

# PENNSYLVANIA BULLETIN

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## Agencies in this issue

The Courts

Department of Agriculture

Department of Banking

Department of Conservation and Natural  
Resources

Department of Environmental Protection

Department of Health

Department of Public Welfare

Department of State

Environmental Quality Board

Fish and Boat Commission

Independent Regulatory Review Commission

Insurance Department

Pennsylvania Emergency Management Agency

Pennsylvania Public Utility Commission

**Detailed list of contents appears inside.**



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**No. 414, May 2009**

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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## ***Pennsylvania Bulletin***

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

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

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

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

## **Adoption, Amendment or Repeal of Regulations**

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

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

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

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

## **Citation to the *Pennsylvania Bulletin***

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2009.

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# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

[ 204 PA. CODE CH. 83 ]

### Order Amending Pennsylvania Rules of Disciplinary Enforcement 504(d); No. 76; Disciplinary Rules; Doc. No. 1

#### Order

*Per Curiam:*

And Now, this 27th day of April, 2009, Rule 504(d) of the Pennsylvania Rules of Disciplinary Enforcement is amended as follows.

The amendments are adopted without prior publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interests of justice and efficient administration.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b) and the amendments adopted hereby shall take effect immediately.

JOHN A. VASKOV,  
Deputy Prothonotary  
Supreme Court of Pennsylvania

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart B. DISCIPLINARY ENFORCEMENT

#### CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

##### Subchapter E. PENNSYLVANIA LAWYERS FUND FOR CLIENT SECURITY GENERAL PROVISIONS

#### Rule 504. Confidentiality.

(a) All claims filed with the Fund shall be confidential and shall not be disclosed. This confidentiality requirement extends to all documents and things made and/or obtained, and all investigations and proceedings conducted and/or held by the Fund in connection with the filing of a claim.

(b) Notwithstanding subsection (a), the Fund, after an award is approved, may disclose the following information:

- (1) the name of the Claimant (if Claimant has granted permission to disclose);
- (2) the name of the Covered Attorney;
- (3) the amount claimed;
- (4) the amount awarded; and
- (5) a summary of the claim.

(c) Nothing in this Rule shall preclude the Fund from utilizing confidential information in the release of statistical data or in the pursuit of the Fund's subrogation rights.

(d) This Rule shall not be construed to preclude disclosure, at any time during [ **the** ] **any** investigation and/or proceeding, for confidential information requested by the following entities:

(1) authorized agencies investigating the qualifications of judicial candidates **and any proceedings related thereto**;

(2) the Judicial Conduct Board and/or its counterpart in other jurisdictions conducting an investigation **or proceeding**;

(3) authorized agencies investigating qualifications for government employment **and any proceedings related thereto**;

(4) federal courts and/or other jurisdictions investigating qualifications for admission to practice law **and any proceedings related thereto**;

(5) Office of Disciplinary Counsel and/or the Disciplinary Board [ **investigating misconduct by the Covered Attorney** ] **and/or its committees**;

(6) lawyer discipline agencies and client protection funds in other jurisdictions [ **conducting an investigation** ] **investigating a disciplinary complaint, client protection claim or qualifications for admission or readmission to practice law and any proceedings related thereto**; or

(7) law enforcement authorities investigating and/or prosecuting the Covered Attorney for a criminal offense.

\* \* \* \* \*

[Pa.B. Doc. No. 09-833. Filed for public inspection May 8, 2009, 9:00 a.m.]

## Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CH. 4 ]

### Proposed Revisions of the Comments to Rules of Criminal Procedure 430, 455 and 456

#### Introduction

The Criminal Procedural Rules Committee (Committee) is planning to recommend that the Supreme Court of Pennsylvania approve the revisions of the Comments to Rules of Criminal Procedure 430, 455 and 456. These changes would clarify the treatment under the Criminal Procedural Rules of cases involving a child, as defined in the Public School Code of 1949, 24 P.S. § 1-102 et seq., who has failed to pay fines and costs following a summary conviction for truancy. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

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



The text of the proposed amendments to the Rules precedes the Report. Additions are shown in bold; deletions are in bold and brackets.

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

Anne T. Panfil, Chief Staff Counsel  
Supreme Court of Pennsylvania  
Criminal Procedural Rules Committee  
5035 Ritter Road, Suite 100  
Mechanicsburg, PA 17055

fax: (717) 795-2106  
e-mail: criminal.rules@pacourts.us

no later than Friday, June 19, 2009.

*By the Criminal Procedural  
Rules Committee*

D. PETER JOHNSON,  
*Chair*

### Annex A

## TITLE 234. RULES OF CRIMINAL PROCEDURE

### PART I. GENERAL

## CHAPTER 4. PROCEDURES IN SUMMARY CASES

### PART D(1). Arrests With a Warrant

#### Rule 430. Issuance of Warrant.

##### (A) ARREST WARRANTS INITIATING PROCEEDINGS

A warrant for the arrest of the defendant shall be issued when:

- (1) the citation or summons is returned undelivered;
- (2) the issuing authority has reasonable grounds to believe that the defendant will not obey a summons; or

##### (B) BENCH WARRANTS

- (1) A bench warrant shall be issued when:

(a) the defendant fails to respond to a citation or summons that was served upon the defendant personally or by certified mail return receipt requested; or

(b) the defendant has failed to appear for the execution of sentence as required in Rule 454(F)(3).

(2) A bench warrant may be issued when a defendant has entered a not guilty plea and fails to appear for the summary trial, if the issuing authority determines, pursuant to Rule 455(A), that the trial should not be conducted in the defendant's absence.

- (3) A bench warrant may be issued when:

(a) the defendant has entered a guilty plea by mail and the money forwarded with the plea is less than the amount of the fine and costs specified in the citation or summons; or

(b) the defendant has been sentenced to pay restitution, a fine, or costs and has defaulted on the payment; or

(c) the issuing authority has, in the defendant's absence, tried and sentenced the defendant to pay restitution, and/or to pay a fine and costs and the collateral deposited by the defendant is less than the amount of the fine and costs imposed.

(4) No warrant shall issue under paragraph (B)(3) unless the defendant has been given notice in person or by first class mail that failure to pay the amount due or to appear for a hearing may result in the issuance of a

bench warrant, and the defendant has not responded to this notice within 10 days. Notice by first class mail shall be considered complete upon mailing to the defendant's last known address.

### Comment

Personal service of a citation under paragraph (B)(1) is intended to include the issuing of a citation to a defendant as provided in Rule 400(A) and the rules of Chapter 4, Part B(1).

When the defendant is under 18 years of age, and the defendant has failed to respond to the citation, the issuing authority must issue a summons as provided in Rule 403(B)(4)(a). If the **[juvenile] defendant** fails to respond to the summons, the issuing authority should issue a warrant as provided in either paragraph (A)(1) or (B)(1). **See also the Public School Code of 1949, 24 P. S. § 13-1333(b)(2) that permits the issuing authority to allege the defendant dependent.**

A bench warrant may not be issued under paragraph (B)(1) when a defendant fails to respond to a citation or summons that was served by first class mail. See Rule 451.

Nothing in this rule is intended to preclude a judicial district from utilizing the United States Postal Service's return receipt electronic option, or any similar service that electronically provides a return receipt, when using certified mail, return receipt requested.

Rule 454 provides that the issuing authority is to direct any defendant who is sentenced to a term of imprisonment to appear for the execution of sentence on a date certain following the expiration of the 30-day stay required by Rule 461. Paragraph (B)(1)(b), formerly paragraph (A)(1)(d), was added in 2003 to make it clear that an issuing authority should issue a warrant for the arrest of any defendant who fails to appear for the execution of sentence.

Ordinarily, pursuant to Rule 455, the issuing authority must conduct a summary trial in the defendant's absence. However, if the issuing authority determines that there is a likelihood that the sentence will include imprisonment or that there is other good cause not to conduct the summary trial, the issuing authority may issue a bench warrant for the arrest of the defendant pursuant to paragraph (B)(2) in order to bring the defendant before the issuing authority for the summary trial.

The bench warrant issued under paragraph (B)(3) should state the amount required to satisfy the sentence.

When a defendant is arrested pursuant to paragraph (B)(3), the issuing authority must conduct a hearing to determine whether the defendant is able to pay the amount of restitution, fine, and costs that is due. See Rule 456.

**Except in cases brought pursuant to the Public School Code of 1949, 24 P. S. 1-102 et seq., in which the defendant is at least 13 years of age but not yet 17, [If] if the defendant is under 18 years of age and has not paid the fine and costs, the issuing authority must issue the notice required by paragraph (B)(4) to the defendant and the defendant's parents, guardian, or other custodian informing the defendant and defendant's parents, guardian, or other custodian that, if payment is not received or the defendant does not appear within the 10-day time period, the issuing authority will certify notice of the failure to pay to the court of common pleas as required by the Juvenile Act, 42 Pa.C.S. § 6302,**

definition of "delinquent act," paragraph (2)(iv). Thereafter, the case will proceed pursuant to the Rules of Juvenile Court Procedure and the Juvenile Act instead of these rules.

**If the defendant is charged with a violation of the compulsory attendance requirements of the Public School Code of 1949, 24 P.S. § 1-102, et seq.; has attained the age of 13 but is not yet 17; and has failed to pay the fine and costs, the issuing authority must issue the notice required by paragraph (B)(4) to the defendant and the defendant's parents, guardian, or other custodian informing the defendant and defendant's parents, guardian, or other custodian that, if payment is not received or the defendant does not appear within the 10-day time period, the issuing authority may allege the defendant dependent under 42 Pa.C.S. § 6303(a)(1). Pursuant to 24 P.S. § 13-1333(b)(2), the defendant's failure to pay is not a delinquent act and the issuing authority would not certify notice of the failure to pay to the common pleas court.**

If the defendant is 18 years of age or older when the default in payment occurs, the issuing authority must proceed under these rules.

When contempt proceedings are also involved, see Chapter 1 Part D for the issuance of arrest warrants.

See Rule 431 for the procedures when a warrant of arrest is executed.

**Official Note:** Rule 75 adopted July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986; amended January 31, 1991, effective July 1, 1991; amended April 18, 1997, effective July 1, 1997; amended October 1, 1997, effective October 1, 1998; amended July 2, 1999, effective August 1, 1999; renumbered Rule 430 and amended March 1, 2000, effective April 1, 2001; amended February 28, 2003, effective July 1, 2003; Comment revised August 7, 2003, effective July 1, 2004; Comment revised April 1, 2005, effective October 1, 2005; amended June 30, 2005, effective August 1, 2006; amended January 26, 2007, effective February 1, 2008; Comment revised September 18, 2008, effective February 1, 2009; **Comment revised , 2009, effective , 2009.**

*Committee Explanatory Reports:*

Report explaining the January 31, 1991 amendments published at 20 Pa.B. 4788 (September 15, 1990); Supplemental Report published at 21 Pa.B. 621 (February 16, 1991).

Final Report explaining the April 18, 1997 amendments concerning arrest warrants when defendant fails to appear for trial published with the Court's Order at 27 Pa.B. 2117 (May 3, 1997).

Final Report explaining the October 1, 1997 amendments in paragraph (3) and the provisions of new paragraph (4) published with the Court's Order at 27 Pa.B. 5414 (October 18, 1997).

Final Report explaining the July 2, 1999 amendments to paragraph (3)(c) and the Comment concerning restitution published with the Court's Order at 29 Pa.B. 3718 (July 17, 1999).

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

Final Report explaining the February 28, 2003 amendments adding paragraph (A)(1)(d) published with the Court's Order at 33 Pa.B. 1326 (March 15, 2003).

Final Report explaining the August 7, 2003 new Comment language concerning failure to pay fines and costs by juveniles published with the Court's Order at 33 Pa.B. 4293 (August 30, 2003).

Final Report explaining the April 1, 2005 Comment revision concerning application of the Juvenile Court Procedural Rules published with the Court's Order at 35 Pa.B. 2213 (April 16, 2005).

Final Report explaining the June 30, 2005 changes distinguishing between warrants that initiate proceedings and bench warrants in summary cases published with the Court's Order at 35 Pa.B. 3911 (July 16, 2005).

**[ Final Report explaining the change to the Rule 454 reference in paragraph (B)(1)(b) with the Court's Order at 37 Pa.B. 760 (February 17, 2007). ]**

**Final Report explaining the January 26, 2007 changes published with the Court's Order at 37 Pa.B. 760 (February 17, 2007).**

Final Report explaining the September 18, 2008 revision of the Comment concerning the United States Postal Service's return receipt electronic option published with the Court's Order at 38 Pa.B. 5428 (October 4, 2008).

**Report explaining the proposed revision of the Comment concerning the Public School Code of 1949 published at 39 Pa.B. 2323 (May 9, 2009).**

**PART E. General Procedures in Summary Cases**

**Rule 455. Trial in Defendant's Absence.**

(A) If the defendant fails to appear for trial in a summary case, the trial shall be conducted in the defendant's absence, unless the issuing authority determines that there is a likelihood that the sentence will be imprisonment or that there is other good cause not to conduct the trial in the defendant's absence. If the trial is not conducted in the defendant's absence, the issuing authority may issue a warrant for the defendant's arrest.

(B) At trial, the issuing authority shall proceed to determine the facts and render a verdict.

(C) If the defendant is found not guilty, any collateral previously deposited shall be returned.

(D) If the defendant is found guilty, the issuing authority shall impose sentence, and shall give notice by first class mail to the defendant of the conviction and sentence, and of the right to file an appeal within 30 days for a trial de novo. In those cases in which the amount of collateral deposited does not satisfy the fine and costs imposed or the issuing authority imposes a sentence of restitution, the notice shall also state that failure within 10 days of the date on the notice to pay the amount due or to appear for a hearing to determine whether the defendant is financially able to pay the amount due may result in the issuance of an arrest warrant.

(E) Any collateral previously deposited shall be forfeited and applied only to the payment of the fine and costs. When the amount of collateral deposited is more than the fine and costs, the balance shall be returned to the defendant.

(F) If the defendant does not respond within 10 days to the notice in paragraph (D), the issuing authority may issue a warrant for the defendant's arrest.

**Comment**

In those cases in which the issuing authority determines that there is a likelihood that the sentence will be

imprisonment or that there is other good cause not to conduct the trial in the defendant's absence, the issuing authority may issue a warrant for the arrest of the defendant in order to have the defendant brought before the issuing authority for the summary trial. See Rule 430(B). The trial would then be conducted with the defendant present as provided in these rules. See Rule 454.

When the defendant was under 18 years of age at the time of the offense, if a mandatory sentence of imprisonment is prescribed by statute, the issuing authority may not conduct the trial, but must forward the case to the court of common pleas for disposition. See the Juvenile Act, 42 Pa.C.S. §§ 6302 and 6303.

Paragraph (D) provides notice to the defendant of conviction and sentence after trial in absentia to alert the defendant that the time for filing an appeal has begun to run. See Rule 413(B)(3).

**Except in cases under the Public School Code of 1949, 24 P.S. 1-102, et seq., in which the defendant is at least 13 years of age but not yet 17, [If] if the defendant is under 18 years of age, the notice in paragraph (D) must inform the defendant and defendant's parents, guardian, or other custodian that, if payment is not received or the defendant does not appear within the 10-day time period, the issuing authority will certify notice of the failure to pay to the court of common pleas as required by the Juvenile Act, 42 Pa.C.S. § 6302, definition of "delinquent act," paragraph (2)(iv), and the case will proceed pursuant to the Rules of Juvenile Court Procedure and the Juvenile Act instead of these rules.**

**If the defendant is charged with a violation of the compulsory attendance requirements of the Public School Code of 1949, 24 P.S. § 1-102, et seq.; has attained the age of 13 but is not yet 17; and has failed to pay the fine and costs, the issuing authority must issue the notice required by paragraph (B)(4) to the defendant and the defendant's parents, guardian, or other custodian informing the defendant and defendant's parents, guardian, or other custodian that, if payment is not received or the defendant does not appear within the 10-day time period, the issuing authority may allege the defendant dependent under 42 Pa.C.S. § 6303(a)(1). Pursuant to 24 P.S. § 13-1333(b)(2), the defendant's failure to pay is not a delinquent act and the issuing authority would not certify notice of the failure to pay to the common pleas court.**

If the defendant is 18 years of age or older and fails to pay or appear as required in paragraph (D), the issuing authority must proceed under these rules.

For the defendant's right to counsel, see Rule 122.

For arrest warrant procedures in summary cases, see Rules 430 and 431.

**Official Note:** Rule 84 adopted July 12, 1985, effective January 1, 1986; January 1, 1986 effective date extended to July 1, 1986; amended February 1, 1989, effective July 1, 1989; amended April 18, 1997, effective July 1, 1997; amended October 1, 1997, effective October 1, 1998; renumbered Rule 455 and Comment revised March 1, 2000, effective April 1, 2001; Comment revised August 7, 2003, effective July 1, 2004; Comment revised April 1, 2005, effective October 1, 2005; amended August 15, 2005, effective February 1, 2006; **Comment revised** , **2009, effective** , **2009.**

#### *Committee Explanatory Reports:*

Final Report explaining the April 18, 1997 amendments mandating a summary trial in absentia with certain exceptions published with the Court's Order at 27 Pa.B. 2117 (May 3, 1997).

Final Report explaining the October 1, 1997 amendments to paragraphs (D) and (E) published with the Court's Order at 27 Pa.B. 5414 (October 1, 1997).

