United States Army Corps of Engineers, Pittsburgh District (Kellestville, PA Quadrangle N: 41° 36' 27.7"; W: 79° 20' 24.2").

To construct and maintain a steel beam bridge having a clear span of 50 feet, a width of 12 feet 8 inches and an underclearance of approximately 6 feet across Otter Creek (HQ-CWF) on a timber access road approximately 3 miles northeast of the intersection of US 62 and SH 666 at Endeavor.

ENVIRONMENTAL ASSESSMENT

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

EA1609-002. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Division of Mine Hazards, P. O. Box 8476, Harrisburg, PA 17105. Abandoned Mine Land Reclamation Project, in Summit Township, **Butler County**, United States Army Corps of Engineers, Pittsburgh District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 1,600 linear feet of dangerous highwall. The project will include the backfilling of three separate water bodies totaling 0.37 acre of open water that have developed within the surface mine site. Two of the water bodies, totaling 0.28 acre, are contaminated by abandoned mine drainage. The project will include the construction of 0.62 acre of PEM wetland (Saxonburg Quadrangle N: 17.5 inches; W: 15.5 inches).

WATER QUALITY CERTIFICATIONS

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19428.

Final Actions under Section 401 of the Federal Water Pollution Control Act

Certification Request Initiated By: Waste Management of Pennsylvania, Inc.
 1121 Bordentown Road
 Morrisville, PA 19067
 and
 Kinder Morgan Bulk Terminals, Inc.
 1 Sinter Road
 Fairless Hills, PA 19030

This project involves the discharge of supernatant from the Money Island confined disposal facility to the Delaware River. Maintenance dredging is proposed at the Waste Management, Inc. and Kinder Morgan Bulk Terminals, Inc. dock areas in Falls Township due to deposits and shoaling occurring since mid 2006. Approximately 20,000 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. The following effluent limits in mg/l based on a flow of 1.0 mgd apply:

<i>Parameter</i>	<i>Average Monthly Limit</i>	<i>Maximum Daily Limit</i>	<i>Instantaneous Maximum Limit</i>
Flow (mgd)	Monitor and Report	Monitor and Report	
Total Suspended Solids	3,000		4,500
pH	6 to 9 units at all times		
Aluminum	13.0	19.5	
Antimony, Total	0.24	0.36	
Cadmium, Total	0.037	0.056	
Copper, Total	0.153	0.230	
Chromium, Hexavalent	0.17	0.26	
Iron, Total	25.5	38.3	
Lead, Total	0.042	0.063	
Mercury, Total	0.00085	0.0013	
Zinc, Total	2.04	3.06	
PCBs, Total	Not Detectable Using EPA Method 608 (GC/ECD)		
PCBs—209 Congeners	Monitor/Report Using EPA Method 1668A		

Final Action on Request: Certification granted.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control (ESCP) Permits have been issued.

Any person aggrieved by these actions may appeal, under section 4 of the Environmental Hearing Board Act, (35 P. S. § 7514) and the Administrative Agency Law, (2 Pa.C.S. Chapter 5A) 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 to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If individuals want to challenge this action, their appeal must reach the Board within 30 days. Individuals do not need a lawyer to file an appeal with the Board.

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

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

4108801	Chief Oil & Gas, LLC 700 Fairfield Road Montoursville, PA 17754	Lycoming County	Mifflin Township	Mud Run HQ Larry's Creek First Fork HQ
4108802	Chief Oil & Gas, LLC 700 Fairfield Road Montoursville, PA 17754	Lycoming County	Mifflin Township	Mud Run HQ Larry's Creek First Fork HQ
4108803	Chief Gathering, LLC 700 Fairfield Road Montoursville, PA 17754	Lycoming County	Penn Township	Sugar Run CWF
4108804	Chief Gathering, LLC 700 Fairfield Road Montoursville, PA 17754	Lycoming County	Mifflin and Watson Townships	UNT to Tomb's Run HQ-CWF

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
08-09-008	Samax Enterprises, Inc. 1001 New Ford Mill Road Morrisville, PA 19067 Attn: Joseph Fleischman	Bucks	Falls Township	14 ASTs storing hazardous substances	143,494 gallons total

SPECIAL NOTICES

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

Department Approved NPDES No. PAG-2-2317-08-002

Berner Construction, Inc.
1101 Quarry Road
Gap, PA 17527

For earth disturbance during reclamation of an abandoned bituminous surface mine, removal of an existing 60-inch CMP and construction of new rock-lined channel in Huston Township, **Clearfield County**, affecting 10 acres. Receiving stream: Bark Camp Run, classified for the following use: CWF. Application received June 30, 2008. Application approved September 3, 2008.

BUREAU OF DEEP MINE SAFETY

APPROVAL OF REQUEST FOR VARIANCE

The Department of Environmental Protection (Department), Bureau of Deep Mine Safety (BMS) has approved Kimmel's Mining Inc.'s request for a variance from the requirements of section 1402 of the Pennsylvania Anthracite Coal Mine Act (act) at the Williamstown No. 1 Mine. This notification contains a summary of this request and the basis for the Department's approval. A complete copy of the variance request may be obtained from Cathy Dunn by calling (724) 430-4475 or from the BMS web site at www.depweb.state.pa.us/deepminesafety/site/default.asp.

Summary of the Request: Kimmel's Mining, Inc. requests a variance to use electrical face equipment at a potential greater than 650VAC but not exceeding 1,000 VAC nominal voltage at the Williamstown No. 1 Mine.

The basis for the Bureau's approval is a 334 Commission Report dated April 4, 1989, in which the same subject of using electrical face equipment at voltages higher than 650 VAC but not exceeding 1,000 volts nominal was studied and approved. The Commission report required that the trailing cables operating above 650 volts shall be constructed with a grounded metallic shielding surrounding each individual phase conductor.

Continued authorization for operation under the approval is contingent upon compliance with the measures described in your enclosed plan and the following conditions.

1. Shielded cables supplying power for face equipment operating at voltages greater than 650 volts and not exceeding 1,000 volts A.C. will not be considered as high voltage cables under any section of the Act. As required in bituminous mines, the following is understood: a) splices

and repairs of these trailing cables shall be performed by a person who has been trained and who demonstrated his ability to perform such work to the mine electrician; b) before any electrical work is performed on the machine, accessory equipment or trailing cable shall be de-energized, the trailing cable plug shall be disconnected, locked out and tagged at the input end of the trailing cable; and c) an effective method shall be provided to distinguish between cable splices and jacket repairs. This method shall allow a person to readily make this determination at the working section.

2. Item (b) should be clarified to read as follows which is in agreement with the 334 Commission report dated April 4, 1989: b) before any electrical work is performed on the machine, accessory equipment or trailing cable, the circuit breaker supplying power to the trailing cable shall be de-energized. The trailing cable plug shall be disconnected, locked-out and tagged at the input end of the trailing cable.

Request for Comments and Notice of Public Meeting for the Proposed Total Maximum Daily Loads (TMDLs) Developed for the Bennett Branch Sinnemahoning Creek Watershed

The Department of Environmental Protection (Department) and the Susquehanna River Basin Commission (SRBC) are holding a public meeting on October 16, 2008, at 7 p.m., at the St. Joseph Church Parish Hall, 17735 Bennetts Valley Highway, Force, PA 15841. The purpose of the meeting is to discuss and accept comments on the proposed TMDLs developed for the Bennett Branch Sinnemahoning Creek Watershed. In accordance with the requirements of section 303(d) of The Clean Water Act, the mainstem of the Bennett Branch Sinnemahoning Creek has been identified as impaired due to high levels of metals and low pH as a result of abandoned mine drainage.