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

Final Report explaining the August 7, 2003 changes to the Comment concerning failure to pay and juveniles published with the Court's Order at 33 Pa.B. 4293 (August 30, 2003).

Final Report explaining the April 1, 2005 Comment revision concerning application of the Juvenile Court Procedural Rules published with the Court's Order at 35 Pa.B. 2213 (April 16, 2005).

Final Report explaining the August 15, 2005 amendments to paragraph (D) concerning notice of right to appeal published with the Court's Order at 35 Pa.B. 4918 (September 3, 2005).

**Report explaining the proposed revisions of the Comment concerning the Public School Code of 1949 published with the Court's Order at 39 Pa.B. 2323 (May 9, 2009).**

#### **Rule 456. Default Procedures: Restitution, Fines, and Costs.**

(A) When a defendant advises the issuing authority that a default on a single remittance or installment payment of restitution, fines, or costs is imminent, the issuing authority may schedule a hearing on the defendant's ability to pay. If a new payment schedule is ordered, the order shall state the date on which each payment is due, and the defendant shall be given a copy of the order.

(B) If a defendant defaults on the payment of fines and costs, or restitution, as ordered, the issuing authority shall notify the defendant in person or by first class mail that, unless within 10 days of the date on the default notice, the defendant pays the amount due as ordered, or appears before the issuing authority to explain why the defendant should not be imprisoned for nonpayment as provided by law, a warrant for the defendant's arrest may be issued.

(C) If the defendant appears pursuant to the 10-day notice in paragraph (B) or following an arrest for failing to respond to the 10-day notice in paragraph (B), the issuing authority shall conduct a hearing to determine whether the defendant is financially able to pay as ordered.

(1) Upon a determination that the defendant is financially able to pay as ordered, the issuing authority may impose any sanction provided by law.

(2) Upon a determination that the defendant is financially unable to pay as ordered, the issuing authority may order a schedule or reschedule for installment payments, or alter or amend the order as otherwise provided by law.

(3) At the conclusion of the hearing, the issuing authority shall:

(a) if the issuing authority has ordered a schedule of installment payments or a new schedule of installment payments, state the date on which each installment payment is due;

(b) advise the defendant of the right to appeal within 30 days for a hearing de novo in the court of common pleas, and that if an appeal is filed:

(i) the execution of the order will be stayed and the issuing authority may set bail or collateral; and

(ii) the defendant must appear for the hearing de novo in the court of common pleas or the appeal may be dismissed;

(c) if a sentence of imprisonment has been imposed, direct the defendant to appear for the execution of sentence on a date certain unless the defendant files a notice of appeal within the 30-day period; and

(d) issue a written order imposing sentence, signed by the issuing authority. The order shall include the information specified in paragraphs (C)(3)(a) through (C)(3)(c), and a copy of the order shall be given to the defendant.

(D) A defendant may appeal an issuing authority's determination pursuant to this rule by filing a notice of appeal within 30 days of the issuing authority's order. The appeal shall proceed as provided in Rules 460, 461, and 462.

### Comment

The purpose of this rule is to provide the procedures governing defaults in the payment of restitution, fines, and costs.

Although most of this rule concerns the procedures followed by the issuing authority after a default occurs, paragraph (A) makes it clear that a defendant should be encouraged to seek a modification of the payment order when the defendant knows default is likely, but before it happens. For fines and costs, see 42 Pa.C.S. § 9730(b)(3).

An issuing authority may at any time alter or amend an order of restitution. See 18 Pa.C.S. § 1106(c)(2) and (3).

When a defendant defaults on a payment of restitution, fines, or costs, paragraph (B) requires the issuing authority to notify the defendant of the default, and to provide the defendant with an opportunity to pay the amount due or appear within 10 days to explain why the defendant should not be imprisoned for nonpayment. Notice by first class mail is considered complete upon mailing to the defendant's last known address. See Rule 430(D).

**Except in cases under the Public School Code of 1949, 24 P.S. 1-102, et seq., in which the defendant is at least 13 years of age but not yet 17, [If] if the defendant is under 18 years of age, the notice in paragraph (B) must inform the defendant and defendant's parents, guardian, or other custodian that, if payment is not received or the defendant does not appear within the 10-day time period, the issuing authority will certify notice of the failure to pay to the court of common pleas as required by the Juvenile Act, 42 Pa.C.S. § 6302, definition of "delinquent act," paragraph (2)(iv), and the case will proceed pursuant to the Rules of Juvenile Court Procedure and the Juvenile Act instead of these rules.**

**If the defendant is charged with a violation of the compulsory attendance requirements of the Public School Act of 1949, 24 P.S. § 1-102, et seq.; has attained the age of 13 but is not yet 17; and has failed to pay the fine and costs, the issuing authority must issue the notice required by paragraph (B)(4) to the defendant and the defendant's parents, guardian, or other custodian informing the defendant and defendant's parents, guardian, or other custodian that, if payment is not received or the**

**defendant does not appear within the 10-day time period, the issuing authority may allege the defendant dependent under 42 Pa.C.S. § 6303(a)(1). Pursuant to 24 P.S. § 13-1333(b)(2), the defendant's failure to pay is not a delinquent act and the issuing authority would not certify notice of the failure to pay to the common pleas court.**

If the defendant is 18 years or older when the default in payment occurs, the issuing authority must proceed under these rules.

Pursuant to paragraph (C), the issuing authority must conduct a default hearing when a defendant responds to the 10-day notice as provided in paragraph (B), or when the defendant is arrested for failing to respond to the 10-day notice. If the default hearing cannot be held immediately, the issuing authority may set bail as provided in Chapter 5 Part C.

Under paragraph (C)(1), when the issuing authority determines that a defendant is able to pay as ordered, the issuing authority may, as provided by law, impose imprisonment or other sanctions. In addition, delinquent restitution, fines, or court costs may be turned over to a private collection agency. See 42 Pa.C.S. §§ 9730(b)(2) and 9730.1(a).

When a defendant is in default of an installment payment, the issuing authority on his or her own motion or at the request of the defendant or the attorney for the Commonwealth must schedule a rehearing to determine the cause of the default. Before an issuing authority may impose a sentence of imprisonment as provided by law for nonpayment of restitution, fines, or costs, a hearing or rehearing must be held whenever a defendant alleges that his or her ability to pay has been diminished. See 42 Pa.C.S. § 9730(b). See also Rules 121 and 122 (dealing with the right to counsel).

When a rehearing is held on a payment schedule for fines or costs, the issuing authority may extend or accelerate the payment schedule, leave it unaltered, or sentence the defendant to a period of community service, as the issuing authority finds to be just and practicable under the circumstances. See 42 Pa.C.S. § 9730(b)(3).

This rule contemplates that when there has been an appeal pursuant to paragraph (D), the case would return to the issuing authority who presided at the default hearing for completion of the collection process.

Nothing in this rule is intended to preclude an issuing authority from imposing punishment for indirect criminal contempt when a defendant fails to pay fines and costs in accordance with an installment payment order, 42 Pa.C.S. §§ 4137(a)(4), 4138(a)(3), and 4139(a)(3), or fails to pay restitution, 42 Pa.C.S. § 4137(a)(3). Separate Rules of Criminal Procedure govern contempt adjudications. See Chapter 1 Part D.

**Official Note:** Adopted July 12, 1985, effective January 1, 1986; amended September 23, 1985, effective January 1, 1986; January 1, 1986 effective dates extended to July 1, 1986; Comment revised February 1, 1989, effective July 1, 1989; rescinded October 1, 1997, effective October 1, 1998. New Rule 85 adopted October 1, 1997, effective October 1, 1998; amended July 2, 1999, effective August 1, 1999; renumbered Rule 456 and amended March 1, 2000, effective April 1, 2001; Comment August 7, 2003, effective July 1, 2004; amended March 3, 2004, effective July 1, 2004; Comment revised April 1, 2005, effective October 1, 2005; **Comment revised 2009, effective 2009.**

*Committee Explanatory Reports:*

Final Report explaining the new rule published with the Court's Order at 27 Pa.B. 5414 (October 18, 1997).

Final Report explaining the July 2, 1999 amendments to paragraph (C) published with the Court's Order at 29 Pa.B. 3718 (July 17, 1999).

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

Final Report explaining the August 7, 2003 changes to the Comment concerning failure to pay and juveniles published with the Court's Order at 33 Pa.B. 4293 (August 30, 2003).

**[ Final Report explaining the March 3, 2004 Comment revision published with the Court's Order at 34 Pa.B. 1561 (March 20, 2004). ]**

**Final Report explaining the March 3, 2004 amendment to paragraph (B) published with the Court's Order at 34 Pa.B. 1561 (March 20, 2004).**

Final Report explaining the April 1, 2005 Comment revision concerning application of the Juvenile Court Procedural Rules published with the Court's Order at 35 Pa.B. 2213 (April 16, 2005).

**Report explaining the proposed revisions of the Comment concerning the Public School Code of 1949 published with the Court's Order at 39 Pa.B. 2323 (May 9, 2009).**

**REPORT**

*Proposed Revisions of the Comments to Pa.Rs.Crim.P. 430, 455 and 456*

**SUMMARY CASE RULES AND TRUANCY  
UNDER PUBLIC SCHOOL CODE OF 1949**

**I. Introduction**

The Committee is planning to propose to the Supreme Court revisions to the Comments to Rules of Criminal Procedure 430, 455 and 456 to clarify the treatment under the Criminal Rule procedures of cases involving a child, as defined in the Public School Code of 1949, 24 P. S. § 1-102 *et seq.*, who has failed to pay fines and costs following a summary conviction for truancy.

As part of the Magisterial District Judges System redesign, a question arose concerning how to proceed under the Criminal Rules with cases in which a defendant fails to pay fines and costs following a summary conviction for truancy. The confusion centers on the differences in the statutory provisions in the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.*, and the Public School Code of 1949, 24 P. S. § 1-102 *et seq.* for summary offenses committed by defendants between the ages of 13 and 17. Section 6302 of the Juvenile Act defines "delinquent act," and paragraph (iv) of the definition specifically excludes "summary offenses unless the child fails to comply with a lawful sentence imposed there under." "Child" is defined, *inter alia*, as "an individual who is under the age of 18 years" or "is under the age of 21 years who committed an act of delinquency before reaching the age of 18 years." 42 Pa.C.S. § 6302. Section 13-1333 of the Public School Code of 1949, provides, *inter alia*, that a child, who has attained the age of 13 years but is not yet 17, who fails to comply with the provisions of the Public School Code commits a summary offense and, upon conviction, will be sentenced to pay a fine. The Code further provides that the failure to pay the fine and costs is not a delinquent

act, but the magisterial district judge may allege the child to be dependent under the Juvenile Act.

The Criminal Rules currently only provide procedures for defendants who fall within the scope of the Juvenile Act. Pursuant to these procedures, if a defendant under the age of 18 does not pay the fines and costs, the magisterial district judge must send out a notice to the defendant that, if payment is not made or the defendant does not appear within 10 days, the case will be certified to the court of common pleas. If the juvenile is 18 or older at the time of the default in payment, and the defendant fails to respond to the 10-day notice, a bench warrant is issued.

The Committee reviewed the statutes and the rules. The members agreed that, because the Public School Code creates what can be perceived as an exception to the Juvenile Act by carving out a special procedure for summary case defendants between the ages of 13 and 17 who have been found to be in violation of the Public School Code, the differences should be recognized in the rules. The Committee agreed that the Comments to the rules dealing with summary case failures to pay should be revised to clarify the differences in the treatment of a defendant who has failed to pay fines and costs and would be subject to the Juvenile Act and a defendant who has failed to pay fines and costs and would be subject to the Public School Code of 1949. Specifically, the revisions should make it clear that the issuing authority would not certify the Public School Code cases to Juvenile Court because the failure to pay under the School Code is not a delinquent act, and that the issuing authority may allege the child dependent.

**II. Discussion of Proposed Rule Changes**

Rules 430 (Issuance of Warrant), 455 (Trial in Defendant's Absence) and 456 (Default Procedures: Restitution, Fines, and Costs) require a 10-day notice before a bench warrant may be issued when a defendant defaults in the payment of fines and costs. The Comments to all three rules include an explanation about the variation in procedure when the defendant is under the age of 18 years. The Committee is proposing that "Except in cases under the Public School Code of 1949, 24 P. S. 1-102, *et seq.*, in which the defendant is at least 13 years of age but not yet 17," be added at the beginning of each of these Comment provisions to make it clear that Public School Code summary cases are not treated in the same manner.

In addition, to further assist the bench and bar in understanding the procedures for Public School Code summary cases when the defendant is 13 but not yet 17 years of age, the Committee is proposing that the following paragraph be added to the Comments to Rules 430, 455 and 456.

If the defendant is charged with a violation of the compulsory attendance requirements of the Public School Code of 1949, 24 P. S. § 1-102, *et seq.*; has attained the age of 13 but is not yet 17; and has failed to pay the fine and costs, the issuing authority must issue the notice required by paragraph (B)(4) to the defendant and the defendant's parents, guardian, or other custodian informing the defendant and defendant's parents, guardian, or other custodian that, if payment is not received or the defendant does not appear within the 10-day time period, the issuing authority may allege the defendant dependent under 42 Pa.C.S. § 6303(a)(1). Pursuant to 24 P. S. § 13-1333(b)(2), the defendant's failure to pay is not a

delinquent act and the issuing authority would not certify notice of the failure to pay to the common pleas court.

Rule 403(B)(4) requires the issuing authority to issue a summons rather than an arrest warrant when the defendant under the age of 18 years fails to respond to a citation. The second paragraph of Rule 430 Comment elaborates on this summons procedure. The Committee believes this summons procedure also would apply to Public School Code summary cases, and therefore is not proposing any changes in this regard. However, recognizing the alternative course of action the Code gives to magisterial district judges of alleging the defendant dependent, the Committee agreed this Comment paragraph should be revised to include a citation to Section 13-333 of the Public School Code of 1949 explaining this option.

A final consideration of the Committee was that the application of the Public School Code penalties section, 24 P. S. § 13-333, is limited to defendants who have attained the age of 13 but are not yet 17, while the Juvenile Act application terminates when a defendant reaches the age of 18 in general. The Committee discussed how the case would proceed when a defendant convicted of a summary offense under the Public School Code turns 17 years of age, and, therefore, no longer is subject to the Public School Code. The Committee observed that, if the defendant had an outstanding installment payment plan, the obligation to pay would remain. If that defendant then fails to pay on an installment payment plan, he or she would be subject to the Juvenile Act. If, on the other hand, the failure to pay occurs after the defendant turns 18 years of age, the case would proceed under the rules. The Committee concluded this process is clear and no changes to the rules are necessary.

[Pa.B. Doc. No. 09-834. Filed for public inspection May 8, 2009, 9:00 a.m.]

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

### Proposed Amendments to Pa.Rs.Crim.P. 646 (Materials Permitted in Possession of the Jury) and 647 (Request for Instructions, Charge to the Jury and Preliminary Instructions)

#### Introduction

The Criminal Procedural Rules Committee (Committee) is planning to recommend that the Supreme Court of Pennsylvania reconsider the current Rule 646 prohibition of providing the jury with written jury instructions, and amend Rules 646 and 647 to permit the trial judge to provide written copies of the portion of the charge on the elements of the offenses, lesser included offenses, and any defense upon which the jury has been charged. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

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

The text of the proposed amendments to the rules precedes the Report. Additions are shown in bold; deletions are in bold and brackets.

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

Anne T. Panfil, Chief Staff Counsel  
Supreme Court of Pennsylvania  
Criminal Procedural Rules Committee  
5035 Ritter Road, Suite 100  
Mechanicsburg, PA 17055

fax: (717) 795-2106  
e-mail: criminal.rules@pacourts.us

no later than Friday, June 19, 2009

*By the Criminal Procedural  
Rules Committee*

D. PETER JOHNSON,  
*Chair*

#### Annex A

### TITLE 234. RULES OF CRIMINAL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 6. TRIAL PROCEDURES IN COURT CASES

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

#### Rule 646. Material Permitted in Possession of the Jury.

(A) Upon retiring, the jury may take with it such exhibits as the trial judge deems proper, except as provided in paragraph [ (B) ] (C).

**(B) The trial judge may permit the members of the jury to have for use during deliberations written copies of the portion of the judge's charge on the elements of the offenses, lesser included offenses, and any defense upon which the jury has been instructed.**

**(1) If the judge permits the jury to have written copies of the portion of the judge's charge on the elements of the offenses, lesser included offenses, and any defense upon which the jury has been instructed, the judge shall provide that portion of the charge in its entirety.**

**(2) The judge shall instruct the jury about the use of the written charge. At a minimum, the judge shall instruct the jurors that**

**(a) the entire charge, written and oral, shall be given equal weight; and**

**(b) the jury may submit questions regarding any portion of the charge.**

**[ (B) ] (C)** During deliberations, the jury shall not be permitted to have:

(1) a transcript of any trial testimony;

(2) a copy of any written or otherwise recorded confession by the defendant;

(3) a copy of the information; **and**

(4) **except as provided in paragraph (B)**, written jury instructions.

**[ (C) ] (D)** The jurors shall be permitted to have their notes for use during deliberations.

#### Comment

This rule prohibits the jury from receiving a copy of the indictment or information during its deliberations. The rule also prohibits the jury from taking into the jury room

any written or otherwise recorded confession of the defendant. In *Commonwealth v. Pitts*, 450 Pa. 359, 301 A.2d 646, 650 n. 1 (1973), the Court noted that "it would be a better procedure not to allow exhibits into the jury room which would require expert interpretation."

[ The 1999 amendment to paragraph (B) makes it clear that the trial court is prohibited from sending written jury instructions with a jury for use during deliberations. ] The 2009 amendment to paragraph (B) changes the procedures in Pennsylvania concerning the jury's access during deliberations to written copies of the judge's charge by permitting the judge to provide each member of the jury with written copies of the portion of the judge's charge on the elements of offenses, the lesser included offenses, and the elements of any potential defenses upon which the jury was charged for the jurors to use during their deliberations. This amendment supersedes the line of cases from *Commonwealth v. Baker*, 466 Pa. 382, 353 A.2d 406 (1976) (plurality opinion) and *Commonwealth v. Oleynik*, 524 Pa. 41, 568 A.2d 1238 (1990), through *Commonwealth v. Karaffa*, 551 Pa. 173, 709 A.2d 887 (1998), in which the Court held it was reversible error to submit written jury instructions to the jury to the extent these cases would preclude that portion of the charge containing the elements of the offense charged, lesser included offenses, and defenses raised at trial from going to the jury.

It is within the discretion of the trial judge to permit the use of the written copies of the portions of the charge on the elements by the jury during deliberations. However, once the judge permits the use of the written elements, the elements of all of the offenses, lesser included offenses, and defenses upon which the jury was charged must be provided to the jury in writing.

The method of preparing the written instructions to be provided to the jury is within the discretion of the trial judge. For example, the instructions do not have to be contemporaneously transcribed but can be a copies of previously prepared instructions that the judge has read as part of the charge that are then provided to the jury for use during deliberations.

The judge must instruct the jurors concerning the use of written instructions during deliberations. Paragraph (B)(3) sets forth the minimum information the judge must explain to the jurors.

It is strongly recommended the judge instruct the jurors along the lines of the following:

Members of the jury, I will now instruct you on the law that applies to this case including the elements of each offense as well as the elements of the lesser included offenses and defenses upon which evidence has been provided during this trial. To assist you in your deliberations I will give you a written list of the elements of these offenses, lesser included offenses, and defenses to use in the jury room.

If any matter is repeated or stated in different ways in my instructions, no emphasis is intended. Do not draw any inference because of a repetition. Do not single out any individual rule or instruction and ignore the others. Do not place greater emphasis on the elements of the offenses, lesser included offense and defenses simply because I have provide

them to you in writing and other instructions are not provided in writing. Consider all the instructions as a whole and each in the light of the others.

If, during your deliberations, you have a question or feel that you need further assistance or instructions from me, write your question on a sheet of paper and give it to the court officer who will be standing at the jury room door, and who, in turn, will give it to me. You may ask questions about any of the instructions that I have given to you whether they were given to you orally or in writing.

See Rule 647(A) (Request For Instructions, Charge To The Jury, And Preliminary Instructions) concerning the content of the charge and written requests for instructions to the jury.

The 1996 amendment adding "or otherwise recorded" in paragraph (B)(2) is not intended to enlarge or modify what constitutes a confession under this rule. Rather, the amendment is only intended to recognize that a confession can be recorded in a variety of ways. See *Commonwealth v. Foster*, 425 Pa. Super. 61, 624 A.2d 144 (1993).

Nothing in this rule is intended to preclude jurors from taking notes during testimony related to a defendant's confession and such notes may be in the jurors' possession during deliberations.

Paragraph (C) was added in 2005 to make it clear that the notes the jurors take pursuant to Rule 644 may be used during deliberations.

Although most references to indictments and indicting grand juries were deleted from these rules in 1993 because the indicting grand jury was abolished in all counties, see PA. CONST. art. I, § 10 and 42 Pa.C.S. § 8931(b), the reference was retained in this rule because there may be some cases still pending that were instituted prior to the abolition of the indicting grand jury.

**Official Note:** Rule 1114 adopted January 24, 1968, effective August 1, 1968; amended June 28, 1974, effective September 1, 1974; Comment revised August 12, 1993, effective September 1, 1993; amended January 16, 1996, effective July 1, 1996; amended November 18, 1999, effective January 1, 2000; renumbered Rule 646 March 1, 2000, effective April 1, 2001; amended June 30, 2005, effective August 1, 2005; amended August 7, 2008, effective immediately; **amended** , **2009, effective** **2009.**

#### *Committee Explanatory Reports:*

Report explaining the August 12, 1993 Comment revision published at 22 Pa.B. 3826 (July 25, 1992).

Final Report explaining the January 16, 1996 amendments published with the Court's Order at 26 Pa.B. 439 (February 3, 1996).

Final Report explaining the changes to paragraph (B) and the Comment prohibiting written jury instructions going to the jury published with the Court's Order at 29 Pa.B. 6102 (December 4, 1999).

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

Final Report explaining the June 30, 2005 amendment concerning jurors' notes published with the Court's Order at 35 Pa.B. 3917 (July 16, 2005).

Final Report explaining the August 7, 2008 revision to the Comment concerning jurors' notes related to a defen-

dant's confession published with the Court's Order at 38 Pa.B. 4606 (August 23, 2008).

**Report explaining the proposed amendments concerning providing jurors with the elements of the charged offenses in writing published at 39 Pa.B. 2326 (May 9, 2009).**

**Rule 647. Request for Instructions, Charge to the Jury, and Preliminary Instructions.**

(A) Any party may submit to the trial judge written requests for instructions to the jury. Such requests shall be submitted within a reasonable time before the closing arguments, and at the same time copies thereof shall be furnished to the other parties. Before closing arguments, the trial judge shall inform the parties on the record of the judge's rulings on all written requests. The trial judge shall charge the jury after the arguments are completed.

(B) No portions of the charge nor omissions [therefrom] from the charge may be assigned as error, unless specific objections are made thereto before the jury retires to deliberate. All such objections shall be made beyond the hearing of the jury.

(C) After the jury has retired to consider its verdict, additional or correctional instructions may be given by the trial judge in the presence of all parties, except that the defendant's absence without cause shall not preclude proceeding, as provided in Rule 602.

(D) The trial judge may give instructions to the jury before the taking of evidence or at anytime during the trial as the judge deems necessary and appropriate for the jury's guidance in hearing the case.

**Comment**

Paragraph (A), amended in 1985, parallels the procedures in many other jurisdictions which require that the trial judge rule on the parties' written requests for instructions before closing arguments, that the rulings are on the record, and that the judge charge the jury after the closing arguments. See, e.g., Fed.R.Crim.P. 30; ABA Standards on Trial by Jury, Standard 15-3.6(a); Uniform Rule of Criminal Procedure 523(b).

**Pursuant to Rule 646 (Materials Permitted in Possession of the Jury), the judge must determine whether to provide the members of the jury with written copies of the portion of the judge's charge on the elements of the offenses, lesser included offenses, and any defense upon which the jury has been instructed for use during deliberations.**

Paragraph (D), added in 1985, recognizes the value of jury instructions to juror comprehension of the trial process. It is intended that the trial judge determine on a case by case basis whether instructions before the taking of evidence or at anytime during trial are appropriate or necessary to assist the jury in hearing the case. The judge should determine what instructions to give based on the particular case, but at a minimum the preliminary instructions should orient the jurors to the trial procedures and to their duties and function as jurors. In addition, it is suggested that the instructions may include such points as note taking, the elements of the crime charged, presumption of innocence, burden of proof, and credibility. Furthermore, if a specific defense is raised by evidence presented during trial, the judge may want to instruct on the elements of the defense immediately after it is presented to enable the jury to properly evaluate the specific defense. See also Pennsylvania Suggested Standard Criminal Jury Instructions, Chapter II (1979).

**Official Note:** Rule 1119 adopted January 24, 1968, effective August 1, 1968; amended April 23, 1985, effective July 1, 1985; renumbered Rule 647 and amended March 1, 2000, effective April 1, 2001; Comment revised June 30, 2005, effective August 1, 2005; **amended**, **2009, effective**, **2009.**

*Committee Explanatory Reports:*

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

**[ Final Report explaining the Comment revision concerning the note taking instruction published with the Court's Order at 35 Pa.B. 3919 (July 16, 2005). ]**

**Final Report explaining the June 30, 2005 Comment revision concerning the note taking instruction published with the Court's Order at 35 Pa.B. 3917 (July 16, 2005).**

**Report explaining the proposed changes adding to the Comment a cross-reference to Rule 646 published at 39 Pa.B. 2326 (May 9, 2009).**

**REPORT**

*Proposed Amendments to Pa.Rs.Crim.P. 646 and 647*

**WRITTEN JURY INSTRUCTIONS**

As part of its ongoing research and examination of the manner in which jury trials are conducted, the Committee has been studying the question of whether juries should be permitted written copies of the jury instructions for use during deliberations. The Committee began its most recent review of this issue at the direction of the Court. The Committee was instructed to "consider the issue of sending written instructions out with the jury during deliberations."

Currently, Pennsylvania law prohibits jurors from having any form of written instructions during deliberations. See *Commonwealth v. Baker*, 353 A.2d 406 (Pa. 1976) (plurality opinion); *Commonwealth v. Oleynik*, 568 A.2d 1238 (Pa. 1990); and *Commonwealth v. Karaffa*, 709 A.2d 887 (Pa. 1998). This was consistent with what had been the traditional practice.

In recent years, however, most states and the federal courts have relaxed the prohibition of providing written instructions during deliberations.<sup>1</sup> The Committee conducted an extensive review of the experiences of these courts and concluded that the fears that most associate with this practice, such as misinterpretation of the law or undue weight being placed on the written instructions, have not been demonstrated in these jurisdictions.<sup>2</sup>

At the same time, interest in permitting the practice in Pennsylvania has increased. For example, at several meetings in 2005-2007, the Committee invited a number of judges of the courts of common pleas to address the Committee on procedural issues in which they were interested. A number of these judges requested that the Committee consider permitting the elements of the offense to be provided in writing to the jury during deliberations. They reported that the majority of questions received from jurors during deliberations would be eliminated by providing this limited information. Popular

<sup>1</sup> Among the majority of states that permit written jury instructions are Alabama, Arizona, California, Colorado, Illinois, Massachusetts, Texas and Virginia.

<sup>2</sup> See, e.g., *The State-Of-The-States Survey of Jury Improvement Efforts: A Compendium Report* by Hon. Gregory E. Mize (ret.), Paula Hannaford-Agor, J.D. & Nicole L. Waters, Ph.D. published by the National Center for State Courts; *Recent Evaluative Research on Jury Trial Innovations* by Judge B. Michael Dann and Professor Valerie P. Hans in *Court Review*, Spring 2004, volume 41, pages 12-19.



interest in this practice has remained high as well; several pieces of legislation have been introduced that urged the Court to reconsider the prohibition.<sup>3</sup>

Based upon the foregoing, the Committee concluded that permitting the use of written jury instructions in some form would be a beneficial practice. The question then becomes how extensive the scope of allowance should be.

The Committee considered a proposal that the entire instructions should be provided in writing. The Committee believes that the logistical difficulties in preparing what would need to be verbatim transcripts of the charge would be prohibitive, at least under current technology. Further, the Committee does not want to squelch the individual initiative that many judges employ to provide "off-the-cuff" elaboration and example. If anything less than the entire charge is permitted, however, it should be clearly defined and should not favor one party over another.

The proposed amendments therefore limit what may be provided to the jury in writing to written copies of the elements of the offense, lesser included offenses, and defenses upon which the jury had been orally charged. This limited practice has the benefit of clear definition and even-handed application as well as being more practically manageable. It also is consistent with the input the Committee received from the common pleas judges and the Legislature. Therefore, a new paragraph (B) would be added to Rule 646 that would permit the judge to provide this portion of the charge to the jury in writing.

Recognizing that a jury's need for written instructions will vary from case to case, the Committee believes that the decision whether to provide written instructions should be discretionary. However, in order to ensure fairness in the process of providing these instructions, once a judge decides to provide written instructions, he or she must send out the elements of the offenses and defenses in their entirety. This requirement is contained in paragraph (B)(1).

During the discussion of this proposal, some members of the Committee expressed the concern that the jury would emphasize the importance of the written portion of the instructions if only partial written instructions were provided. To address this concern, paragraph (B)(2) requires mandatory instructions that must include language that the entire instructions, written and oral, should be given equal weight and that the jury should feel free to ask questions regarding any portion of the instructions. These points are elaborated upon in the Comment and a sample instruction is provided.

Additionally, the Committee does not intend for this practice to create greater burdens on the courts that utilize this procedure and the Comment to Rule 646 also would include some practical recommendations suggestions on how the written instructions may be produced. For example, in order that there be no mistaken belief that a transcript of the instructions is required, the Comment suggests that the instructions do not have to be

contemporaneously transcribed but can be a version of previously prepared instructions that the judge reads and is then provided to the jury.

Finally, a cross reference to the new procedures in Rule 646 would be added to the Comment to Rule 647 (Request for Instructions, Charge to the Jury, and Preliminary Instructions).

[Pa.B. Doc. No. 09-835. Filed for public inspection May 8, 2009, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### In re: Compulsory Arbitration Motion Practice; President Judge Administrative Order No. 2009-02

#### Order

*And Now*, this 3rd day of April, 2009, in order to streamline the filing and processing of motions and applications filed in connection with Compulsory Arbitration cases, *It Is Hereby Ordered, Adjudged and Decreed* that effective April 13, 2009:

1) All Arbitration Applications shall be filed electronically with the Prothonotary's office through the Civil Trial Division Electronic Filing System as authorized by Pa.R.C.P. No. 205.4 and Philadelphia Civil Rule \*205.4;

2) At the time of filing, the Prothonotary shall assess and collect the applicable motion fees;

3) The Arbitration forms are amended as attached to this Order, and self-addressed stamped envelopes are no longer required to be submitted;

3) Notice of the entry of dispositive orders shall be sent as provided in Pa.R.C.P. No. 205.4(g)(2)(ii) or Pa.R.C.P. No. 236; and

4) The provisions of Philadelphia Civil Rule \*1303 which are in conflict with this order are hereby rescinded.

This Administrative Order shall be published in the *Pennsylvania Bulletin*. The original Administrative Order shall be filed with the Prothonotary in a docket maintained for Administrative Orders issued by the President Judge of the Court of Common Pleas, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Supreme Court's Civil Procedural Rules Committee. Copies of the Administrative Order shall be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Library and the Law Library for the First Judicial District, and shall be posted on the web site of the First Judicial District of Pennsylvania: <http://courts.phila.gov>.

HONORABLE PAMELA PRYOR DEMBE,

*President Judge*  
*Court of Common Pleas*

<sup>3</sup> See HR 559 of 2008 and House Resolution 128 of 2009, both requesting the Pennsylvania Supreme Court to modify the rules in this area. See also HB 190 of 2007, HB 612 of 2007 and HB 1085 of 2009, all of which propose amendments to Title 42 to allow the submission of written jury instructions to the jury.

## COMPULSORY ARBITRATION MOTION PRACTICE MISCELLANEOUS APPLICATION

MOTION MUST BE ELECTRONICALLY FILED AFTER EXPIRATION OF RESPONSE PERIOD (SEE INSTRUCTIONS).		<b>FIRST JUDICIAL DISTRICT OF PENNSYLVANIA COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY ARBITRATION CENTER 1601 MARKET STREET, 2ND FLOOR PHILADELPHIA, PA 19103</b>	
LIST ALL COURT TERMS AND NUMBERS OF CONSOLIDATED CASES IN SPACE DIRECTLY BELOW.			
COURT TERM AND NUMBER	APPLICANT <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant	DATE AND TIME OF LISTED HEARING	
CAPTION			
PLAINTIFF'S COUNSEL AND PHONE NO.			
DEFENDANT'S COUNSEL AND PHONE NO.			
ADDITIONAL DEFENDANT'S COUNSEL AND PHONE NO.			
1. Set forth requested relief			
2. Set forth the specific basis for the request			
3. On or after _____, the within Application will be filed with the Arbitration Center.			
4. You must submit a Response to me by _____, for attachment to the Application (within ten (10) days of mailing of copy of Application).			
5. A copy of this Application was mailed/delivered/faxed to opposing counsel, _____, Esquire on _____. <input type="checkbox"/> A Response was received and is attached hereto <input type="checkbox"/> No Response was received.			
6. Other			

I hereby certify the above is true and correct.

\_\_\_\_\_  
*Signature of Counsel for Applicant*

\_\_\_\_\_  
*Filing Date*

### ORDER

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon consideration of the within Application, it is hereby ORDERED and DECREED that:

- ☐ the Application is denied.
- ☐ the within case is transferred to the Non-Jury List;
- ☐ the within case may be transferred to the Jury List provided the jury fee is paid within 10 days;
- ☐ the Applicant is granted leave to file a Motion \_\_\_\_\_ no later than \_\_\_\_\_;
- ☐ the Applicant's request to mold the award of the Arbitrators is denied;
- ☐ the Applicant's request to mold the award of the Arbitrators is granted. See detailed order attached hereto;
- ☐ Other

# COMPULSORY ARBITRATION MOTION PRACTICE

## Instructions

Philadelphia Civil Rule \* 1303 authorizes the filing of three types of Arbitration Applications:

- 1) A “One-Time Only” rescheduling Agreement;
- 2) A “Continuance and Deferral Application” and
- 3) A “Miscellaneous Application.”