The proposed TMDLs set allowable loadings to meet water quality standards at specified points in the Bennett Branch Sinnemahoning Creek for iron, manganese, aluminum and acidity. Loads have been allocated to both point and nonpoint sources. The TMDLs were established using field data collected in 2003 and 2004, as well as data collected from prior water quality surveys performed by other agencies.

The data and all supporting documentation used to develop the proposed TMDLs are available from the Department. The proposed TMDLs and information on the TMDL program can be viewed on the Department's web site at www.dep.state.pa.us/watermanagement_apps/tmdl/. To request a copy of any of the TMDLs, contact Bill

Brown, Department of Environmental Protection, Water Quality Assessment and Standards, 400 Market Street, P. O. Box 8467, Harrisburg, PA 17105, (717) 783-2951.

Written comments will be accepted at the previously listed address and must be postmarked no later than 60 days from the date of this bulletin notice. The Department will consider all comments in developing the final TMDL, which will be submitted to Environmental Protection Agency for approval.

Request for Comments and Notice of Public Meeting for the Proposed Total Maximum Daily Loads (TMDLs) Developed for the Newport Creek Watershed

The Department of Environmental Protection (Department) and the Susquehanna River Basin Commission (SRBC) are holding a public meeting on October 7, 2008, at 6 p.m., at the Newport Township Building, 1002 Center Street, Nanticoke, PA. The purpose of the meeting is to discuss and accept comments on the proposed TMDLs developed for the Newport Creek Watershed. In accordance with the requirements of section 303(d) of The Clean Water Act, stream segments in Newport Creek have been identified as impaired due to high levels of metals, low pH and sediment, as a result of abandoned mine drainage.

The proposed TMDLs set allowable loadings to meet water quality standards at specified points in Newport Creek for iron, manganese, aluminum, acidity and sediment. Loads have been allocated to both point and nonpoint sources. The TMDLs were established using field data collected in 2008, as well as data collected from prior water quality surveys performed by other agencies.

The data and all supporting documentation used to develop the proposed TMDLs are available from the Department. The proposed TMDL and information on the TMDL program can be viewed on the Department's web site at www.dep.state.pa.us/watermanagement_apps/tmdl/. To request a copy of any of the TMDLs, contact Bill Brown, Department of Environmental Protection, Water Quality Assessment and Standards, 400 Market Street, P. O. Box 8467, Harrisburg, PA 17105, (717) 783-2951.

Written comments will be accepted at the previously listed address and must be postmarked no later than 60 days from the date of this bulletin notice. The Department will consider all comments in developing the final TMDL, which will be submitted to Environmental Protection Agency for approval.

[Pa.B. Doc. No. 08-1709. Filed for public inspection September 19, 2008, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us (DEP Keywords: "Technical Guidance"). The "Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2008.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Draft Technical Guidance—Substantive Revision

DEP ID: 563-2112-224. Title: Certification Guidelines for the Chemical and Physical Properties of Coal Ash Beneficially Used at Mines. Description: The guidance has been updated to incorporate additional chemical parameters that were recommended by the National Academy of Sciences for sites that receive coal ash. This document explains the minimum standards for physical and chemical characteristics of coal ash which are used by the Department to assure that the beneficial use of coal ash at mine sites will not cause pollution and will meet reclamation objectives. This document also explains the procedures for a generator of coal ash to obtain approval for the ash to be beneficially used at mine sites for reclamation. This guidance applies to generators of coal ash, mine operators, consultants, reclamation contractors and Department staff who are involved in the beneficial use of coal ash at active surface and deep coal mines, coal refuse reprocessing sites, coal refuse disposal sites, and abandoned coal and noncoal mines. Written Comments: Interested persons may submit written comments on this draft technical guidance document by November 19, 2008. The Department will accept comments submitted by e-mail, but comments submitted by facsimile will not be accepted. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Keith Brady, Department of Environmental Protection, Bureau of Mining and Reclamation, Division of Permits, P. O. Box 8461, Harrisburg, PA 17105-2454, kbrady@state.pa.us. Contact: Questions regarding the technical guidance document should be directed to Keith Brady at (717) 787-5103; kbrady@state.pa.us. Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

DEP ID: 563-2112-225. Title: Mine Site Approval for the Beneficial Use of Coal Ash. Description: The Department provides for two beneficial uses of coal ash, placement and soil substitute or soil additive, that can be approved at mine sites as part of the Department's mine reclamation contracts or in other Department approved permitted projects. This document describes acceptable procedures for the beneficial uses of coal ash at mines. This guidance applies to generators of coal ash, mine operators, consultants, reclamation contractors, and Department staff who

are involved in the beneficial use of coal ash at active surface and deep coal mines, coal refuse reprocessing sites, coal refuse disposal sites and abandoned coal and noncoal mines. Changes to the guidance document include improved procedures for groundwater data collection, longer postclosure water monitoring, and increased sample frequency for ash and water chemistry. Written Comments: Interested persons may submit written comments on this draft technical guidance document by November 19, 2008. The Department will accept comments submitted by e-mail, but comments submitted by facsimile will not be accepted. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Keith Brady, Division of Permits, Department of Environmental Protection, Bureau of Mining and Reclamation, P. O. Box 8461, Harrisburg, PA 17105-2454, kbrady@state.pa.us. Contact: Questions regarding the technical guidance document should be directed to Keith Brady at (717) 787-5103, kbrady@state.pa.us. Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

Final Technical Guidance

DEP ID: 383-3301-102. Title: Laboratory Reporting Instructions for Total and Fecal Coliform Bacteria in Public Drinking Water Distribution Systems. Description: This guidance provides instructions to all public water systems and certified laboratories for the reporting of drinking water total and fecal coliform monitoring results as required by the Federal Total Coliform Rule and as implemented under the PA TCR in Chapter 109 of the Pennsylvania Safe Drinking Water Regulations. Notice of the draft technical guidance was published in the *Pennsylvania Bulletin* at 38 Pa.B. 405 (January 19, 2008), with provisions for a 30-day public comment period that ended on February 19, 2008. Although the Department did not receive any public comments during the comment period, the Department made changes to the final document to enhance its clarity. Specifically, the flowchart on pages 26 and 27 was updated to clarify that multiple violations may be incurred in the same month. In addition, the Notification section on page 33 was updated to explain that the Department must be notified of any coliform-positive results. Contact: Dawn Hissner, Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, Rachel Carson State Office Building, 11th Floor, P. O. Box 8467, Harrisburg, PA 17105-84671, (717) 787-0130, dhissner@state.pa.us. Effective Date: September 20, 2008.

DEP ID: 562-3900-402. Title: Citizens' Requests: Receiving, Tracking, Investigating, Appealing, and Filing. Description: This document revises the procedures for the investigation of complaints relating to coal and industrial mineral mining activities and the use of explosives. The primary revision is to eliminate the informal review process. Under the guidelines in the former guidance, citizens were provided with the opportunity to request that the Bureau of Mining and Reclamation review the investigations completed by the District Mining Offices. Based on reduced staffing levels, the Bureau of Mining and Reclamation is no longer able to conduct thorough informal reviews. Notice concerning the substantive revisions to the draft technical guidance document was published in the *Pennsylvania Bulletin* on March 15, 2008 (38 Pa.B. 1312), with provision for a 30-day public comment period that ended on April 14, 2008. The Department did not receive any public comments during the comment period. No changes were made to the document following the public comment period. Contact: Bill Allen, Department of Environmental Protection, Bu-

reau of Mining and Reclamation, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105, (717) 787-5103, wallen@state.pa.us. Effective Date: September 20, 2008.

DEP ID: 562-2000-703. Title: Changes to Licenses, Bonds and Permits. Description: This document provides guidance to both Department personnel and mine operators concerning what documents or information need to be submitted and the necessary actions to be taken in the event of changes to a mining company's type of business organization, its ownership or its officers. The Bureau of Mining and Reclamation and the District Mining Office will coordinate bond change, license change and permit revision activities when initiated either by the operator or when required by the Department, and the Department will systematically require various types of information to assure that licenses, permits and bonds are properly revised following organizational, ownership or officer changes undergone by a mining company. Notice concerning the substantive revisions to the draft technical guidance document was published in the *Pennsylvania Bulletin* at 38 Pa.B. 1547 (March 29, 2008), with provision for a 30-day public comment period that ended on April 28, 2008. The Department received comments on the draft technical guidance document, which resulted in modifications to the final technical guidance. A comment and response document was developed that includes a summary of the comments received and the modifications that were made to the document. The comment and response document is available, in addition to the final guidance, on the Department's web site, at the site provided previously. Contact: Bruce Carl, Department of Environmental Protection, Bureau of Mining and Reclamation, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105, (717) 787-5103, brcarl@state.pa.us. Effective Date: September 20, 2008.

JOHN HANGER,
Acting Secretary

[Pa.B. Doc. No. 08-1710. Filed for public inspection September 19, 2008, 9:00 a.m.]

Bid Opportunity

BOGM 08-8, Cleaning Out and Plugging One Orphan Gas Well, (Creekside United Methodist Church (c/o Robert Foreman) Property) Creekside Borough, Indiana County. The principal items of work include cleaning out and plugging one orphan gas well, estimated to be 2,900 feet in depth, to the Department of Environmental Protection's specifications, preparing and restoring well site and mobilizing and demobilizing plugging equipment. This project issues on September 19, 2008, and bids will be opened on October 23, 2008, at 2 p.m. 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 for more information on this bid.

JOHN HANGER,
Acting Secretary

[Pa.B. Doc. No. 08-1711. Filed for public inspection September 19, 2008, 9:00 a.m.]

Mine Families First Response and Communications Implementation Plan; Public Comment Period

Under the requirements of the Pennsylvania Mine Families First Act (52 P. S. §§ 1430.1—1430.7), the Department of Environmental Protection (Department) invites public comment on the Mine Families First Response and Communications Implementation Plan (Plan). The plan, developed by the Bureau of Mine Safety with assistance from the Mine Families First Response and Communication Advisory Council (Council), outlines the steps that shall be taken by the Department and mine owners and operators to communicate with families of miners who are trapped or awaiting rescue. The Council finalized and approved the plan for public comment at its August 28, 2008, meeting.

On October 4, 2007, Governor Ed Rendell signed into law the "Mine Families First Act." The purpose of this act is to provide assistance to the family members of persons who are trapped or awaiting rescue during an underground mine emergency. The act assigns responsibilities to the Department, including the development of a Mine Families First Program as part of the Mine Emergency Response Program to ensure two-way communication between those persons in command of a mine emergency operation and the affected families through the mine family first liaison staff.

Interested individuals may submit comments on the Plan to the Department by October 20, 2008. Written comments should be submitted to Allison Gaida, Department of Environmental Protection, Bureau of Mine Safety, 100 New Salem Road, Room 167, Uniontown, PA 15401, agaida@state.pa.us. Comments will not be accepted by facsimile or voice mail. Persons with a disability may contact the Department by using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

The Plan is available by contacting Allison Gaida at (724) 439-7289 or at the e-mail address listed previously. The Plan is also available on the Department's web site at www.depweb.state.pa.us (DEP Keywords: Public Participation). After completion of the review and comment period, the Department will make necessary revisions to the Plan and develop a final Plan for use as part of a mine emergency response program.

JOHN HANGER,
Acting Secretary

[Pa.B. Doc. No. 08-1712. Filed for public inspection September 19, 2008, 9:00 a.m.]

Nonpoint Source Liaison Workgroup; Meeting Change

The October 30, 2008, meeting of the Nonpoint Source Liaison Workgroup will now convene at an alternate location than was previously advertised in the *Pennsylvania Bulletin*. The meeting will begin at 10 a.m. at the Fish and Boat Commission Headquarters, 1601 Elmerton Avenue, Harrisburg, PA.

Questions concerning the meeting can be directed to the Stephen Lathrop at (717) 772-5618, slathrop@state.pa.us. The agenda and meeting materials for the meeting will be available through the Public Participation

Center on the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us (DEP Keywords: Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Stephen Lathrop at (717) 772-5618 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,
Acting Secretary

[Pa.B. Doc. No. 08-1713. Filed for public inspection September 19, 2008, 9:00 a.m.]

Pennsylvania's Climate Change Advisory Committee

The Department of Environmental Protection (Department) announces a meeting of Pennsylvania's Climate Change Advisory Committee (Committee) will convene on Wednesday, October 1, 2008, from 10 a.m. to 3 p.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

The Committee is required by the Pennsylvania Climate Change Act of 2008 (Act 70, effective July 9th) for purposes of advising the Department on implementation of the Act 70. These activities include, but are not limited to, designating a voluntary greenhouse gas registry, delivering a greenhouse gas inventory report, creating an impacts assessment and developing a climate change action plan.

Questions concerning this meeting should be directed to Paula J. Sviben, Office of Energy and Technology Deployment, P. O. Box 8772, Harrisburg, PA 17105-8772, (717) 772-8912, psviben@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Paula Sviben at (717) 772-8912 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,
Acting Secretary

[Pa.B. Doc. No. 08-1714. Filed for public inspection September 19, 2008, 9:00 a.m.]

Solar Workgroup Meeting

The Solar Workgroup (Workgroup) will hold a meeting on October 2, 2008, at 10 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

The agenda and materials for the October 2, 2008, meeting will be available at the meeting. Questions concerning this meeting should be directed to Libby Dodson, Office of Energy and Technology Deployment, Division of Energy Promotion, 400 Market Street, Harrisburg, PA 17101, (717) 772-8907, ldodson@state.pa.us.

Persons with a disability who require accommodations to attend the October 2, 2008, meeting of the Workgroup should contact Angela Rothrock at (717) 772-8911 or

through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department of Environmental Protection may accommodate their needs.

JOHN HANGER,
Acting Secretary

[Pa.B. Doc. No. 08-1715. Filed for public inspection September 19, 2008, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Conemaugh Memorial Medical Center—Lee Ambulatory Surgical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Conemaugh Memorial Medical Center—Lee Ambulatory Surgical Center has requested an exception to the requirements of 28 Pa. Code § 551.22 (relating to criteria for performance of ambulatory surgery on pediatric patients).