Before any Application is filed with the Court, however, the moving party (“Applicant”) must first send the Application to all other parties as required by Philadelphia Civil Rule \* 1303 so that the non-moving parties may be made aware of the requested relief and provide their position by sending a Response to the Applicant or by signing the rescheduling Agreement. After the Response period, the Applicant must file the Application electronically through the Civil Trial Division’s Electronic Filing System (go to <http://courts.phila.gov>, click the “***On-Line Services***” tab, and click the “***FJD Electronic Filing***” link). A User Name and Password is needed to access the Electronic Filing System, and the requisite filing fee (\$52.68) must be paid as required.

As part of the electronic filing process, the Applicant must attach to the electronic submission a *pdf* version of the Arbitration Application and Response(s), if any. The Applicant must maintain the signed hard copy of the Application and Response(s) as required by Pa.R.C.P. No. 205.4 (b)(4).

After review of the Application and Response(s), if any, as required by Philadelphia Civil Rule \* 1303 a dispositive order will be issued and served either through the electronic filing system as authorized by Pa.R.C.P. No. 205.4(g)(2)(ii), by mail or a combination of both.

As provided in Philadelphia Civil Rule \* 205.4 (d)(3), any Application which is filed in a hard copy format and which must be converted by the Prothonotary to a *portable document format* will be subject to an additional charge of \$1.00 per page.

### **Important Notice**

- 1) Any Application or Response(s) filed directly with the Arbitration Center will be discarded.
- 2) If an Application contains incorrect information, including information concerning service of the Application and Response(s), the Order entered upon reliance of the representations in the Application may be vacated and appropriate sanctions will be imposed.
- 3) Self-addressed, stamped envelopes need not be submitted by the Applicant.

**COMPULSORY ARBITRATION MOTION PRACTICE**  
**RESPONSE TO ARBITRATION APPLICATION**

SEND TO APPLICANT FOR ATTACHMENT TO APPLICATION.  LIST ALL COURT TERMS AND NUMBERS OF CONSOLIDATED CASES IN SPACE DIRECTLY BELOW.		<b>FIRST JUDICIAL DISTRICT OF PENNSYLVANIA</b> <b>COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY</b> <b>ARBITRATION CENTER</b> <b>1880 JOHN F. KENNEDY BLVD., 5TH FLOOR</b> <b>PHILADELPHIA, PA 19103</b>	
COURT TERM AND NUMBER	APPLICANT <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant	DATE AND TIME OF LISTED HEARING	
CAPTION			
PLAINTIFF'S COUNSEL AND PHONE NO.			
DEFENDANT'S COUNSEL AND PHONE NO.			
ADDITIONAL DEFENDANT'S COUNSEL AND PHONE NO.			
DATE APPLICATION RECEIVED		DATE RESPONSE SENT TO APPLICANT	
SET FORTH YOUR POSITION CONCERNING THE MOVING PARTY'S REQUESTED RELIEF (ATTACH PROPOSED ORDER)			

I hereby certify the above is true and correct.

Respectfully submitted,

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Filing Date*, Esquire

01-404 (Rev. 03/09)

**COMPULSORY ARBITRATION MOTION PRACTICE**  
**CONTINUANCE & DEFERRAL APPLICATION**

MOTION MUST BE ELECTRONICALLY FILED AFTER EXPIRATION OF RESPONSE PERIOD(SEE INSTRUCTIONS).  LIST ALL COURT TERMS AND NUMBERS OF CONSOLIDATED CASES IN SPACE DIRECTLY BELOW. <input type="checkbox"/> Emergency Application <input type="checkbox"/> Non-Emergency Application		<b>FIRST JUDICIAL DISTRICT OF PENNSYLVANIA</b> <b>COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY</b> <b>ARBITRATION CENTER</b> <b>1880 JOHN F. KENNEDY BLVD., 5TH FLOOR</b> <b>PHILADELPHIA, PA 19103</b>	
COURT TERM AND NUMBER	APPLICANT <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant	DATE AND TIME OF LISTED HEARING	
CAPTION			
PLAINTIFF'S COUNSEL AND PHONE NO.			
DEFENDANT'S COUNSEL AND PHONE NO.			
ADDITIONAL DEFENDANT'S COUNSEL AND PHONE NO.			
LIST PRIOR HEARING DATE(S), PARTY REQUESTING PREVIOUS CONTINUANCE(S), REASON FOR CONTINUANCE(S)			
1. THE CONTINUANCE OR DEFERRAL IS NEEDED FOR THE FOLLOWING REASON(S):  <div style="height: 100px;"></div>			
2. SET FORTH THE SPECIFIC BASIS FOR THE REQUEST AS PROVIDED IN PA. R.C.P. 216 AND PHILA. CIV. R. NO. *1303(c) AND STATE HOW COMPLIANCE WITH SAID RULES HAS BEEN ACCOMPLISHED.  <div style="height: 100px;"></div>			
3. A COPY OF THIS APPLICATION WAS MAILED/DELIVERED/FAXED TO OPPOSING COUNSEL ON _____.  <div style="height: 100px;"></div>			
4. Position of Opposing Counsel. (Will not be considered unless position stated.)  <div style="height: 100px;"></div>			
5. Agreed upon continuance date, if any:  <div style="height: 100px;"></div>			

I hereby certify the above is true and correct.

\_\_\_\_\_  
*Signature of Counsel for Applicant*

\_\_\_\_\_  
*Date*

**COMPULSORY ARBITRATION MOTION PRACTICE****ONE-TIME ONLY RESCHEDULING AGREEMENT***By Agreement of All Parties*

MUST BE ELECTRONICALLY FILED NO LATER THAN TWO DAYS BEFORE THE SCHEDULED HEARING DATE.		<b>FIRST JUDICIAL DISTRICT OF PENNSYLVANIA COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY ARBITRATION CENTER 1880 JOHN F. KENNEDY BLVD., 5TH FLOOR PHILADELPHIA, PA 19103</b>
LIST <u>ALL</u> COURT TERMS AND NUMBERS OF CONSOLIDATED CASES IN SPACE DIRECTLY BELOW.		
COURT TERM AND NUMBER	APPLICANT  <b>JOINT REQUEST</b>	LIST DATE OF ORIGINAL SCHEDULED HEARING
CAPTION		

All parties and/or Counsel agree to reschedule the hearing to the following new date and time (*new date **must** be within 2 weeks before or after original scheduled hearing date*):

Name of Plaintiff _____		
PRINT NAME OF COUNSEL FOR PLAINTIFF AND PHONE NO.	SIGNATURE OF PARTY OR COUNSEL ( <i>Fax Signature Acceptable</i> )	DATE

Name of Defendant _____		
PRINT NAME OF COUNSEL FOR DEFENDANT AND PHONE NO.	SIGNATURE OF PARTY OR COUNSEL ( <i>Fax Signature Acceptable</i> )	DATE

Name of Defendant _____		
PRINT NAME OF COUNSEL FOR DEFENDANT AND PHONE NO.	SIGNATURE OF PARTY OR COUNSEL ( <i>Fax Signature Acceptable</i> )	DATE

Name of Defendant _____		
PRINT NAME OF COUNSEL FOR DEFENDANT AND PHONE NO.	SIGNATURE OF PARTY OR COUNSEL ( <i>Fax Signature Acceptable</i> )	DATE

Name of Additional Defendant _____		
PRINT NAME OF COUNSEL FOR ADDITIONAL DEFENDANT AND PHONE NO.	SIGNATURE OF PARTY OR COUNSEL ( <i>Fax Signature Acceptable</i> )	DATE

**NOTE:**

**THIS AGREEMENT MUST BE SIGNED BY ALL COUNSEL OF RECORD OR BY UNREPRESENTED PARTIES.  
THE SIGNED AGREEMENT IS TO BE RETAINED BY THE PARTIES.**

**A SCANNED COPY OF THE AGREEMENT MUST BE ELECTRONICALLY FILED.**

# DISCIPLINARY BOARD OF THE SUPREME COURT

## Notice of Suspension

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated April 21, 2009, David Allen Gniewek is Suspended on Consent from the Bar of this Commonwealth for a period of 3 years, to be effective May 21, 2009. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides 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. 09-837. Filed for public inspection May 8, 2009, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

### ENVIRONMENTAL QUALITY BOARD

#### [ 25 PA. CODE CH. 109 ]

#### Safe Drinking Water; Public Notification Revisions

The Environmental Quality Board (Board) by this order amends 25 Pa. Code, Chapter 109 (relating to Safe Drinking Water). The final-form rulemaking strengthens the public notice requirements for imminent threat violations and situations (also known as Tier 1). The final-form rulemaking enhances the existing planning requirements of both the Operation and Maintenance Plan and the Emergency Response Plan sections that relate to public notification. The final-form rulemaking revises the delivery requirements of Tier 1 public notices for community water systems. Finally, these revisions provide additional examples of situations that community water suppliers shall report to the Department of Environmental Protection (Department) within 1 hour of discovery.

This order was adopted by the Board at its meeting of December 16, 2008.

#### A. Effective Date

This final-form rulemaking will go into effect upon publication in the *Pennsylvania Bulletin* as final-form rulemaking.

#### B. Contact Persons

For further information, contact R. Barry Greenawald, Chief, Division of Operations Monitoring and Training, P. O. Box 8467, Rachel Carson State Office Building, Harrisburg, PA 17105-8467, (717) 772-4018, or Marylou Barton, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available electronically through the Department's web site (<http://www.depweb.state.pa.us>).

#### C. Statutory Authority

The final-form rulemaking is being made under the authority of section 4 of the Pennsylvania Safe Drinking Water Act (35 P. S. § 721.4), which grants the Board the authority to adopt rules and regulations governing the provision of drinking water to the public, and sections 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-17 and 510-20).

#### D. Background and Purpose

The purpose of the amendments is to strengthen the public notice requirements for imminent threat violations and situations (also known as Tier 1). The final-form rulemaking will enhance the existing planning requirements of both the Operation and Maintenance Plan and the Emergency Response Plan sections that relate to public notification. The final-form rulemaking will revise the delivery requirements of Tier 1 public notices for community water systems. Finally, this final-form rulemaking provides additional examples of situations that community water suppliers must report to the Department within 1 hour of discovery.

E. *Summary of Comments and Responses on the Proposed Rulemaking and Changes to the Proposed Rulemaking*  
 § 109.407(a)(6) *Violation categories and other situations requiring a public notice.*

The Independent Regulatory Review Commission (IRRC) and commentators were concerned about the word "probable emergency situation" because it was unclear when water systems were required to deliver a public notice. Public notice is required when an emergency situation has occurred. IRRC suggested that the Department limit the term "probable emergency situation" to § 109.707 (relating to emergency response plan) which relates to planning for probable emergencies within a water supplier's Emergency Response Plan. Consequently, the word "probable" was deleted from this paragraph.

§ 109.407(a)(9). *Violation categories and other situations requiring a public notice.*

This paragraph was added to be consistent with Federal requirements.

§ 109.407(b)(1), (2) and (3). *Definition of "public notice tiers."*

These paragraphs were amended to revise "form, manner, and frequency of notice" to "categories, timing and delivery" to be consistent with the rest of Subchapter D.

§ 109.407(c)(4). *Public notice recipients.*

IRRC commented that the Department needed to include paragraph (2) with the § 109.707(a) citation. This paragraph was amended to add the paragraph citation of (2) to § 109.707(a).

§ 109.407(d). *Additional requirements.*

This paragraph was amended as a result of adding new text under § 109.702(a)(3) and renumbering the remaining items.

§ 109.408(a)(7). *General violation categories and other situations requiring a Tier 1 public notice.*

IRRC and commentators were concerned about the word "probable emergency situation" because it was unclear when water systems were required to deliver a Tier 1 public notice. A Tier 1 public notice is required when an emergency situation has occurred. IRRC suggested that the Department limit the term "probable emergency situation" to § 109.707 which relates to planning for probable emergencies within a water supplier's Emergency Response Plan. Consequently, the word "probable" was deleted from this paragraph.

§ 109.408(b)(5). *Timing for a Tier 1 public notice.*

This paragraph was amended to clarify that the water supplier's corrective actions must be completed and approved by the Department before the "problem corrected" public notice is issued. This revision was made as a result of the comments the Department received.

§ 109.408(c). *Delivery of a Tier 1 public notice Set May 10, 2010.*

IRRC and commentators requested that the Department provide a compliance period for the Tier 1 public notice delivery requirements so that water suppliers could research their options, plan and budget accordingly and implement the new requirements. This subsection was modified to retain existing language that allows for an extended compliance period for systems that will be installing automatic telephone dialing systems. All sys-



tems shall comply with the existing language under § 109.408(c) until May 10, 2010.

*§ 109.408(d). Delivery of a Tier 1 public notice beginning May 10, 2010.*

IRRC and commentators requested that the Department provide a compliance period for the Tier 1 public notice delivery requirements so that water suppliers could research their options, plan and budget accordingly and implement the new requirements. This subsection was amended to include the new Tier 1 public notice delivery requirements that become effective May 10, 2010. This revision was made as a result of the comments the Department received.

IRRC and commentators requested that the Department clarify that water suppliers may limit the public notice to contact consumers who are affected by a Tier 1 event instead of notifying all persons served. Consequently, this subsection was amended to reference the existing language that allows delivery of Tier 1 notices to be limited to persons served by the affected area if:

- The supplier has a violation in a portion of the distribution system that is physically or hydraulically isolated from other parts of the distribution system, and
- The supplier receives permission from the Department.

*§ 109.408(d)(1). Delivery of a Tier 1 public notice.*

Commentators requested that the Department remove the population categories and allow all community water systems the option of any form of direct delivery of a Tier 1 public notice.

The Environmental Protection Agency (EPA) requested that the Department reorganize the language regarding the delivery of an abbreviated message to subparagraph (iii) since automatic telephone dialing systems require abbreviated messages. Under subparagraph (iii), IRRC requested that the Department require water suppliers to provide the entire public notice on a dedicated telephone line because not all consumers had access to the Internet. The Department made this revision and presented it to the Department's Small Systems Technical Assistance Center Advisory Board (TAC) during their June 24, 2008, meeting. However, the TAC Board requested the Department to allow water suppliers the choice of posting the entire message on a web site because delivering this notice through a dedicated telephone line would be unrealistic and impractical. In deference to the regulated community, the Department is allowing water suppliers the choice to either post the entire public notice on a web site or record it on a dedicated telephone line.

A commentator requested clarification about whether noncommunity water systems had to use broadcast media under § 109.408(d)(2). This paragraph was revised to address the comments the Department received by:

- Removing the population categories for community water systems. This change will enable community water systems serving any population to use a variety of direct delivery methods, as long as the Tier 1 public notices are delivered within the 24 hour delivery time frame.
- Reorganizing the language regarding the delivery of an abbreviated message to subparagraph (iii) since automatic telephone dialing systems require abbreviated messages. The Department chose to provide water suppliers the options under clauses (A)—(C) of how to provide the entire public notice when an abbreviated notice is used. The language under clauses (A)—(C) is the proposed language.

- Specifying under paragraph (2) that community water systems are the type of public water systems that need to provide notice to appropriate broadcast media such as radio or television.

*§ 109.408(d)(3). Delivery of a Tier 1 public notice.*

This paragraph was revised to add hand delivery and electronic mail as direct delivery options for noncommunity water systems.

*§ 109.409(a)(1). Tier 2 public notice—categories, timing and delivery of notice.*

This paragraph was amended to revise “form, manner, and frequency of notice” to “categories, timing and delivery” to be consistent with the rest of Subchapter D.

*§ 109.409(a)(4). Tier 2 public notice—categories, timing and delivery of notice.*

This paragraph was added to allow the Department to require a Tier 2 public notice for violations or situations associated with chronic health effects or persistent violations.

*§ 109.410(a)(1). Tier 3 public notice—categories, timing and delivery*

This paragraph was amended to revise “form, manner, and frequency of notice” to “categories, timing and delivery” to be consistent with the rest of Subchapter D.

*§ 109.411(b). Abbreviated notice.*

This subsection was amended to provide the new citation (d)(1)(iii) under § 109.408.

*§ 109.412(b). Special notice of the availability of unregulated contaminant monitoring results.*

This subsection was amended to revise “form and manner” to “delivery” and revise “form, manner and frequency of notice” to “categories, timing and delivery” to be consistent with the rest of Subchapter D.

*§ 109.413(a) and (b). Special notice for nitrate exceedances above MCL by noncommunity water system, when granted permission by the Department.*

These subsections were amended to revise “form and manner” to “delivery” and revise “form, manner and frequency of notice” to “categories, timing and delivery” to be consistent with the rest of Subchapter D. The § 109.408 citation was amended to include delivery requirements before and after the compliance period for delivery of Tier 1 public notices.

*§ 109.415(1). Notice by the Department on behalf of the public water system.*

This paragraph was amended to provide the Department flexibility in delivering public notice on behalf of the public water system.

*§ 109.701(a)(3)(iii). One-hour reporting requirements.*

IRRC, commentators and the TAC Board were concerned about the word “probable emergency situation” because it appeared that water systems were to report situations that may become emergencies as well as actual emergencies. Consequently, this subparagraph was revised to delete the phrase “a probable emergency situation” and retain existing language which includes “circumstances exist which may adversely affect the quality or quantity of drinking water.”

*§ 109.701(a)(3)(iii)(F). One-hour reporting requirements.*

IRRC and commentators requested that the Department refine the definition of “chemical overfeed” to target events that pose serious threats and will adversely affect

the quality or quantity of drinking water. To further define a chemical overfeed, this clause was amended to read: "an overfeed of a drinking water treatment chemical that exceeds a published maximum use value, such as the National Sanitation Foundation's maximum use value for that treatment chemical, as applicable."

*§ 109.701(a)(3)(iii)(G). One-hour reporting requirements.*

IRRC and commentators requested that the Department refine the definition of "negative water pressure in any portion of the distribution system" to target events that pose serious threats and will adversely affect the quality or quantity of drinking water. Commentators recommended that the Department add the language "where there is known contamination or a high risk of contamination" to target events that pose serious threats to the public. Consequently, this clause was amended to read: "a situation that causes a loss of positive water pressure in any portion of the distribution system where there is evidence of known contamination or a water supplier suspects a high risk of contamination."

*§ 109.701(a)(3)(iii)(H). One-hour reporting requirements.*

A commentator requested that the Department further define the requirement to report a lack of resources that affect operations. Consequently, this clause was amended to read: "A lack of resources that adversely affect operations, such as staff shortages, notification by the power utility of planned lengthy power outages or imminent depletion of treatment."

*§ 109.702(a)(3). Operation and Maintenance Plan.*

This paragraph was amended to require community water suppliers to add procedures for repairing and replacing water mains that conform to the Department and water industry standards to their operation and maintenance plan. This revision was made as a result of a comment the Department received.

*§ 109.707(a)(2). Emergency Response Plan.*

IRRC recommended that the Department include local emergency coordinators as contact persons in a water supplier's emergency response plan. Consequently, the Department revised this paragraph to add "appropriate" to the list of contact persons. Each water supplier can determine if there is a local emergency coordinator that should be included in the contact list.

*§ 109.707(a)(2)(ii). Emergency Response Plan.*

IRRC requested that the Department include listing local public officials as contact persons in a water supplier's emergency response plan. Furthermore, the TAC Board recommended that the Department specify that the local public officials are within a water supplier's service area. Consequently, this subparagraph was amended to include key public officials within a water supplier's service area under the list of contact persons that water suppliers need to contact for each probable emergency situation.

*§ 109.707(a)(2)(iv). Emergency Response Plan.*

The TAC Board recommended that the Department revise the term "sensitive subpopulations" to "facilities within a water supplier's service area." Consequently, this subparagraph was amended to revise the term "sensitive subpopulations" to "facilities within a water supplier's service area." The Department included social service agencies to enlist the aid of other agencies in delivering a public notice to persons that may have special needs.

*§ 109.707(c). Emergency Response Plan.*

A commentator requested that the Department require water suppliers to update their emergency response plan

whenever there are changes to communication procedures or contact information and include a date of last update on the plan. Consequently, this subsection was amended to require water suppliers to update their emergency response plan as necessary to reflect changes to the communication procedures and contact information under subsection (a)(2) and record the date when they update their plan each year.

*F. Benefits, Costs and Compliance*

*Benefits*

The strengthened public notice requirements for imminent threat violations and situations (also known as Tier 1) will provide greater health protection for the public. Specifically, the amendments requiring direct delivery of Tier 1 notices and delivery by broadcast media to transient and nontransient users should improve the delivery rate of public notification during an imminent threat situation. The Commonwealth has a compelling state interest in providing strengthened public notification during imminent threat situations. As a result of this final-form rulemaking, more people will know what actions they need to take to avoid adverse health effects from a Tier 1 violation or situation.

The requirement for water suppliers to keep public notice templates and EPA contaminant fact sheets onsite will assist water suppliers with meeting Tier 1 public notice requirements within the 24 hour time frame. Water suppliers can use the information found on the EPA contaminant fact sheets to provide more information to consumers who call about the Tier 1 event.

The Department is providing more examples of situations that require community water suppliers to report to the Department within 1 hour of discovery. This consultation should provide greater assistance to both the water industry and the public.

*Compliance Costs*

Compliance costs to implement the direct delivery requirements for Tier 1 notices will increase for some of the community water systems. The greatest increase in cost will be incurred by systems that contract for notification services or directly purchase an automatic telephone dialing system. In 2008, the Department gathered new cost data regarding purchasing or contracting for automatic telephone dialing services from five vendors. These costs will vary based on system size, how many calls a system anticipates making during the year, and the service plan features that a water system purchases. The following scenario is provided to provide a cost range for a "Per Call" service plan and an "Unlimited Calls" plan. The scenario will relate to a water system that is required to contact 10,000 households. It reflects the cost for issuing a single Tier 1 public notice and the associated "Problem Corrected" public notice during the first year.

*Scenario:*

A water system is required to send one call to issue a Tier 1 notice to the entire system of 10,000 households during the first year. The call contains a 30-second message. A second call is made as a "Problem Corrected" notice which is also 30 seconds in length.

According to the five vendors surveyed, the estimated cost range for the first year for the scenario above ranged from \$2,980 to \$26,700 for a "Per Call" service plan. The estimated cost range for the first year for the scenario above for an "Unlimited Calls" Plan ranged from \$7,000 to \$10,000. Based on how many households and how many calling events (Tier 1 PN and nonemergency

events) a water supplier anticipates making within a year, every water supplier will need to determine when it becomes cost effective to purchase an "Unlimited calling" plan instead of a "Per call" plan. Water systems may be able to negotiate prices with vendors.

*Compliance Assistance Plan*

The rulemaking addresses additional planning and delivery requirements. The Department will provide educational, technical and compliance assistance through newsletters, guidance documents, training sessions and surveillance activities.

*Paperwork Requirements*

The rulemaking addresses additional planning and delivery requirements. As a result of this final-form rulemaking, the Department will be making modifications to existing forms, reports and other paperwork.

*H. Sunset Review*

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

*I. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 11, 2007, the Department submitted a copy of the notice of proposed rulemaking, published at 37 Pa.B. 5158, to IRRC and the Chairpersons of the House and Senate Environmental Resources and Energy Committees (Committees) for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing this final-form rulemaking, the Department has considered all comments from IRRC, the Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on March 18, 2009, this final-form rulemaking was deemed approved by the Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on March 19, 2009, and approved the final-form rulemaking.

*J. Findings*

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) A public comment period was provided as required by law, and all comments were considered.

(3) These regulations do not enlarge the purpose of the proposal published at 37 Pa.B. 5158 (September 22, 2007).

(4) These regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this order.

*K. Order*

The Board, acting under the authorizing statutes, orders that:

(a) The regulations of the Department in 25 Pa. Code Chapter 109, are amended by amending §§ 109.407—109.413, 109.415, 109.701, 109.702 and 109.707 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

(c) The Chairperson of the Board shall submit this order and Annex A to IRRC and the Committees as required by the Regulatory Review Act.

(d) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau, as required by law.

(e) This order shall take effect immediately.

JOHN HANGER,  
Chairperson

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 39 Pa.B. 1770 (April 4, 2009).)*

**Fiscal Note:** Fiscal Note 7-407 remains valid for the final adoption of the subject regulations.

**Annex A**

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

**Subpart C. PROTECTION OF NATURAL  
RESOURCES**

**ARTICLE II. WATER RESOURCES**

**CHAPTER 109. SAFE DRINKING WATER**

**Subchapter D. PUBLIC NOTIFICATION**

**§ 109.407. General public notification requirements.**

(a) *Violation categories and other situations requiring a public notice.* A public water supplier shall give public notice for the following circumstances:

(1) Failure to comply with an applicable State primary MCL or MRDL in Subchapter B (relating to MCLs, MRDLs or treatment technique requirements).

(2) Failure to comply with a prescribed treatment technique requirement in Subchapter B, G or K (relating to MCLs, MRDLs or treatment technique requirements; system management responsibilities; and lead and copper).

(3) Failure to perform water quality monitoring, as required by Subchapter C (relating to monitoring requirements) or Subchapter K.

(4) Operation under a variance or an exemption under Subchapter I (relating to variances and exemptions issued by the Department).

(5) Failure to comply with the requirements of any schedule that has been set under a variance or exemption.

(6) Occurrence of a waterborne disease outbreak, as defined in § 109.1 (relating to definitions), or other emergency situation as defined in § 109.701(a)(3)(iii) (relating to reporting and recordkeeping) that adversely affects the quality or quantity of finished water and has a significant potential to have serious adverse effects on human health as a result of short-term exposure.

(7) Availability of unregulated contaminant monitoring data.

(8) Exceedance of the nitrate MCL by noncommunity water systems, when permitted by the Department in writing to exceed the MCL in accordance with 40 CFR 141.11(d) (relating to MCLs for inorganic contaminants).

(9) Other violations or situations determined by the Department to require a public notice under this subchapter.

(b) *Definition of public notice tiers.* Public notice requirements are divided into three tiers, to take into account the seriousness of the violation or situation and any potential adverse health effects that may be involved. The public notice requirements for each violation or situation identified in subsection (a) is determined by the tier to which it is assigned. This subchapter incorporates by reference the tier assignment for each specific violation or situation in the National Primary Drinking Water Regulations, 40 CFR Part 141, Subpart Q, Appendix A (relating to the tier assignment for each specific NPDR violation and other situations requiring public notice), unless other tier assignments are established by regulation or order of the Department.

(1) *Tier 1 public notice.* Required for violations and situations specified in subsection (a) with significant potential to have serious adverse effects on human health as a result of short-term exposure. General violation categories and other situations requiring a Tier 1 public notice are specified in § 109.408(a) (relating to Tier 1 public notice—categories, timing and delivery).

(2) *Tier 2 public notice.* Required for all other violations and situations in subsection (a) with potential to have serious adverse effects on human health. General violation categories and other situations requiring a Tier 2 public notice are specified in § 109.409(a) (relating to Tier 2 public notice—categories, timing and delivery).

(3) *Tier 3 public notice.* Required for all other violations and situations in subsection (a) not included in Tier 1 and Tier 2. General violation categories and other situations requiring a Tier 3 public notice are specified in § 109.410(a) (relating to Tier 3 public notice—categories, timing and delivery).

(c) *Public notice recipients.*

(1) A public water supplier shall provide public notice to persons served by the public water system, in accordance with this subchapter. A public water system that sells or otherwise provides drinking water to another public water system, such as to a consecutive water, bulk water hauling or vended water system, shall give public notice to the owner or operator of the other water system. The other water system is responsible for ensuring that public notice is provided to the persons it serves.

(2) If a public water system has a violation in a portion of the distribution system that is physically or hydraulically isolated from other parts of the distribution system, the Department may allow the water supplier to limit distribution of the public notice to only persons served by that portion of the system which is out of compliance. Permission for limiting distribution of the notice will be granted in writing by the Department.

(3) If a public water system has a violation involving a point-of-entry (POE) device, the Department may allow the water supplier to limit distribution of the public notice to only persons served by that POE device. Permission for limiting distribution of the notice shall be granted in writing by the Department.

(4) If a community water system has a Tier 1 violation, the water supplier shall also notify additional recipients as designated in the community water system's emergency response plan under § 109.707(a)(2) (relating to emergency response plan).

(5) If a noncommunity water system in which persons 17 years of age or under are cared for or educated, such as a school or day care center, has a Tier 1 violation, the water supplier shall also provide public notice directly to the parent or guardian of those persons.

(6) A water supplier shall provide a copy of the notice to the Department in accordance with § 109.701(a)(4) (relating to reporting and recordkeeping).

(d) *Additional requirements.* Community water systems shall comply with the planning requirements specified under § 109.702(a)(7) (relating to operation and maintenance plan) and § 109.707.

#### **§ 109.408. Tier 1 public notice—categories, timing and delivery of notice.**

(a) *General violation categories and other situations requiring a Tier 1 public notice.* A public water supplier shall provide Tier 1 public notice for the following circumstances:

(1) Violation of the MCL for total coliforms when fecal coliforms or *E. coli* are present in the water distribution system, as specified in § 109.202(a)(2) (relating to MCLs, MRDLs or treatment technique requirements), or when the water supplier fails to test for fecal coliforms or *E. coli* when any check sample tests positive for coliforms, as specified in § 109.301(3) (relating to general monitoring requirements).

(2) Violation of the MCL for nitrate, nitrite or total nitrate and nitrite, as defined in § 109.202(a)(2), or when the water supplier fails to take a confirmation sample within 24 hours of the system's receipt of the first sample showing an exceedance of the nitrate or nitrite MCL, as specified in § 109.301(7)(ii)(C)(V).

(3) Exceedance of the nitrate MCL by noncommunity water systems, when permitted by the Department in writing to exceed the MCL in accordance with 40 CFR 141.11(d) (relating to maximum contaminant levels for inorganic chemicals).

(4) Violation of the MRDL for chlorine dioxide, as defined in § 109.202(f)(2), when one or more samples taken in the distribution system the day following an exceedance of the MRDL at the entrance of the distribution system exceed the MRDL, or when the water supplier does not take the required samples in the distribution system, as specified in § 109.301.

(5) Violation of the turbidity MCL of 5 NTU based on an average for 2 consecutive days by a public water system using an unfiltered surface water source, as specified in § 109.202(a)(2).

(6) Violation of a treatment technique requirement for pathogenic bacteria, viruses and protozoan cysts as defined in § 109.202(c), resulting from a single exceedance of the maximum allowable turbidity limit.

(7) Occurrence of a waterborne disease outbreak, as defined in § 109.1 (relating to definitions), or other emergency situation as defined in § 109.701(a)(3)(iii) (relating to reporting and recordkeeping) that adversely affects the quality or quantity of the finished water and

has a significant potential to have serious adverse effects on human health as a result of short-term exposure.

(8) Other violations or situations with significant potential to have serious adverse effects on human health as a result of short-term exposure, as determined by the Department on a case-by-case basis.

(b) *Timing for a Tier 1 public notice.* A public water supplier shall do the following:

(1) Provide a public notice as soon as possible, but no later than 24 hours after the water supplier learns of the violation or situation under subsection (a).

(2) Report the circumstances to the Department within 1 hour of discovery of the violation or situation in accordance with § 109.701(a)(3).

(3) Initiate consultation with the Department as soon as possible, but no later than 24 hours after the water supplier learns of the violation or situation, to determine initial and any additional public notice requirements.

(4) Comply with initial and any additional public notification requirements that are established as a result of the consultation with the Department. These requirements may include the timing, form, manner, duration, frequency, and content of the initial and any repeat notices, and other actions reasonably designed to reach all persons served. The repeat notice frequency, if applicable, for a Tier 1 public notice shall be established as a result of the consultation, but may be no less often than once every 30 days as long as the violation or situation persists.

(5) Provide a public notice that the Tier 1 violation or situation has been corrected, as soon as possible, but no later than 24 hours after the corrective actions have been completed and the notice is approved by the Department.

(c) *Form and manner of a Tier 1 public notice prior to May 10, 2010.* The form and manner used by a public water supplier shall fit the specific situation and shall be reasonably designed to reach residential, transient and nontransient users of the water system. To reach all persons served, a water supplier shall use, at a minimum, one or more of the following forms of delivery:

(1) Appropriate broadcast media, such as radio or television.

(2) Posting of the notice in conspicuous locations throughout the area served by the water system.

(3) Hand delivery of the notice to persons served by the water system.

(4) Another delivery method approved in writing by the Department.

(d) *Delivery of a Tier 1 public notice beginning on May 10, 2010.* The delivery methods used by a public water supplier shall fit the specific situation and shall be reasonably designed to reach residential, transient and nontransient users of the water system. To reach all persons served in accordance with § 109.407(c) (relating to general public notification requirements), a water supplier shall use, as appropriate to the type of the water system, the following forms of delivery identified under paragraphs (1)–(3).

(1) Community water systems shall provide public notice to each service connection using one or more of the following forms of direct delivery:

(i) Hand delivery.

(ii) Electronic mail.

(iii) Automatic telephone dialing systems or other best available technology. If a public water supplier delivers an abbreviated notice in accordance with § 109.411(b) (relating to content of a public notice), the public water supplier shall also provide the entire public notice under this section in one of the following ways:

(A) Posted on a web site.

(B) Recorded on a dedicated phone line.

(C) Another method approved in writing by the Department.

(iv) Another form of direct delivery approved in writing by the Department.

(2) In addition to providing public notice to each service connection under paragraph (1), community water systems that also serve transient and nontransient service connections shall provide notice using appropriate broadcast media, such as radio and television.

(3) Noncommunity water systems shall provide public notice to transient and nontransient consumers using one or more of the following forms of delivery:

(i) Hand delivery.

(ii) Electronic mail.

(iii) Posting the notice in conspicuous locations throughout the area served by the water system.

(iv) Another form of delivery approved in writing by the Department.

**§ 109.409. Tier 2 public notice—categories, timing and delivery of notice.**

(a) *General violation categories and other situations requiring a Tier 2 public notice.* A public water supplier shall provide Tier 2 public notice for the following circumstances:

(1) All violations of the primary MCL, MRDL and treatment technique requirements in Subchapter B, G or K (relating to MCLs, MRDLs or treatment technique requirements; system management responsibilities; and lead and copper), except when a Tier 1 notice is required under § 109.408 (relating to Tier 1 public notice—categories, timing and delivery of notice) or when the Department determines that a Tier 1 notice is required. The tier assignment for fluoride is not incorporated by reference. Under § 109.202(d) (relating to MCLs, MRDLs or treatment technique requirements), a public water system shall comply with the primary MCL for fluoride of 2 mg/L. As such, a public water supplier shall provide Tier 2 public notice for violation of the primary MCL for fluoride.