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

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before 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. 08-1716. Filed for public inspection September 19, 2008, 9:00 a.m.]

Application for Exception to 28 Pa. Code § 127.32

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

Titusville Area Hospital
Corry Memorial Hospital
Gnaden Huetten Memorial Hospital
Palmerton Hospital
Shamokin Area Hospital
The Good Samaritan Hospital

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

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. 08-1717. Filed for public inspection September 19, 2008, 9:00 a.m.]

Application of Eye Surgery Center of Chester County, d/b/a Vision One Laser & Surgery for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Eye Surgery Center of Chester County, d/b/a Vision One Laser & Surgery has requested an exception to the requirements of 28 Pa. Code § 553.31 (relating to administrative responsibilities).

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

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. 08-1718. Filed for public inspection September 19, 2008, 9:00 a.m.]

Application of Latrobe Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Latrobe Hospital has requested an exception to the requirements of 28 Pa. Code § 138.18(a) (relating to EPS studies).

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

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before 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. 08-1719. Filed for public inspection September 19, 2008, 9:00 a.m.]

Application of Magee Womens Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Magee Womens Hospital has requested an exception to the requirements of 28 Pa. Code § 101.31(7) (relating to hospital requirements).

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

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before 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. 08-1720. Filed for public inspection September 19, 2008, 9:00 a.m.]

Application of Memorial Hospital Outpatient Endoscopy Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Memorial Hospital Outpatient Endoscopy Center has requested an exception to the requirements of 28 Pa. Code §§ 553.1, 553.31(a), 555.1, 555.2, 563.2, 567.2 and 569.1.

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. 08-1721. Filed for public inspection September 19, 2008, 9:00 a.m.]

Application of Mount Nittany Surgical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Mount Nittany Surgical 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 standard contained in this publication: 3.7-2.3.1.1 (relating to class A operating room).

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

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before 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. 08-1722. Filed for public inspection September 19, 2008, 9:00 a.m.]

Application of Norwin Medical Commons for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Norwin Medical Commons has requested an exception to the requirements of 28 Pa. Code §§ 553.1, 553.31(a), 555.1, 557.4(b)(2), 563.2, 563.3 and 567.2.

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. 08-1723. Filed for public inspection September 19, 2008, 9:00 a.m.]

Application of Sacred Heart Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Sacred Heart Hospital has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

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

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing 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. 08-1724. Filed for public inspection September 19, 2008, 9:00 a.m.]

Application of UPMC Mercy for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Mercy 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 standard contained in this publication: 3.4-2.1.3 (relating to windows).

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, ra-paexcept@state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before 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. 08-1725. Filed for public inspection September 19, 2008, 9:00 a.m.]

Application of Waynesboro Hospital for Exception

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

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

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

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

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-1726. Filed for public inspection September 19, 2008, 9:00 a.m.]

Chronic Renal Disease Advisory Committee Meeting

The Renal Disease Advisory Committee, established by section 4 of the act of June 23, 1970 (P. L. 419, No. 14) (35 P. S. § 6204), will hold a public meeting on Friday, October 24, 2008, from 10 a.m. to 2 p.m. in Room 327 of the Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120.

For additional information, contact Carolyn S. Cass, Director, Division of Child and Adult Health Services, Department of Health, Health and Welfare Building, Seventh Floor, East Wing, 625 Forster Street, Harrisburg, PA 17120 or at (717) 772-2762. Persons who wish to attend this meeting or if you are a person with a disability and desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Carolyn Cass at the previous number or for alternative formats, such as audiotape, Braille or TDD contact V/TT at (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-1727. Filed for public inspection September 19, 2008, 9:00 a.m.]

Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building).

Golden Living Center—Waynesburg
300 Center Avenue
Waynesburg, PA 15370

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(j) and (k) (relating to function of building).

Wyncote Church Home
208 Fernbrook Avenue
Wyncote, PA 19095
FAC ID 232102

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 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. 08-1728. Filed for public inspection September 19, 2008, 9:00 a.m.]

Newborn Metabolic Screening Technical Advisory Committee Meeting

The Newborn Screening and Follow-Up Program, established under the Newborn Child Testing Act (35 P. S. §§ 621—625) will hold a public meeting on Wednesday, October 15, 2008, from 10 a.m. to 3 p.m. at Dixon University Center, Richard's Recital Hall, 2986 North Second Street, Harrisburg, PA.

For additional information, or if you are a person with a disability and wish to attend the meeting and require auxiliary aid, service or other accommodation to do so contact Suzanne Bellotti, Acting Public Health Program Manager, Division of Newborn Disease Screening and

Genetics at (717) 783-8143 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

R.S.V.P. by September 30, 2008, to Joan Wenerick at (717) 783-8143 or one of the numbers previously listed.

The Department of Health reserves the right to cancel this meeting without prior notice.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-1729. Filed for public inspection September 19, 2008, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding Crawford County

Under section 2002(b) of The Administrative Code of 1929 (71 P.S. § 512(b)), the Director of the Bureau of Design as delegated by the Secretary of Transportation makes the following written finding:

The Federal Highway Administration (FHWA) and the Department of Transportation (Department) are planning to make traffic signal improvements in Titusville, Crawford County, PA. This project will require the use of Scheide Park, which is a Titusville City owned park and, therefore, qualifies as a section 4(f)/section 2002 resource.

In accordance with section 2002 of The Administrative Code establishing the Department, a Level-2 Categorical Exclusion Evaluation has been developed for the subject project along with a "Nationwide/Programmatic Section 4(f) Evaluation for Minor Involvement with Public Parks, Recreation Lands and Wildlife and Waterfowl Refuges" checklist to evaluate the potential environmental impacts caused by the subject project. The checklist also serves as the section 2002 Evaluation. The approved documents are available in the CE/EA Expert System.

Based upon studies, there is no feasible and prudent alternative to the proposed action. Mitigation measures will be taken to minimize harm as stipulated in the Level-2 CEE and the "Nationwide/Programmatic Section 4(f) Evaluation for Minor Involvement with Public Parks, Recreation Lands and Wildlife and Waterfowl Refuges."

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize the effects.

BRIAN G. THOMPSON, P. E.,
Director, Bureau of Design

[Pa.B. Doc. No. 08-1730. Filed for public inspection September 19, 2008, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Jane M. Benning v. DEP and Myron R. Haydt Construction Company, Permittee; EHB Doc. No. 2008-270-MG

Jane M. Benning has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Myron R. Haydt Construction Company for stormwater discharges associated with construction activities in Salisbury Township, Lehigh 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. 08-1731. Filed for public inspection September 19, 2008, 9:00 a.m.]

Bruce S. Burchard v. DEP and Myron R. Haydt Construction Company, Permittee; EHB Doc. No. 2008-271-MG

Bruce S. Burchard has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Myron R. Haydt Construction Company for stormwater discharges associated with construction activities in Salisbury Township, Lehigh 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 Director

[Pa.B. Doc. No. 08-1732. Filed for public inspection September 19, 2008, 9:00 a.m.]

David K. McGuire, Ph.D. v. DEP and Myron R. Haydt Construction Company, Permittee; EHB Doc. No. 2008-269-MG

David K. McGuire has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Myron R. Haydt Construction Company for stormwater discharges associated with construction activities in Salisbury Township, Lehigh 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. 08-1733. Filed for public inspection September 19, 2008, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

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

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

Close of the Public Comment Period *IRRC Comments Issued*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
125-87	Pennsylvania Gaming Control Board Trusteeship 38 Pa.B. 3820 (July 12, 2008)	8/11/08	9/10/08

Pennsylvania Gaming Control Board Regulation

#125-87 (IRRC #2706)

Trusteeship

September 10, 2008

We submit for your consideration the following comment on the proposed rulemaking published in the July 12, 2008 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

Section 443a.7. Compensation of trustees and payment of costs associated with the trusteeship.—Clarity.

Subsection (b) cross-references hiring under Paragraph 443a.6(a)(9). However, Paragraph 443a.6(a)(9) discusses meeting with the Board's Executive Director, not hiring. Should this cross-reference be to Paragraph 443a.6(a)(10)?

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 08-1734. Filed for public inspection September 19, 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 our web site, www.irrc.state.pa.us.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
12-83	Department of Labor and Industry Mines and Other Excavations	9/10/08	10/16/08

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 08-1735. Filed for public inspection September 19, 2008, 9:00 a.m.]

INSURANCE DEPARTMENT

Applications for Approval of Consolidation

The purpose of this notice is to announce, in accordance with the requirements of Act 62 of 2008 that the Insurance Department (Department) will close the public comment period on October 10, 2008. Persons wishing to comment on the grounds of public or private interest are invited to submit a written statement to the Department. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Chief, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

The closing of the public comment period begins the 45-day period in which the Banking and Insurance Committee of the Senate and the Insurance Committee of the House of Representatives may submit written comments and recommendations, as set forth in Act 62 of 2008. Under Act 62 of 2008, the Department may issue its final order and determination on or after 105 days following the close of the public comment period. This means the legislative review period will extend through November 24, 2008, and that the Department may issue its final order on or after January 23, 2009.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 08-1736. Filed for public inspection September 19, 2008, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under subsection (b) or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Governor's Office

Manual M110.1—2009-10 Budget Instructions, Amended August 15, 2008.

Management Directive No. 240.7—Submission of Changes to the Commonwealth Telephone Directory, Amended August 18, 2008.

Management Directive No. 310.24—Accepting Debit/Credit Cards for Commonwealth Revenues, Amended September 3, 2008.

Management Directive No. 325.9—Processing Audits of Federal Pass-Through Funds, Amended August 26, 2008.

Management Directive No. 515.3—Classified Service Emergency Appointments, Amended September 3, 2008.

Management Directive No. 530.26—Military Leaves of Absence, Amended September 3, 2008.

Administrative Circular No. 08-12—Revenue Estimates, 2009-10 Fiscal Year, Dated August 12, 2008.

Administrative Circular No. 08-13—Availability—Commonwealth Telephone Directory, Dated August 18, 2008.

Administrative Circular No. 08-14—2009-10 Budget Instructions, Dated August 15, 2008.

MARY JANE PHELPS,
Director
Pennsylvania Bulletin

[Pa.B. Doc. No. 08-1737. Filed for public inspection September 19, 2008, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule; Milk Marketing Area No. 4

The Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), that the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 4 on November 5, 2008, commencing at 10:30 a.m. in Room 309 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 4. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the second quarters of calendar years 2007 and 2008; consideration of skim and butterfat contents of products regulated by the Board; monthly adjustments to in-store handling costs; and a reasonable rate of return to milk dealers and stores. In accordance with OGO A-937, evidence and testimony will be considered regarding the heating fuel adjuster in Area No. 4. In accordance with OGO A-939, evidence and testimony will be considered regarding the diesel fuel cost adjuster in Area No. 4.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on October 14, 2008, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on October 14, 2008, notification of their desire to be included as a party. Parties may indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to deberly@state.pa.us.

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 4 p.m. on October 16, 2008, Board Staff shall file with the Board, in person or by mail, one original and eight copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on October 23, 2008, responding parties shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 4 p.m. on October 30, 2008, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents, or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code §§ 35.164, 35.165, 35.167 or 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on October 22, 2008.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

KEITH BIERLY,
Secretary

[Pa.B. Doc. No. 08-1738. Filed for public inspection September 19, 2008, 9:00 a.m.]

Hearing and Presubmission Schedule; Milk Marketing Area No. 3

The Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), that the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 3 on November 5, 2008, commencing at 9:30 a.m. in Room 309 of the Department of Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 3. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the second quarters of calendar years 2007 and 2008; consideration of skim and butterfat contents of products regulated by

the Board; monthly adjustments to in-store handling costs; and a reasonable rate of return to milk dealers and stores. In accordance with OGO A-937, evidence and testimony will be considered regarding the heating fuel adjuster in Area 3. In accordance with OGO A-939, evidence and testimony will be considered regarding the diesel fuel cost adjuster in Area 3.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on October 14, 2008, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on October 14, 2008, notification of their desire to be included as a party. Parties may indicate in their notices of appearance if alternate means of service, that is e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to deberly@state.pa.us.

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 4 p.m. on October 16, 2008, Board Staff shall file with the Board, in person or by mail, one original and eight copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on October 23, 2008, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 4 p.m. on October 30, 2008, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents, or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code §§ 35.164, 35.165, 35.167 or 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on October 22, 2008.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

KEITH BIERLY,
Secretary

[Pa.B. Doc. No. 08-1739. Filed for public inspection September 19, 2008, 9:00 a.m.]

PATIENT SAFETY AUTHORITY and DEPARTMENT OF HEALTH

Reporting Requirements for Nursing Homes under Chapter 4 of the Medical Care Availability and Reduction of Error (MCARE) Act

Purpose

The purpose of this notice is to give long-term care nursing facilities (nursing homes) final notice of their reporting requirements to the Patient Safety Authority (Authority) and the Department of Health (Department) under Chapter 4 of the Medical Care Availability and Reduction of Error Act, relating to Health Care-Associated Infections (Act 52 of 2007). The reporting requirements presented in this notice were developed in consultation with the Department and the Authority's Health Care-Associated Infection Advisory Panel.

Background of Final Notice

Under 40 P. S. § 1203-405, an initial notice was published at 38 Pa.B. 2542 (May 31, 2008). Public comment was solicited for a period of 30 days after publication of the notice, which resulted in the Authority receiving 61 public comments addressing 10 main categories. A summary of the comments and responses is detailed in this notice. The Authority has revised the reporting requirements in response to those comments as reflected in this document.

Reporting Requirements for Nursing Homes

In addition to reporting under the Health Care Facilities Act (35 P. S. § 3448.101 et seq.), Act 52 requires that nursing homes electronically report patient-specific health care-associated infections (HAI) to the Authority and the Department using Nationally recognized standards based on Centers for Disease Control and Prevention (CDC) definitions.

Nursing homes will begin mandatory reporting on April 1, 2009. The list of reportable HAI infections is presented at the end of this notice as Exhibit A. The criteria for determining HAIs were developed utilizing the McGeer Criteria together with CDC definitions, which were adapted to the long-term care setting. The criteria are presented at the end of this notice as Exhibit B.

Nursing homes will report HAIs to both the Authority and the Department through a single web-based interface: the Pennsylvania Patient Safety Reporting System (PA-PSRS). Using a single reporting system eliminates the need for duplicate reporting to both the Authority and the Department.