(2) Violations of the monitoring requirements in Subchapter C (relating to monitoring requirements) or Subchapter K, when the Department determines that a Tier 2 rather than a Tier 3 public notice is required, taking into account potential health impacts and persistence of the violation.

(3) Failure to comply with the terms and conditions of any variance or exemption in place under Subchapter I (relating to variances and exemptions issued by the Department).

(4) Other violations or situations determined by the Department to require a Tier 2 public notice, taking into account potential chronic health impacts and persistence of the violation.

(b) *Timing for a Tier 2 public notice.* A public water supplier shall do the following:

(1) Report the circumstances to the Department within 1 hour of discovery of a violation under subsection (a)(1), in accordance with § 109.701(a)(3) (relating to reporting and recordkeeping).

(2) Provide the public notice as soon as possible, but no later than 30 days after the system learns of the violation. If the public notice is posted, the notice shall remain in place for as long as the violation or situation persists, but in no case for less than 7 days, even if the violation or situation is resolved. The Department may, in appropriate circumstances, allow additional time for the initial notice of up to 3 months from the date the system learns of the violation. The Department will not grant an extension across the board or for an unresolved violation. Extensions granted by the Department will be in writing.

(3) Repeat the notice every 3 months as long as the violation or situation persists, unless the Department determines that appropriate circumstances warrant a different repeat notice frequency. In no circumstances may the repeat notice be given less frequently than once per year. The Department will not allow less frequent repeat notices across the board; or for an MCL violation for total coliforms established under § 109.202(a)(2); or for a violation of a treatment technique requirement for pathogenic bacteria, viruses and protozoan cysts as defined in § 109.202(c); or for other ongoing violations. Determinations granted by the Department for less frequent repeat notices will be in writing.

(c) *Form and manner of a Tier 2 public notice.* A public water supplier shall provide the initial public notice and any repeat notices in a form and manner that is reasonably designed to reach all persons served in the required time period. The form and manner of the public notice may vary based on the specific situation and type of water system, but the public water supplier shall at a minimum meet the following requirements:

(1) Unless directed otherwise by the Department in writing, community water systems shall provide notice using the following forms of delivery:

(i) Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the public water system.

(ii) Any other method reasonably designed to reach other persons regularly served by the system, if they would not normally be reached by the notice required in subparagraph (i). Those persons may include those who do not pay water bills or do not have service connection addresses such as house renters, apartment dwellers, university students, nursing home patients or prison inmates. Other methods may include publication in a local newspaper, delivery of multiple copies for distribution by customers that provide their drinking water to others (such as apartment building owners or large private employers), posting in public places served by the system or on the Internet or delivery to community organizations.

(2) Unless directed otherwise by the Department in writing, noncommunity water systems shall provide notice using the following forms of delivery:

(i) Posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system, or by mail or direct delivery to each customer and service connection, when known.

(ii) Any other method reasonably designed to reach other persons served by the system if they would not normally be reached by the notice required in subpara-

graph (i). Those persons may include those served who may not see a posted notice because the posted notice is not in a location they routinely pass by. Other methods may include publication in a local newspaper or newsletter distributed to customers, use of e-mail to notify employees or students or delivery of multiple copies in central locations such as community centers.

**§ 109.410. Tier 3 public notice—categories, timing and delivery of notice.**

(a) *General violation categories and other situations requiring a Tier 3 public notice.* A public water supplier shall provide Tier 3 public notice for the following circumstances:

(1) Monitoring violations under Subchapter C or K (relating to monitoring requirements; and lead and copper), except when a Tier 1 notice is required under § 109.408 (relating to Tier 1 public notice—categories, timing and delivery of notice) or where the Department determines that a Tier 2 notice is required.

(2) Operation under a variance or an exemption granted under Subchapter I (relating to variances and exemptions issued by the Department).

(3) Availability of unregulated contaminant monitoring results, as required under 40 CFR 141.40 (relating to monitoring requirements for unregulated contaminants).

(b) *Timing for a Tier 3 public notice.*

(1) A public water supplier shall provide the public notice no later than 1 year after the public water system learns of the violation or situation or begins operating under a variance or exemption. Following the initial notice, the water supplier shall repeat the notice annually for as long as the violation, variance, exemption or other situation persists. If the public notice is posted, the notice shall remain in place for as long as the violation, variance, exemption or other situation persists, but in no case may the initial and annual repeat notice be posted for less than 7 days (even if the violation or situation is resolved).

(2) Instead of individual Tier 3 public notices, a public water supplier may use an annual report detailing all violations and situations that occurred during the previous 12 months, as long as the timing requirements of paragraph (1) are met.

(c) *Delivery of a Tier 3 public notice.* A public water supplier shall provide the initial notice and any repeat notices in a form and manner that is reasonably designed to reach all persons served in the required time period. The form and manner of the public notice may vary based on the specific situation and type of water system, but the public water supplier shall, at a minimum, meet the following requirements:

(1) Unless directed otherwise by the Department in writing, community water systems shall provide notice using the following forms of delivery:

(i) Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the public water system.

(ii) Any other method reasonably designed to reach other persons regularly served by the system, if they would not normally be reached by the notice required in subparagraph (i). Those persons may include those who do not pay water bills or do not have service connection addresses such as house renters, apartment dwellers, university students, nursing home patients or prison inmates. Other methods may include publication in a

local newspaper, delivery of multiple copies for distribution by customers that provide their drinking water to others (such as apartment building owners or large private employers), posting in public places or on the Internet or delivery to community organizations.

(2) Unless directed otherwise by the Department in writing, noncommunity water systems shall provide notice using the following forms of delivery:

(i) Posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system, or by mail or direct delivery to each customer and service connection, if known.

(ii) Any other method reasonably designed to reach other persons served by the system, if they would not normally be reached by the notice required in subparagraph (i). Those persons may include those who may not see a posted notice because the notice is not in a location they routinely pass by. Other methods may include publication in a local newspaper or newsletter distributed to customers, use of e-mail to notify employees or students or delivery of multiple copies in central locations such as community centers.

(d) *Use of a CCR to meet the Tier 3 public notice requirements.* For community water systems, the CCR required under § 109.416 (relating to CCR requirements) may be used as a vehicle for the initial Tier 3 public notice and all required repeat notices, as long as the following conditions are met:

(1) The CCR is provided to persons served no later than 12 months after the system learns of the violation or situation as required under subsection (b).

(2) The Tier 3 notice contained in the CCR follows the content requirements under § 109.411 (relating to content of a public notice).

(3) The CCR is distributed following the delivery requirements under subsection (c).

**§ 109.411. Content of a public notice.**

(a) *Elements of a public notice.* When a public water system is required to give public notice under this subchapter, each public notice must include the following elements:

(1) A description of the violation or situation, including the contaminants of concern, and (as applicable) the contaminant levels.

(2) When the violation or situation occurred.

(3) Any potential adverse health effects from the violation or situation, including the standard language under subsection (e)(1) or (2), whichever is applicable.

(4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in their drinking water.

(5) Whether alternative water supplies should be used.

(6) What actions consumers should take, including when they should seek medical help, if known.

(7) What the system is doing to correct the violation or situation.

(8) When the water system expects to return to compliance or resolve the situation.

(9) The name, business address and telephone number of the water system owner, operator or designee of the public water system as a source of additional information concerning the notice.

(10) A statement to encourage the notice recipient to distribute the public notice to other persons served, using the standard language under subsection (e)(3), when applicable.

(b) *Abbreviated notice.* If automatic telephone dialing systems, TV scrollers, bullhorn announcements or radio station news flashes are used to deliver an abbreviated notice in accordance with § 109.408(d)(1)(iii) (relating to Tier 1 public notice—categories, timing and delivery of notice), the abbreviated notice must include, at a minimum, the following elements:

(1) A description of the violation or situation, including the contaminants of concern, and (as applicable) the contaminant levels.

(2) Whether alternative water supplies should be used.

(3) What actions consumers should take, including when they should seek medical help, if known.

(4) A telephone number or web site address, or both, where consumers can obtain the entire notice.

(c) *Elements of a public notice for public water systems operating under a variance or exemption.*

(1) If a public water system has been granted a variance or an exemption under Subchapter I (relating to variances and exemptions issued by the Department), the public notice must contain the following elements:

(i) An explanation of the reason for the variance or exemption.

(ii) The date on which the variance or exemption was issued.

(iii) A brief status report on the steps the system is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the variance or exemption.

(iv) A notice of any opportunity for public input in the review of the variance or exemption.

(2) If a public water system violates the conditions of a variance or exemption, the public notice must contain the ten elements listed in subsection (a).

(d) *Presentation of a public notice.*

(1) Each public notice required by this section must:

(i) Be displayed in a conspicuous way when printed or posted.

(ii) Not contain overly technical language or print that is smaller than a font size of 10 points.

(iii) Not be formatted in a way that defeats the purpose of the notice.

(iv) Not contain language that nullifies the purpose of the notice.

(2) Each public notice required by this section must comply with multilingual requirements, as follows:

(i) The public notice must contain information in Spanish regarding the importance of the notice or contain a telephone number or address where persons served may contact the water system to obtain a translated copy of the notice or to request assistance.

(ii) For each non-English-speaking group other than Spanish-speaking that exceeds 10% of the consumers for systems serving at least 1,000 people or 100 consumers for systems serving less than 1,000 people, and speaks the same language other than English, the public notice must contain information in the appropriate languages

regarding the importance of the notice or contain a telephone number or address where persons served may contact the water system to obtain a translated copy of the notice or to request assistance in the appropriate language. The Department will make the final determination of which systems need to include this information.

(e) *Standard language for a public notice.* Public water systems shall include the following standard language in their public notice:

(1) *Standard health effects language for primary MCL or MRDL violations, treatment technique violations, and violations of the condition of a variance or exemption.* Public water systems shall include in each public notice appropriate health effects language. This subchapter incorporates by reference the health effects language specified in 40 CFR Part 141, Subpart Q, Appendix B (relating to standard health effects language for public notification), corresponding to each primary MCL, MRDL and treatment technique violation listed in 40 CFR Part 141, Subpart Q, Appendix A (relating to NPDWR violations and other situations requiring public notice), and for each violation of a condition of a variance or exemption, unless other health effects language is established by regulations or order of the Department. The health effects language for fluoride is not incorporated by reference. Public water systems shall include the following health effects language in each Tier 2 public notice for violation of the primary MCL of 2 mg/L for fluoride:

"This is an alert about your drinking water and a cosmetic dental problem that might affect children under nine years of age. At low levels, fluoride can help prevent cavities, but children drinking water containing more than 2 milligrams per liter (mg/L) of fluoride may develop cosmetic discoloration of their permanent teeth (dental fluorosis). Dental fluorosis, in its moderate or severe forms, may result in a brown staining and or pitting of the permanent teeth. This problem occurs only in developing teeth, before they erupt from the gums. Drinking water containing more than 4 mg/L of fluoride (the U.S. Environmental Protection Agency's drinking water standard) can increase your risk of developing bone disease."

(2) *Standard language for violations of monitoring requirements.* Public water systems shall include the following language in their notice, including the language necessary to fill in the blanks, for all violations of monitoring requirements listed in 40 CFR Part 141, Subpart Q, Appendix A:

"We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During [insert compliance period], we "did not monitor or test" or "did not complete all monitoring or testing" for [insert contaminant(s)] and therefore cannot be sure of the quality of your drinking water during that time."

(3) *Standard language to encourage the distribution of the public notice to all persons served.* Public water systems shall include in their notice the following language, if applicable:

"Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail."

#### **§ 109.412. Special notice of the availability of unregulated contaminant monitoring results.**

(a) *Timing for a special notice.* A community water system or nontransient, noncommunity water system required to monitor for an unregulated contaminant under 40 CFR 141.40 (relating to monitoring requirements for unregulated contaminants) shall notify persons served by the system of the availability of the results of the sampling no later than 12 months after the monitoring results are known.

(b) *Delivery of a special notice.* The delivery of the public notice shall follow the requirements for a Tier 3 public notice prescribed in § 109.410 (relating to Tier 3 public notice—categories, timing and delivery of notice). A public water system may use an annual report or CCR to notify persons served by the system of the availability of the results of the sampling as long as the requirements under § 109.410(d) are met. The notice must also identify a person and provide the telephone number to contact for information on the monitoring results.

#### **§ 109.413. Special notice for nitrate exceedances above MCL by noncommunity water systems, when granted permission by the Department.**

(a) *Timing for a special notice.* A noncommunity water system granted permission by the Department in writing in accordance with 40 CFR 141.11(d) (relating to maximum contaminant levels for inorganic chemicals) to exceed the nitrate MCL shall provide notice to persons served according to the requirements for a Tier 1 notice under § 109.408(a) and (b) (relating to Tier 1 public notice—categories, timing and delivery of notice).

(b) *Delivery of a special notice.* Noncommunity water systems granted permission by the Department in writing to exceed the nitrate MCL in accordance with 40 CFR 141.11(d) shall provide continuous posting of the fact that nitrate levels exceed 10 mg/L and include the potential health effects of exposure, according to the requirements for a Tier 1 notice delivery under § 109.408(c)(2) and (d)(3) and the content requirements under § 109.411 (relating to content of a public notice).

#### **§ 109.415. Notice by the Department on behalf of the public water system.**

(a) *Failure to give public notice.* If a public water supplier fails to give notice to the public as required by this subchapter, the Department may perform this notification on behalf of the supplier of water and may assess costs of notification on the responsible water supplier.

(b) *System responsibilities when public notice is given by the Department.* If the Department gives public notice, the public water supplier remains responsible for ensuring that the requirements of this subchapter are met.

### **Subchapter G. SYSTEM MANAGEMENT RESPONSIBILITIES**

#### **§ 109.701. Reporting and recordkeeping.**

(a) *Reporting requirements for public water systems.* Public water systems shall comply with the following requirements:

\* \* \* \* \*

(3) *One-hour reporting requirements.* A public water supplier shall report the circumstances to the Department within 1 hour of discovery for the following violations or situations:

(i) A primary MCL or an MRDL has been exceeded or a treatment technique requirement has been violated under



Subchapter B or K (relating to MCLs, MRDLs or treatment technique requirements; and lead and copper).

(ii) A sample result requires the collection of check samples under § 109.301.

(iii) Circumstances exist which may adversely affect the quality or quantity of drinking water including, but not limited to:

(A) The occurrence of a waterborne disease outbreak.

(B) A failure or significant interruption in key water treatment processes.

(C) A natural disaster that disrupts the water supply or distribution system.

(D) A chemical spill.

(E) An unexpected loading of possible pathogens into the source water that significantly increases the potential for drinking water contamination.

(F) An overfeed of a drinking water treatment chemical that exceeds a published maximum use value, such as National Sanitation Foundation's "Maximum Use Value," as applicable.

(G) A situation that causes a loss of positive water pressure in any portion of the distribution system where there is evidence of contamination or a water supplier suspects a high risk of contamination.

(H) A lack of resources that adversely affect operations, such as staff shortages, notification by the power utility of planned lengthy power outages or imminent depletion of treatment chemical inventories.

\* \* \* \* \*

#### § 109.702. Operation and maintenance plan.

(a) A community water supplier shall develop an operation and maintenance plan for the community water system. The operation and maintenance plan must generally conform to the guidelines contained in the Department's *Public Water Supply Manual* and contain at least the following information:

(1) A description of the facilities.

(2) An explanation of startup and normal operation procedures.

(3) Procedures for repairing and replacing water mains that conform to the Department and water industry standards.

(4) A routine maintenance program.

(5) Records and reporting system.

(6) Sampling and analyses program.

(7) Public notification elements in accordance with Subchapter D (relating to public notification) that include:

(i) Public notice templates.

(ii) EPA contaminant fact sheets, when available.

(iii) An explanation of appropriate methods of delivery of public notice in accordance with Subchapter D.

(8) Staffing and training.

(9) Sanitary survey program including the wellhead protection program for any water system that develops one under § 109.713 (relating to wellhead protection programs).

(10) Safety program.

(11) Emergency plan and operating procedures.

(12) Manufacturer's manuals.

(13) An interconnect, valve and blowoff exercise and testing program.

(14) Date of last update.

(b) The community water supplier shall implement the operation and maintenance plan in accordance with accepted practices of the water supply industry.

(c) The community water supplier shall review and update the operation and maintenance plan as necessary to reflect changes in the operation or maintenance of the water system. The plan must be:

(1) Placed in secure locations which are readily accessible to the water system's personnel.

(2) Presented upon request to the Department.

(d) Noncommunity water suppliers may be directed by the Department to develop and implement an operation and maintenance plan as provided for in this section when the public health is threatened by inadequate operation and maintenance of the facilities.

#### § 109.707. Emergency response plan.

(a) A community water supplier shall develop a plan for the provision of safe and adequate drinking water under emergency circumstances. The emergency response plan must generally conform to the guidelines contained in the Department's *Public Water Supply Manual*, as applicable, and contain at least the following:

(1) *Organization table*. An organization table that includes a prioritized list of names and contact numbers of persons in charge of the water system during an emergency.