The format for electronic reporting is being established by the Authority in consultation with the Department and

the HAI Advisory Panel and will be addressed during training programs for nursing homes.

Training will include opportunities for both in-person and online education relating to the infection list, criteria and format for reporting. A series of in-person training sessions will be held in locations throughout the State between January and March 2009. Nursing homes will be notified of available training opportunities through direct mailings, outreach to industry associations and future public notices.

Serious Event Reporting

The occurrence of an HAI in a nursing home is a Serious Event as defined by § 302 of the MCARE Act (Act 13). If an HAI meets the criteria for reporting (as per Exhibit B), that HAI shall be reported to the Authority as a Serious Event as required by Act 13 and Act 52, subject to the additional requirements as described in this notice.

HAIs reported to the Authority are subject to the same patient notification requirements set forth by Act 13 for all Serious Events. Under Act 13, all Serious Events require that the healthcare facility notify the patient or their legal representative in writing that a Serious Event has occurred. This written notification must occur within 7 calendar days. For purposes of meeting the 24-hour reporting requirement for Serious Events set forth by Act 13, nursing homes must submit reports of HAIs to the Authority within 24 hours of their confirmation (surveillance completed and HAI confirmed according to the criteria by a staff member responsible for infection control). If confirmation of an HAI occurs over a weekend or State government holiday, reports must be submitted by 5 p.m. on the next workday.

Summary of Public Comments and Responses

Following are the categories of comments the Authority received during the public comment period along with the Authority's responses.

- **Burden on Financial and Human Resources**—We received 56 comments regarding the reporting requirements potentially creating an economic and human resource burden for the nursing homes. The comments noted that unrealistic and onerous reporting requirements would not result in quality improvement or a positive effect on resident outcomes.
 - *Act 52 mandates that nursing homes electronically report HAI data to the Department and the Authority. Act 52 provides no discretion in this requirement. No changes have been made in response to these comments.*
- **Infection List Too Long**—We received 40 comments regarding the infection list with requests for 14 infections to be eliminated. The comments noted that while nursing homes take HAI reporting seriously, they believe that there are a number of reportable HAIs on the list contained in Exhibit A of the notice that are vague, hard to define in the NH setting, will lead to misdiagnosis and most importantly, have no clinical or scientific basis to support improvement in resident outcomes.
 - **Conjunctivitis**—We received 38 comments requesting that conjunctivitis be eliminated as there are many non-infectious conditions that have an identical presentation. This will result in an overestimate of the actual number of cases. In addition,

this group of infections has not been identified as a marker of significant morbidity and/or mortality in the nursing home population.

- **Sinusitis**—We received 35 comments requesting that sinusitis be eliminated due to the difficulty in diagnosing a true infection (versus allergic rhinitis and residual rhinitis from a viral syndrome) without invasive intervention. In addition, this group of infections has not been identified as a marker for significant morbidity and/or mortality in the nursing home population.
- **Mouth and Perioral Infections**—We received 34 comments requesting that mouth and perioral infections be eliminated due to the potential for numerous misdiagnosed cases. Many non-infectious causes mimic these infections, and criteria are too broad to be meaningful. In addition, this group of infections has not been identified as a marker for significant morbidity and/or mortality in the nursing home population.
- **Intra-abdominal infection (peritonitis/deep abscess), Osteomyelitis and Blood Stream Infections**—We received 21 comments for each of these infections. The comments noted that these infections are extremely uncommon in the nursing home setting and that resources would be better utilized in identifying the more common and costly infections for the purpose of improving quality and resultant positive outcomes.
- **Decubitus ulcer infections**—We received a total of 19 comments requesting that decubitus ulcer infections be eliminated. The comments noted that in order to diagnose a true decubitus ulcer infection, it is necessary to do a culture of properly collected fluid or tissue. The vast majority of facilities are not equipped to do needle aspiration culture or tissue biopsy culture, which will result in unreliable data that will substantially underestimate the actual number of cases.
- **Urinary Tract Infections**—We received 12 comments requesting that UTIs be eliminated. Seven of the comments suggested that non-catheter associated UTIs be eliminated due to the inability to prevent these infections. The comment states that, typically, non-catheter related UTIs do not occur as a result of poor practices in the elderly. Five comments noted that the entire category should be eliminated as UTIs are endemic and closely monitored.
- **Bronchitis**—We received 11 comments requesting that bronchitis be eliminated as it is endemic in the nursing home population, particularly during the winter months when visitors and staff members who are carrying the cold virus infect residents.
- **All Respiratory Infections**—We received 10 comments requesting that all respiratory infections be eliminated as they are endemic at certain times of the year and are closely monitored. Reporting these infections will increase the surveillance burden.
- **Viral Hepatitis**—We received 5 comments requesting that viral hepatitis be eliminated as these infections are reported to the Department as a communicable disease.

- **Gastrointestinal, skin and soft tissue infections and influenza-like illness**—We received 5 comments for each of these infections requesting that they be eliminated as they are endemic and closely monitored.

- *Response: we eliminated the following infections*

- ❖ **Conjunctivitis**

- ❖ **Sinusitis**

- ❖ **Mouth and perioral infections**

- *Response: we combined the category of **decubitus ulcer infection** with skin and soft tissue (SST) infection per the McGeer criteria.*

- **Duplicate Notification of Change in Condition**—We received 35 comments regarding Act 52 Serious Event notification. The comments noted that duplicate notification would occur as CMS (F-Tag 157) together with the State, mandates immediate notification of a significant change in condition of a resident to the legal representative(s). This creates an additional workload.

- *Response: Act 52 requires that healthcare facilities provide written notification of a serious event within seven calendar days of identifying the HAI. The Act provides no discretion in this requirement and does not affect additional federal or state mandated reporting requirements. No changes have been made in response to these comments.*

- **Misinterpretation of MCARE/Act 13—Serious Event Reporting**—We received 24 comments regarding the applicability of the Act 13 provisions requiring written notification of a Serious Event to the resident or legal representative. The comments noted that Act 13 defines Serious Events as an event occurring within a “medical facility,” while under the Act 13 definition, nursing facilities are not defined as a “medical facility” but rather as a “health care provider.” They contend that Act 13 therefore does not require nursing facilities to provide written notification. Likewise, they contend that Act 52 does not add this requirement for nursing facilities. The comments request that the requirement for written notification be dropped.

- *Response: Act 52 amends MCARE by adding a chapter titled: Health Care Associated Infections. It has been determined that Serious Event reporting including written notification to the patient (resident) or legal representative is required. No changes have been made in response to these comments.*

- **Lack of Radiology/Laboratory Resources to Define Infections**—We received 22 comments regarding the inability to define certain HAI that require confirmation via radiology or laboratory resources. The comments noted that nursing homes are fundamentally a different type of clinical setting than the hospital, and diagnostic testing options are limited. Comments further state that laboratory and radiology services are virtually always off-site and are not readily available for every facility. For example, chest X-rays (CXRs) for pneumonia are often unavailable and subject to interpretation, resulting in the majority of physicians in nursing homes treating the resident versus “treating the CXR.” Comments further State that HAIs will be missed if the criteria rely on lab/x-ray findings in conjunction with clini-

cally based criteria and that physician diagnosis plays a key role in identifying infections in the NH setting.