(2) *Communication procedures and contact information*. For each probable emergency situation, including, but not limited to, those specified in § 109.701(a)(3)(iii) (relating to reporting and recordkeeping), a list of appropriate contact persons and phone numbers for the following groups of people:

(i) Emergency management agencies within a water system's jurisdiction.

(ii) Key public officials within a water supplier's service area.

(iii) Government agencies including, but not limited to, the Department, Public Utility Commission, Department of Health, Department of Public Welfare and Pennsylvania Department of Agriculture.

(iv) Facilities within a water supplier's service area, including, but not limited to, hospitals, schools, day-care facilities, nursing homes, social service agencies, industrial and commercial users.

(v) Media.

(vi) Equipment and chemical suppliers.

(3) *Means of communication*. A list containing the following:

(i) Types of communication equipment.

(ii) Types of communication for public notification.

(4) *Summary description of the system*. A list containing the following:

(i) Location of pertinent operational information.

(ii) Source information.

(iii) Treatment information.

(iv) Finished water storage.

(5) *Assessment of available resources.* A list containing the following:

(i) Mutual aid agreements.

(ii) Emergency water supply equipment that includes procedures for providing reserve capacity according to § 109.609 (relating to reserved capacity and finished water storage) or an approved alternative water supply.

(iii) Power supply equipment.

(iv) Repair equipment.

(v) Vehicles and construction equipment.

(vi) Spare equipment.

(6) *Corrective actions for probable emergency situations.* A list containing the following:

(i) Probable emergency situations including, but not limited to, those specified in § 109.701(a)(3)(iii).

(ii) Corrective actions for each probable emergency situation.

(b) The community water supplier shall implement the emergency response plan when necessary.

(c) The community water supplier shall review and update the plan at least annually and as necessary to reflect changes to communication procedures and contact information under subsection (a)(2). The community water supplier shall record the date of update on the plan. The plan must be:

(1) Placed in secure locations which are readily accessible to the water system's personnel.

(2) Presented upon request to the Department.

[Pa.B. Doc. No. 09-838. Filed for public inspection May 8, 2009, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF STATE

[ 49 PA. CODE CH. 43b ]

### **Schedule of Civil Penalties—Funeral Directors and Funeral Establishments**

An error occurred in the proposed rulemaking of the Commissioner of Professional and Occupational Affairs (Fiscal Note: 16-47) which appeared at 39 Pa.B. 2205 (May 2, 2009). The heading, "Continuing Education Enforcement," was inaccurate and should have read "Schedule of Civil Penalties—Funeral Directors and Funeral Establishments."

[Pa.B. Doc. No. 09-797. Filed for public inspection May 1, 2009, 9:00 a.m.]

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# STATEMENTS OF POLICY

## Title 55—PUBLIC WELFARE

### DEPARTMENT OF PUBLIC WELFARE

#### [ 55 PA. CODE CH. 2600 ]

#### Personal Care Homes

##### *Subject*

The subject of this statement of policy is rent rebates to personal care home residents under the act of June 27, 2006 (P. L. 1873, No. 1) (spec. Sess. No. 1) (53 P. S. § 6926.5006) that continues the former act of March 11, 1971 (P. L. 104, No. 3), known as the Senior Citizens Rebate and Assistance Act (72 P. S. §§ 4751-1—4751-12).

##### *Scope*

This statement of policy applies to personal care homes governed by Chapter 2600 (relating to personal care homes).

##### *Purpose*

The purpose of this statement of policy is to clarify the procedures and notices to be used if a personal care home intends to collect rent rebate funds as restricted under section 1057.3 of the Public Welfare Code (62 P. S. 1057.3(a)(7)) regarding rules and regulations for personal care homes and assisted living residences and § 2600.25(d) (relating to resident-home contract).

##### *Background*

Many personal care home residents with low incomes are eligible to receive annual rent rebates from the Commonwealth of up to \$500, based on their income. Since December 21, 1988, section 1057.3 of the Public Welfare Code has restricted the amount of the rent rebate funds that can be collected from residents by a personal care home. Specifically, a personal care home is prohibited from seeking or accepting any payment from a resident who receives Supplemental Security Income (SSI) in excess of one-half of the rent rebate received. The personal care home licensing regulation in § 2600.25(d) extends that restriction to all personal care home residents eligible to receive a rent rebate.

Recently, residents and other interested parties have inquired about the purpose of this statute and regulation. The purpose of these statutory and regulatory protections is to conserve a portion of the rent rebate for the personal use of the resident. Without this protection, a personal care home would be free to collect the full amount of rebate income from residents in the form of rent and service charges.

Additional concerns have been raised regarding whether a personal care home must fully disclose its intention to collect a portion of the rent rebate to current and potential residents. While most personal care homes articulate this intention in their resident-home contracts, some do not.

##### *Discussion*

Whether a personal care home collects a portion, up to one-half, of a resident's rent rebate is important information for individuals considering admission to a personal care home. The difference between a resident retaining a full rent rebate, as opposed to half of the rent rebate, could mean as much as 16% of an SSI recipient's total annual resources available for personal expenditures.

To ensure that this rent rebate information is available to residents, the Department is clarifying that a personal care home specify in the resident-home contract whether the personal care home intends to collect a portion of the rent rebate, and if so, the dollar amount or percentage to be collected, up to one-half, and the personal care home's intention for the use of the revenues collected. In addition, a statement signed by the resident, and the resident's designated person if applicable, outlining the personal care home's policy regarding the collection of rent rebates is to be kept in the resident's record.

This requirement will have no impact on the State budget.

##### *Effective Date*

This statement of policy is effective July 1, 2009. For current residents, the rent rebate language in the resident-home contract and the signed statement are due by July 31, 2009. For residents admitted on or after July 31, 2009, the rent rebate information and the signed statement are due upon admission.

##### *Contact Person*

Comments and questions related to this statement of policy may be directed to Matthew J. Jones, Director of Operations, Adult Residential Licensing, Department of Public Welfare, Room 423, Health and Welfare Building, 7th and Forster Streets, Harrisburg, PA 17120, (717) 772-4982, matjones@state.pa.us.

ESTELLE B. RICHMAN,  
*Secretary*

*(Editor's Notice: Title 55 of the Pennsylvania Code is amended by adding a statement of policy in § 2600.25b to read as set forth in Annex A.)*

**Fiscal Note:** 14-BUL-84. No fiscal impact; (8) recommends adoption.

#### Annex A

#### TITLE 55. PUBLIC WELFARE

#### PART IV. ADULT SERVICES MANUAL

#### Subpart E. RESIDENTIAL AGENCIES/FACILITIES/SERVICES

#### CHAPTER 2600. PERSONAL CARE HOMES

#### GENERAL REQUIREMENTS

#### § 2600.25b. Rent rebates for residents of personal care homes—statement of policy.

(a) The resident-home contract must include whether the home collects a portion of a resident's rent rebate under § 2600.25(d) (relating to resident-home contract).

(b) If the home collects a resident's rent rebate under subsection (a), the resident-home contract must include the following:

(1) The dollar amount or percentage of the rent rebate to be collected.

(2) The home's intended use of the revenue collected from the rent rebate.

(c) A statement signed by the resident, and the resident's designated person if applicable, at the time of

admission, informing the resident that the information required in subsection (a) is to be kept in the resident's record.

[Pa.B. Doc. No. 09-839. Filed for public inspection May 8, 2009, 9:00 a.m.]

**DEPARTMENT OF PUBLIC WELFARE  
[ 55 PA. CODE CHS. 3270, 3280 AND 3290 ]  
Playground Protective Surface Covering**

*Scope*

This statement of policy applies to the following:

- 1) Child day care centers.
- 2) Group child day care homes.
- 3) Family child care homes.

*Purpose*

The purpose of this statement of policy is to provide clarification regarding how the Department of Public Welfare (Department) will apply the recommendations of the United States Consumer Product Safety Commission (CPSC) regarding playground protective surface covering when inspecting child care facilities.

*Background*

The child care facility regulations in §§ 3270.102(c), 3280.102(c) and 3290.102(c) (relating to condition of play equipment) state that outdoor equipment that requires embedded mounting must be mounted over a loose-fill or unitary playground protective surface covering that meets the recommendations of the CPSC. The regulations in §§ 3270.102(c), 3280.102(c) and 3290.102(c) require compliance with the CPSC recommendations regarding the need for protective surfacing to afford a minimum level of protection based on the fall height of the equipment. "Fall height" is the vertical distance between the highest designated play surface on a piece of equipment and the protective surfacing beneath it.

The CPSC publishes recommendations for playground safety that encompass a wide range of topics including playground protective surfacing. Child care facility operators have asked for clarification regarding the CPSC recommendations that are referenced in the regulatory requirement.

*Discussion*

The Department's regulations in §§ 3270.102(c), 3280.102(c) and 3290.102(c) require that facilities comply with the CPSC recommendations for playground protective surfacing under outdoor equipment that requires embedded mounting. The protective surfacing must afford protection to a child who falls from the highest designated play surface on a piece of equipment to the protective surfacing below. The CPSC provides information regarding the depth and type of loose-fill materials that afford protection from specific fall heights. In addition, the CPSC provides information regarding determining the amount of protection afforded by a unitary protective surface covering.

Child care facility operators shall comply with the CPSC recommendations for playground protective surfacing. Facility operators may choose to comply with other CPSC playground recommendations that go beyond the scope of the regulatory requirement relating to play-

ground protective surfacing. The Department will only measure compliance with and offer technical assistance in meeting the CPSC recommendations for playground protective surfacing.

The CPSC recommendations differentiate between commercial child care facilities, that is those child care facilities not operated in residences, and residential child care facilities. Based on these distinctions, the Department will apply the CPSC recommendations based on the facility types identified by the CPSC as described in the following.

*A. Child Care Center or Group Child Care Home Not Located in a Residence*

The CPSC recommendations applicable to a child care center or a group child care home not located in a residence are found in the *Public Playground Safety Handbook*, Publication 325. This publication is intended for use by commercial (nonresidential) child care facilities and is available on the Internet at <http://www.cpsc.gov/cpscpub/pubs/325.pdf> or by calling the CPSC at (800) 638-2772.

The Department will apply the protective surfacing recommendations in Publication 325 to a child care center and to a group child care home not located in a residence as follows:

- *Unitary Playground Protective Surface Covering*—See 2.4.2.1 *Unitary surfacing materials*, page 9. The facility operator shall have available test data from the manufacturer that warrants the material as safe and shock absorbing for a fall from the highest accessible point on the outdoor play equipment according to test data obtained consistent with ASTM F1292 test data from the manufacturer identifying the critical height rating of the desired surface, that is, the fall height below which a life-threatening head injury would not be expected to occur. The fall height of the equipment over the unitary protective surfacing may not exceed the critical height rating of the surface.

- *Loose-fill Surfacing Materials*—See Table 2. *Minimum compressed loose-fill surfacing depths*, page 10. Refer to Table 2 which gives the minimum required depth of compressed loose-fill material based on material type and fall height. Note that this is the depth of the material when it is compressed due to use and after the surface has been used and exposed to the weather.

*B. Family Child Care Home and Group Child Care Home Located in a Residence*

The CPSC recommendations applicable to a family child care home or a group child care home located in a residence are found in the *Outdoor Home Playground Safety Handbook*, Publication 324. This publication is intended for use by homes and residential child care facilities and is available at <http://www.cpsc.gov/cpscpub/pubs/324.pdf> or by calling the CPSC at (800) 638-2772.

The Department will apply the protective surfacing recommendations in Publication 324 to a family child care home and a group child care home located in a residence as follows:

- *Unitary Playground Protective Surface Covering*—See *Poured in-Place Surfaces or Pre-Manufactured Rubber Tiles*, page 6. The facility operator shall have available test data from the manufacturer that shows the surfacing was tested per ASTM F1292 test standards. The test data should show the specific height for which the surface is intended to protect against serious head injury. This height must be equal to or greater than the fall height to

the protective surfacing below. The fall height of the equipment over the unitary protective surfacing may not exceed the critical height rating of the surface.

- *Loose-Fill Surfacing Materials*—See *Loose-Fill Materials*, page 5. Refer to the CPSC recommendations for loose-fill materials which give the minimum required depth of compressed loose-fill material based on material type and fall height. Note that this is the depth of the material when it is compressed due to use and after the surface has been used and exposed to the weather.

#### *Regulation Interpretation*

The regulation interpretations are contained in Annex A.

#### *Effective Date*

This statement of policy is effective immediately upon publication in the *Pennsylvania Bulletin*.

#### *Contact Person*

Tamula Ferguson, Division of Regulatory Administration, Bureau of Certification Services, Office of Child Development and Early Learning, (717) 346-9320.

ESTELLE B. RICHMAN,  
*Secretary*

(*Editor's Note:* Title 55 of the *Pennsylvania Code* is amended by adding statements of policy in §§ 3270.102b, 3280.102b and 3290.102b to read as set forth in Annex A.)

**Fiscal Note:** 14-082. No fiscal impact; (8) recommends adoption.

### **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**

#### **EQUIPMENT**

#### **§ 3270.102b. Playground protective surface covering—statement of policy.**

The requirement for playground protective surface covering in § 3270.102(c) (relating to condition of play equipment) means that the protective surfacing material must be safe and shock absorbing for a fall from the highest designated play surface on a piece of equipment as specified in the United States Consumer Public Safety Commission's *Public Playground Safety Handbook*, Publication 325. This publication is available on the Internet

at <http://www.cpsc.gov/cpscpub/pubs/325.pdf> or by calling the Consumer Public Safety Commission at (800) 638-2772.

#### **CHAPTER 3280. GROUP CHILD DAY CARE HOMES EQUIPMENT**

#### **§ 3280.102b. Playground protective surface covering—statement of policy.**

(a) For a group child day care home that is not located in a residence, the requirement for playground protective surface covering in § 3280.102(c) (relating to condition of play equipment) means that the protective surfacing material must be safe and shock absorbing for a fall from the highest designated play surface on a piece of equipment as specified in the United States Consumer Public Safety Commission's *Public Playground Safety Handbook*, Publication 325. This publication is available on the Internet at <http://www.cpsc.gov/cpscpub/pubs/325.pdf> or by calling the Consumer Public Safety Commission at (800) 638-2772.

(b) For a group child care home that is located in a residence, the requirement for playground protective surface covering in § 3280.102(c) means that the protective surfacing material must be safe and shock absorbing for a fall from the highest designated play surface on a piece of equipment as specified in the United States Consumer Public Safety Commission's *Outdoor Home Playground Safety Handbook*, Publication 324. This publication is available on the Internet at <http://www.cpsc.gov/cpscpub/pubs/324.pdf> or by calling the Consumer Public Safety Commission at (800) 638-2772.

#### **CHAPTER 3290. FAMILY CHILD DAY CARE HOMES EQUIPMENT**

#### **§ 3290.102b. Playground protective surface covering—statement of policy.**

The requirement for playground protective surface covering in § 3290(c) (relating to condition of play equipment) means that the protective surfacing material must be safe and shock absorbing for a fall from the highest designated play surface on a piece of equipment as specified in the United States Consumer Public Safety Commission's *Outdoor Home Playground Safety Handbook*, Publication 324. This publication is available on the Internet at <http://www.cpsc.gov/cpscpub/pubs/324.pdf> or by calling the Consumer Public Safety Commission at (800) 638-2772.

[Pa.B. Doc. No. 09-840. Filed for public inspection May 8, 2009, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Biodiesel Infrastructure; Public Hearing

The Department of Agriculture (Department) gives notice that three public hearings have been scheduled in this Commonwealth regarding biodiesel infrastructure, under the Biofuel Development and In-State Production Incentive Act (act) (73 P. S. §§ 1650.1—1650.7). The public hearings will be held on Monday, May 18, 2009, from 1 to 4 p.m. at the Southwest Pennsylvania Commission Building, 425 Sixth Avenue, Suite 2500, Pittsburgh, PA; on Wednesday, May 20, 2009, from 1 to 4 p.m. at the State College High School (South), 650 Westerly Parkway, State College, PA and on Friday, May 22, 2009, from 1 to 4 p.m. at the Whitehall High School, 3800 Mechanicsville

Road, Whitehall, PA. The purpose of the public hearing is to assist the Department in determining whether sufficient infrastructure exists to meet the requirements of section 3(a)(1) of the act. Persons wishing to offer testimony at the public hearing should submit written testimony no later than 1 week prior to any one hearing. Each person testifying will be allotted 5 minutes for oral testimony. Time will be made available for walk-in comment/testimony. Individuals wishing to testify should schedule a time to testify by contacting Michael Rader at (717) 787-9089 or at ag-biofuels@state.pa.us no later than 1 week prior to the hearing they plan to attend.

DENNIS C WOLFF,  
*Secretary*

[Pa.B. Doc. No. 09-841. Filed for public inspection May 8, 2009, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending April 28, 2009.