- *Response: The criteria for determining infections have been modified to reflect physician diagnosis as acceptable for determining HAIs that would have otherwise necessitated laboratory and/or radiology confirmation, with the exception of primary bloodstream infection.*
- **Clarification of HAI definition (incubation period)**—We received 18 comments regarding the lack of a defined incubation period as part of the HAI definition and the request to provide nursing homes with direction relating to accurately determining the incubation period.
 - *Response: Neither CDC nor McGeer define the incubation period of a HAI. CDC defines an HAI as an infection that is not present or incubating at the time of admission. McGeer applies seven important conditions to all definitions which are listed under "Key Points in Defining Infections in the Elderly" in this notice.*
- **Overlapping of Signs and Symptoms/Vague Criteria/atypical presentation in the elderly**—We received 15 comments regarding overlapping of signs and symptoms and atypical presentation of infections in the elderly. The comments noted that residents are often too clinically complex to be diagnosed and assessed accurately by the proposed criteria. The overlap of non-specific symptoms in the elderly patient is too broad to provide accurate data.
 - *Response: The criteria were developed utilizing the McGeer criteria which were developed in 1991 specifically to address these issues. In addition, CDC criteria that were applicable to long-term care were utilized taking into consideration that the nursing home population presents differently from acute care patients. No changes have been made in response to these comments.*
- **Duplicate Reporting of HAIs to the Department**—We received 11 comments regarding the list containing infections that are currently being reported to the Department as a reportable disease and/or infection as per 28 Pa. Code § 211.1 (Reportable Diseases). The comments requested that those infections that overlap with reportable diseases be eliminated from the list of infections.
 - *Response: The reporting requirements for 28 Pa. Code § 211.1 and Act 52 are separate requirements and nursing homes are mandated by separate laws to report to both. No changes have been made in response to these comments.*
- **Limited In-house Physician Consultation**—We received 11 comments regarding limited physician resources. The comments noted that nursing homes are different clinical settings than hospitals in that many nursing homes have limited in-house consultation from medical specialists, resulting in an increased need for telephone and remote monitoring. The limited presence of physicians can adversely affect the diagnosis and management of infections.
 - *Response: HAI criteria and definitions will be included in the educational training programs for reporting requirements. Act 52 requires that health-care facilities provide mandatory educational programs for all personnel including physicians.*

- **Create a category of Lower Respiratory Tract Infection Combining Pneumonia with Bronchitis/Tracheobronchitis**—We received 11 comments regarding combining pneumonia, bronchitis and tracheobronchitis into one category. Comments noted that the criteria for pneumonia require a chest x-ray (CXR). In clinical practice, the diagnosis of respiratory infection is frequently documented without obtaining a CXR. The proposed criteria, if they rely on a CXR, would miss a large portion of clinical disease. If a CXR is not done, the criteria would result in a diagnosis of bronchitis, leading to inaccuracy in the reporting system (very low rates in the separate pneumonia category).
 - *Response: We created a category of Lower Respiratory Infection (LRTI), which includes bronchitis/tracheobronchitis and pneumonia. We revised the criteria for LRTI in the event that a CXR is performed.*

Exhibit A. List of Reportable HAIs

1. Symptomatic Urinary Tract Infection

- 1.1 Indwelling urinary catheter related
- 1.2 Non-urinary catheter related

2. Respiratory Tract Infection

- 2.1 Lower Respiratory Tract Infection (Pneumonia/Bronchitis/tracheobronchitis)
- 2.2 Influenza-like illness

3. Skin and Soft Tissue Infection

- 3.1 Cellulitis
- 3.2 Burns
- 3.3 Vascular and diabetic ulcer (chronic/non-healing)
- 3.4 Device-associated soft tissue/wound infection
 - ❖ Tracheostomy site
 - ❖ Peripheral/Central IV catheter site
 - ❖ G-tube site
 - ❖ Supra pubic catheter site
 - ❖ In-dwelling drain
 - ❖ In-dwelling vascular catheters (dialysis)
- 3.5 Decubitus Ulcer (pressure related)

4. Gastrointestinal Tract Infection

5. Other infections

- 5.1 Intra-abdominal infection (peritonitis/deep abscess)
- 5.2 Meningitis
- 5.3 Viral Hepatitis
- 5.4 Osteomyelitis
- 5.5 Primary Bloodstream Infection

Exhibit B. Criteria for Defining HAIs in Long-term Care

The Centers for Disease Control and Prevention (CDC) definitions for health care-associated infections (HAIs) were developed for hospitals and are generally not applicable to nursing homes.

In 1991, McGeer et al developed a set of definitions for determining HAIs in long-term care. The criteria were developed by modifying the CDC definitions and taking into consideration the difference in population, services and resources.

The criteria set forth below have been developed in accordance with the requirements of Act 52, using McGeer criteria and further modification of the CDC-based criteria.

KEY POINTS IN DEFINING INFECTIONS IN THE ELDERLY

- An HAI is a localized or systemic condition that was not present or incubating upon admission to a facility.
- All signs and symptoms of an infection must be acute, new or rapidly worsening.
- Non-infectious causes should always be considered before defining an infection.
- A change in mental or functional status is often indicative of a developing infection.
- Physician diagnosis plays a significant role in defining certain infections particularly where laboratory and radiology resources would be preferable but are limited.
- Antimicrobial treatment alone is not indicative of an HAI.
- In the elderly population, a **fever** is defined as:
 - > an oral or equivalent temperature* of 100.4° F (38° C) or an increase of 2° F (1.1° C) over baseline.

***Note:** Tympanic thermometers are widely used in long-term care and manufacturer's recommendations together with baseline temperatures are utilized to determine a fever.

Symptomatic Urinary Tract Infection

Resident with Urinary Catheter

TWO or more of the following with no other recognized cause:

- Fever and/or chills with no other source
- Flank or suprapubic pain or tenderness (self described or identified upon examination)
- Gross hematuria or change in character of urine
- Change in mental and/or functional status from daily baseline

Resident without Urinary Catheter

THREE or more of the following:

- Fever and/or chills
- New burning pain on urinating (dysuria), frequency or urgency
- Flank or suprapubic pain or tenderness (self described or identified upon examination)
- Gross hematuria or change in character of urine
- Change in mental and/or functional (including incontinence) status from daily baseline

Note:

- a. If a urinalysis is obtained, one or more of the following must be positive IN the presence of defined signs and symptoms.

- Positive leukocyte esterase and/or nitrate
- Pyuria (≥ 10 white blood cells)

- b. If a urine culture is obtained, $\geq 100,000$ microorganisms per cc of urine with no more than 2 species of microorganisms must be present together WITH defined signs and symptoms.

Lower Respiratory Tract Infection

THREE or more of the following:

- Fever with no other cause
- New or increased cough
- New or increased sputum production
- Pleuritic chest pain
- Rhonchi, rales, wheezes and/or bronchial breathing
- New and/or increased shortness of breath
- Tachypnea (normal respiratory rate = 16 - 25 breaths/min)
- Change in mental and/or functional status from baseline in the presence of symptoms

Note:

- a. Congestive heart failure and other non-infectious causes of similar signs and symptoms should be ruled out.
- b. If a chest x-ray is obtained, the presence of a pneumonia must be confirmed by a physician/radiologist IN the presence of defined signs and symptoms.

Influenza-Like Illness (ILI)

Fever

and

THREE or more of the following during Influenza season (October 1 to April 30):

- Chills
- Headache or eye pain
- Malaise or loss of appetite
- Sore throat
- Dry cough
- Myalgias

Skin and Soft Tissue Infection

Cellulitis, IV site, Burns, Vascular/diabetic ulcer, device associated, decubitus ulcer

Purulent drainage, pustules or vesicles at wound, skin, or soft tissue site

or

FOUR or more of the following signs and symptoms:

- Fever with no other recognized cause
- Heat
- Redness
- Swelling
- Pain or tenderness
- Serous drainage

Gastrointestinal Tract Infection

Symptoms for Viral and Bacterial Infections to include:

ONE or more of the following signs and symptoms

- Two or more loose or watery stools above what is normal for the resident in a 24 hour period
- Two or more episodes of vomiting within a 24 hour period
- Laboratory confirmed enteric pathogen from stool WITH a compatible clinical syndrome
- Stool toxin assay (*C.difficile*)
- Single IgM or fourfold increase in IgG for pathogen in paired sera.

Note:

These criteria must include NO evidence of a non-infectious cause: e.g. DIARRHEA: laxatives, change in tube feeding or medication; VOMITING: change in medication, other G.I. diseases such as peptic ulcer disease.

CDC defines a *C.difficile* laboratory confirmed infection as health-care acquired if it presents > 3 days after admission (i.e. on or after day 4).

Intra-abdominal Infection (Peritonitis/deep abscess)

TWO or more of the following with no other recognized cause:

- fever
- nausea
- vomiting
- abdominal pain
- jaundice

and

ONE of the following:

- Physician diagnosis of an intra-abdominal infection
- Radiographic evidence of infection
- Organism(s) cultured from drainage from surgically placed drain or tube

Meningitis

Physician diagnosis of Meningitis

and

THREE or more of the following with no other recognized cause:

- Fever
- Headache
- Stiff neck
- Meningeal signs as determined by a physician
- Cranial nerve signs as determined by a physician
- Irritability

Viral Hepatitis

Positive antigen or antibody test for Hepatitis A, B, C or delta antigen

and

TWO or more of the following with no other recognized cause:

- fever
- anorexia
- nausea
- vomiting
- abdominal pain
- jaundice
- history of transfusion within the previous 3 months

Osteomyelitis

Physician diagnosis of Osteomyelitis

and

TWO or more of the following with no other recognized cause:

- Fever
- Localized swelling
- Tenderness at suspected site of bone infection
- Heat at suspected site of bone infection
- Drainage at suspected site of bone infection

Primary Bloodstream Infection

TWO or more blood cultures drawn on separate occasions documented with a common skin contaminant (e.g., diphtheroids, *Bacillus* sp., *Propionibacterium* sp., coagulase-negative staphylococci, or micrococci)

or

A **single** blood culture documented with a pathogenic organism (non-contaminant)

and

ONE of the following:

- fever or new hypothermia
- drop in systolic blood pressure of > 30 mm Hg over baseline
- change in mental or functional status

Note:

Organism in blood culture is not related to infection at another site (secondary bacteremia)

MICHAEL E. DOERING,
Executive Director
Patient Safety Authority

[Pa.B. Doc. No. 08-1740. Filed for public inspection September 19, 2008, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

511 Dialing Code

M-2008-2061434. In the Matter of the Request of the Commonwealth of Pennsylvania, Department of Transportation to be recognized and assigned as the Sole Administrator of the 511 Dialing Code that will be Implemented Statewide as a Means to Access Traveler Information.

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 October 6, 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: Department of Transportation

Through and By Counsel: Gina M. D'Alfonso, Assistant Counsel in Charge, Office of Chief Counsel, Commonwealth of Pennsylvania, Department of Transportation, Commonwealth Keystone Building, P. O. Box 8212, Harrisburg, PA 17105-8212

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-1741. Filed for public inspection September 19, 2008, 9:00 a.m.]

Local Exchange Carrier Services

A-2008-2055471 and A-2008-2055473. IDT American, Corp. Application of IDT America, Corp. for approval to provide competitive Local Exchange Carrier Services to the public in the service territories of Bentleyville Telephone Company and Marianna & Scenery Hill Telephone Company.

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 October 6, 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: IDT America, Corp.

Through and By Counsel: Michael A. Gruin, Counsel, Stevens & Lee, 17 North Second Street, 16th Floor, Harrisburg, PA 17101

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-1742. Filed for public inspection September 19, 2008, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by October 6, 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-2008-2060354. Edgar J. Burnette, t/a E's Limousine Service (171 Hudson Drive, Phoenixville, Montgomery County, PA 19460)—in limousine service, from points in the Counties of Bucks, Chester, Delaware and Montgomery, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

A-2008-2058383. 549 Corp. (645 Main Street, Edwardsville, Luzerne County, PA 18704)—persons, in paratransit service, in the Counties of Luzerne, Lackawanna and Columbia.

Applications of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.*

A-2008-2057949. Admire Limousine, Inc. (1818 Jericho Road, Warrington, Bucks County, PA 18976), a corporation of the Commonwealth—for the right to transport, as a common carrier, by motor vehicle, persons in limousine service, between points in Pennsylvania; which is to be a transfer of all of the operating rights under the certificate issued at A-00108442, F. 2, to Patrick Gallagher's Sons, Inc., subject to the same limitations and conditions; excluding Allegheny County and service that is under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* David P. Temple, Esquire, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

A-2008-2058330. Golden Taxi, LLC (909 South Allen Street, State College, Centre County, PA 16801)—a limited liability corporation of the Commonwealth—in call or demand, which is to be a transfer of all rights authorized under the certificate issued at A-00122435 to D & S Taxi and Limousine Service, Inc., subject to the same limitations and conditions.

Applications of the following for *amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under the application.*

A-2008-2053623. Jetway Transport, Inc. t/a Admiral Cab, Inc. (908 Dekalb Street, Bridgeport, Montgomery County, PA 19405), a corporation of the Commonwealth—persons upon call or demand *So As To Permit*: the transportation of persons upon call or demand service, from points in Valley Forge, Phoenixville, Malvern and Exton, Chester County, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2008-2058325. 7th Ward Civic Association (404 Cedar Street, Johnstown, Cambria County, PA 15902), a corporation of the Commonwealth—for amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, persons, in paratransit service, between points in the County of Somerset, and from points in said County, to points in Pennsylvania, and return; *So As To Permit*: the transportation of persons in paratransit service, from points in the Counties of Blair and Cambria, and from points in said

counties, to points in Pennsylvania, and return. *Attorney*: William A. Gray, Esquire, Vuono & Gray, LLC, 310 Grant Street, Suite 2310, Pittsburgh, PA 15219-2383.

Applications of the following for approval to begin operating as contract carriers for transportation of persons as described under the application.

A-2008-2058514. Project Street Transportation, LLC (507 Hamilton Street, Carlisle, Cumberland County, PA 17013), a limited liability company of the Commonwealth—contract carrier—persons, for Cumberland Perry Mental Health/Mental Retardation, from points in the Counties of Cumberland and Perry, to points in Pennsylvania, and return. *Attorney*: Andrew H. Shaw, 200 South Spring Garden Street, Suite 11, Carlisle, PA 17013.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-1743. Filed for public inspection September 19, 2008, 9:00 a.m.]