Under section 503.E of the Department of Banking Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

### BANKING INSTITUTIONS

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-20-2009	Susquehanna Bank Lititz Lancaster County	Koser Road and Fruitville Pike Lititz Lancaster County	Opened
4-28-2009	Susquehanna Bank Lititz Lancaster County	1635 Market Street Philadelphia Philadelphia County	Filed

#### Branch Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-23-2009	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>Into:</i> 100 South Union Street Middletown Dauphin County  <i>From:</i> 37 Brown Street Middletown Dauphin County	Effective
4-23-2009	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>Into:</i> Frankford Avenue and Teesdale Street Philadelphia Philadelphia County	Effective

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
		<i>From:</i> 7149 Frankford Avenue Philadelphia Philadelphia County	
4-23-2009	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>Into:</i> 2 East Baltimore Avenue Media Delaware County	Effective
		<i>From:</i> Second and Olive Streets Media Delaware County	
4-23-2009	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>Into:</i> 160 West Eagle Road Havertown Delaware County	Effective
		<i>From:</i> 1635 East Darby Road Havertown Delaware County	

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-23-2009	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	270 Main Street Landisville Lancaster County	Closed

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Community Charter Conversions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
4-27-2009	Penn Drake Credit Union Karns City Butler County	Karns City	Effective

The credit union amended its Articles of Incorporation to serve a field of membership limited to the following community: All people who live, work, worship, attend school in, and businesses and other legal entities in Butler County, PA.

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

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 09-842. Filed for public inspection May 8, 2009, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

**Snowmobile and ATV Advisory Committee Meeting**

The Snowmobile and ATV Advisory Committee of the Department of Conservation and Natural Resources (Department) on Wednesday, May 13, 2009. The meeting will be held at 9:30 a.m. in Room 105, Rachel Carson State Office Building, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Vanyla Tierney at (717) 783-2654.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Vanyla Tierney at (717) 783-2654 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN QUIGLEY,  
*Acting Secretary*

[Pa.B. Doc. No. 09-843. Filed for public inspection May 8, 2009, 9:00 a.m.]



# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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

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

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

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

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

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

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

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

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

#### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0062618 (Minor Industrial Waste)	Bethlehem Authority 10 East Church Street Bethlehem, PA 18018-6005	Lehigh Township Northampton County	UNT of Indian Creek 2C	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0060755 (Minor Sewage)	Wyoming County Housing Authority Meshoppen Towne House Apartments P. O. Box 350 Nicholson, PA 18446	Wyoming County Meshoppen Township	Little Meshoppen Creek 04G	Y

Chesapeake Bay nutrient monitoring requirements for Ammonia Nitrogen, Kjeldahl Nitrogen, Nitrite-Nitrate as N, Total Nitrogen and Total Phosphorus are being added to this permit.

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0246867 (Sew)	Plaza Management, Inc. 5609 Pinehurst Way Mechanicsburg, PA 17050	Dauphin County Reed Township	Susquehanna River 6-C	Y
PA0086304 (Sew)	Earl Township Sewer Authority 517 North Railroad Avenue New Holland, PA 17557	Lancaster County Earl Township	Mill Creek 7-J	Y
PA0087785 (Sew)	Cove Forge Treatment Center 200 Trenton Street Cambridge, MD 21613	Blair County Woodbury Township	Frankstown Branch Juniata River 11-A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0221325	Abbey Woods Development 172 Saint Ives Way Zelienople, PA 16063	Jackson Township Butler County	UNT to Brush Creek 20-C	Y
PA0034878	Springhill Estates MHP Route 18 Springfield, PA 16435	Spring Township Crawford County	UNT to Conneaut Creek 15	Y
PA0037893	East Brady STP 300 Verner Street East Brady, PA 16028-5531	East Brady Borough Clarion County	Allegheny River 17-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.*

**PA0043982**, Sewage, **Utilities, Inc. of Pennsylvania**, 3311 Village Drive North, Upper Marlboro, MD 20772. This existing facility is located in West Bradford Township, **Chester County**.

Description of Proposed Activity: This application is for renewal of the NPDES permit to discharge treated sewage from the sewage treatment plant known as Broad Run STP.

The receiving stream, a UNT to East Branch Brandywine Creek, is in the State Water Plan Watershed 3H and is classified for: WWF, MF and the Statewide water uses of aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on a design flow of 0.4 mgd, are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
CBOD <sub>5</sub>	73		22		44
Total Suspended Solids	100		30		60
Ammonia, as N					
(5-1 to 10-31)	6.7		2.0		4.0
(11-1 to 4-30)	20		6.0		12.0

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
Phosphorus, as P (4-1 to 10-31)	5.8		1.7		3.4
(years 1 and 2) (11-1 to 3-31)	M/R		M/R		
(years 1 and 2) (4-1 to 10-31)	5.8		1.7		3.4
(years 3—5) (11-1 to 3-31)	6.7		2.0		4.0
(years 3—5)					
Total Residual Chlorine			0.5		1.6
Fecal Coliform			200/100 ml (Geometric Mean)		1,000/100 ml
Dissolved Oxygen			2.0 (Minimum)		
pH (Standard Units)			6.0 (Minimum)		9.0
Total Nitrogen (years 1 and 2)	M/R		M/R		

M/R = Monitor and Report

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

1. Notification of Designation of Operator.
2. Abandon STP When Municipal Sewers Available.
3. Remedial Measures if Unsatisfactory Effluent.
4. No Stormwater.
5. Acquire Necessary Property Rights.
6. Change of Ownership.
7. Total Residual Chlorine Requirement.
8. Sludge Disposal Requirement.
9. Laboratory Certification.
10. Certified Operator.
11. Instantaneous Maximum Requirements.
12. Fecal Coliform I-Maximum Reporting.
13. Fecal Coliform 10% Rule.

**PA0052663**, Sewage, **Knight's Bridge Corporation**, 112 Chesley Drive, Suite 200, Media, PA 19063-1762. This existing facility is located in Chadds Ford Township, **Delaware County**.

Description of Proposed Activity: This application requests renewal of the NPDES permit for an existing discharge of treated sewage from the Knight's Bridge sewage treatment plant.

The receiving stream, Harvey Run, is in the State Water Plan Watershed 3H and is classified for: WWF, MF and the Statewide water uses of aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.09 mgd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31)	7.5		10		20
(11-1 to 4-30)	15		20		40
Total Suspended Solids	7.5		10		20
Ammonia as N (5-1 to 10-31)	0.8		1.0		2.0
(11-1 to 4-30)	2.3		3.0		6.0
NO <sub>2</sub> N and NO <sub>3</sub> N	7.5		10		20
Fecal Coliform			200/100 ml (Geometric Mean)		1,000/100 ml
Dissolved Oxygen			5.0 (Minimum)		
pH (Standard Units)			6.0 (Minimum)		9.0

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine			0.5		1.2
Phosphorus as P	Monitor and Report		2.0		4.0
(years 1 and 2)					
(years 3—5)	1.5		2.0		4.0
Total Nitrogen	Monitor and Report		Monitor and Report		
(years 1 and 2)					

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

1. Notification of Designation of Operator.
2. Abandon STP When Municipal Sewers Available.
3. Remedial Measures if Unsatisfactory Effluent.
4. No Stormwater.
5. Acquire Necessary Property Rights.
6. Small Stream Discharge.
7. Change of Ownership.
8. Total Residual Chlorine Requirement.
9. Sludge Disposal Requirement.
10. 2/Month Sampling.
11. Laboratory Certification.
12. Certified Operator.
13. Instantaneous Maximum Requirements.
14. Fecal Coliform I-Maximum Reporting.
15. Fecal Coliform 10% Rule.

**PA0050652**, Sewage, SIC 4952, **Westtown School**, P. O. Box 1799, Westtown, PA 19395. This proposed facility is located in Westtown Township, **Chester County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated sewage from Westtown School STP.

The receiving stream, East Branch of Chester Creek, is in the State Water Plan Watershed 3G and is classified for: TSF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Media Borough is located on Chester Creek and is 9.5 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.03 mgd:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Average Monthly</i>	<i>Average Monthly</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>				
(5-1 to 10-31)	5.0		20	40
(11-1 to 4-30)	6.3		25	50
Total Suspended Solids	7.5		30	60
Ammonia as N				
(5-1 to 10-31)	0.63		2.5	5.0
(11-1 to 4-30)	1.9		7.5	15.0
Phosphorus, Total				
(years 1 and 2)		Monitor and Report	Monitor and Report	
(5-1 to 10-31)				
(years 3—5)	0.25	1.0		2.0
(11-1 to 4-30)				
(years 3—5)	0.50	2.0		4.0
Fecal Coliform		# 200/100 ml		# 1,000/100 ml
Dissolved Oxygen				3.0 (Instantaneous Minimum)
Total Residual Chlorine		0.5		1.2
pH		6.0 to 9.0 Standard Units at all times		

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

1. Operator Notification.
2. Abandon STP When Municipal Sewers Available.
3. Remedial Measures if Unsatisfactory Effluent.

4. No Stormwater Condition.
5. Acquire Necessary Property Rights.
6. Change in Ownership.
7. Chlorine Minimization.
8. Proper Sludge Disposal.
9. Operator Education Requirement.
10. 2/Month Sampling.
11. Laboratory Certification.
12. Fecal Coliform Reporting.
13. Condition to Phase Out.

**PA0021172**, Sewage, **Bucks County Water and Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976. This facility is located in Doylestown Borough, **Bucks County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated sewage from Harvey Avenue STP.

The receiving stream, Cooks Run, is in the State Water Plan Watershed 2F and is classified for: WWF, MF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the Aqua Pennsylvania Neshaminy Plant located on Neshaminy Creek.

The proposed effluent limits for Outfall 001 based on an average design flow of 0.900 mgd:

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>				
(5-1 to 10-31)	15	23		30
(11-1 to 4-30)	25	40		50
Suspended Solids	30	45		60
Ammonia (as N)				
(5-1 to 10-31)	1.0			2.0
(11-1 to 4-30)	2.0			4.0
NO <sub>2</sub> +NO <sub>3</sub> as N				
(7-1 to 10-31)	10			20
Total Kjeldahl Nitrogen	Monitor and Report			
Phosphorous (as P)				
(4-1 to 10-31)	0.8			1.6
(11-1 to 3-31)	1.6			3.2
Fecal Coliform	200 #/100 ml as a Geometric Mean, nor greater than 1,000 #/100 ml in more than 10% of samples			
Dissolved Oxygen	Minimum of 6.0 mg/l at all times			
pH	Within limits of 6.0 to 9.0 Standard Units at all times			
Copper, Total	Monitor and Report			
Hardness, Total	Monitor and Report			
Iron, Total	Monitor and Report			
Iron, Dissolved	Monitor and Report			
Aluminum, Total	Monitor and Report			
Toxicity, Chronic	Monitor and Report			

The proposed effluent limits for Outfall 001 based on an average design flow of 1.600 mgd:

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>				
(5-1 to 10-31)	10	15		20
(11-1 to 4-30)	20	30		40
Suspended Solids	30	45		60
Ammonia (as N)				
(5-1 to 10-31)	1.0			2.0
(11-1 to 4-30)	2.0			4.0
NO <sub>2</sub> +NO <sub>3</sub> as N				
(7-1 to 10-31)	10			20
Total Kjeldahl Nitrogen	Monitor and Report			
Phosphorous (as P)				
(4-1 to 10-31)	0.5			1.0
(11-1 to 3-31)	1.0			2.0
Fecal Coliform	200 #/100 ml as a Geometric Mean, nor greater than 1,000 #/100 ml in more than 10% of samples			
Dissolved Oxygen	Minimum of 6.0 mg/l at all times			
pH	Within limits of 6.0 to 9.0 Standard Units at all times			

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Copper, Total	Monitor and Report			
Hardness, Total	Monitor and Report			
Iron, Total	Monitor and Report			
Iron, Dissolved	Monitor and Report			
Aluminum, Total	Monitor and Report			
Toxicity, Chronic	Monitor and Report			

Harvey Avenue STP participated with a group that submitted a copper Water Effects Ratio (WER) study to the Department of Environmental Protection. Site specific copper WER were public noticed in the *Pennsylvania Bulletin* on November 20, 1999. The Environmental Protection Agency (EPA) approved a dissolved Cu WER of 5.7 for Harvey Avenue STP. Subsequently, the EPA approved an additional site specific copper recalculation which was public noticed in the *Pennsylvania Bulletin* on December 2, 2000. For a hardness of 186 mg/l, the site specific copper CCC criteria is 148.83 ug/l and the CMC criteria is 235.84 ug/l. The site specific copper criteria, including the WER and recalculated criteria equation are:

$$\text{Cu CCC (dissolved)} = e^{((0.8545 * \ln[H]) - 1.203)}$$

$$\text{Cu CMC (dissolved)} = e^{((0.9422 * \ln[H]) - 1.201)}$$

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

1. Designation of Responsible Operator.
2. Remedial Measures if Public Nuisance.
3. No Stormwater to Sewers.
4. Necessary Property Rights.
5. Small Stream Discharge.
6. Change in Ownership.
7. Proper Sludge Disposal.
8. TMDL/WLA Analysis.
9. Chronic WET Monitoring.
10. Operator Training.
11. Requirements Applicable to Stormwater Outfalls.
12. Pretreatment Program.
13. Laboratory Certification.
14. Copper Criteria WER and Recalculation.

The EPA waiver is not in effect

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

**Application No. PA 0024040**, Sewage, **Highspire Borough Authority**, 640 Eshelman Street, Highspire, PA 17034-1698. This facility is located in Highspire Borough, **Dauphin County**.

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

The receiving stream, Susquehanna River, is in Watershed 7-C, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Columbia Water Company is located on the Susquehanna River, approximately 22 miles downstream. The discharge is not expected to affect the water supply.

The proposed amendment revises the Chesapeake Bay Strategy Implementation interim milestone dates. The final compliance date is not affected.

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

The EPA waiver is not in effect.

**Application No. PA0260932**, CAFO, **Burk-Lea Dairy Farm**, 3099 Grand Point Road, Chambersburg, PA 17201.

Stanley Burkholder has submitted an NPDES permit application for the Burk-Lea Dairy Farm, an existing dairy operation in Greene Township, **Franklin County**. The CAFO is situated near Conocheague Creek, which is classified as a CWF. The CAFO has a target animal population of approximately 1,809 animal equivalent units consisting of 960 mature dairy cows, 412 heifers and 165 dairy calves. There are three clay lined liquid manure storage facilities on the farm. A release or discharge to waters of this Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department of Environmental Protection (Department) has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has

made a tentative determination to issue the NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit. The permit application and draft permit are on file at the Southcentral Regional Office of the Department.

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

The Environmental Protection Agency permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

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

**PA0097713**, Sewage, **Maronda Foundation**, 601 Flaugherty Run Road, Coraopolis, PA 15108. This application is for renewal of an NPDES permit to discharge treated sewage from Gilmary Center STP in Findlay Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Flaugherty 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-Ohio River.

*Outfall 001: existing discharge, design flow of 0.013875 mgd.*

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	5.5			11.0
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	0.2			0.4
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.

**PA0033642**, Sewage, **West Greene School District**, 1367 Hargus Creek Road, Waynesburg, PA 15370. This application is for renewal of an NPDES permit to discharge treated sewage from Graysville Elementary School Sewage Treatment Plant in Gray Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Grays Fork, 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 Waynesburg Water Treatment Plant.

*Outfall 001: existing discharge, design flow of 0.008 mgd.*

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	4.5			9.0
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	0.4			0.8
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.

**PA0090638**, Sewage, **White Township Municipal Authority**, 950 Indian Springs Road, Indiana, PA 15701. This application is for renewal of an NPDES permit to discharge treated sewage from Kittyhawk Sewage Treatment Plant in White Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Two Lick Creek, which are classified as a CWF 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 Western Pennsylvania Water Company.

*Outfall 001: existing discharge, design flow of 0.01715 mgd.*

<i>Parameter</i>	<i>Concentration (mg/l)</i>			<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.5			5.0
(11-1 to 4-30)	7.5			15.0
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	0.5			1.2
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0218111**, Sewage, **Conemaugh Township Supervisors**, 1120 Tire Hill Road, Johnstown, PA 15905-7707. This application is for renewal of an NPDES permit to discharge treated sewage from Tire Hill Wastewater Treatment Plant in Conemaugh Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Stony 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 Saltsburg Municipal Water Works on the Conemaugh River.

*Outfall 001: existing discharge, design flow of 0.45 mgd.*

<i>Parameter</i>	<i>Concentration (mg/l)</i>			<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	15.0	22.5		30.0
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	0.5			1.6
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0096989**, Sewage, **Kuntz Associates, Inc.**, 4146 Route 217 Highway North, Blairsville, PA 15717-5069. This application is for renewal of an NPDES permit to discharge treated sewage from Sylvan Acres Sewage Treatment Plant in Armstrong Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Curry Run, which are classified as a CWF 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 Buffalo Township Municipal Authority.

*Outfall 001: existing discharge, design flow of 0.025 mgd.*

<i>Parameter</i>	<i>Concentration (mg/l)</i>			<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	5.0			10.0
(11-1 to 4-30)	14.0			28.0
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	0.6			1.4
Dissolved Oxygen	not less than 4 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.



**PA0216151**, Sewage, **Michael Apple**, 1183 Executive Drive, P. O. Box 130, Glasgow, PA 16644. This application is for renewal of an NPDES permit to discharge treated sewage from Coal Country Campground STP in Reade Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Clearfield Creek, which are classified as a CWF 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 Shawville Power Station on the West Branch Susquehanna River.

*Outfall 001*: existing discharge, design flow of 0.00425 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	24.0			48.0
(11-1 to 4-30)	25.0			50.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.4			3.3
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 0.0085 mgd.

**PA0204927**, Sewage, **Barr Area Municipal Authority**. This application is for renewal of an NPDES permit to discharge treated sewage from NORCAM Industrial Park STP in Barr Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Hoppel Run, which are classified as a CWF 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 Clearfield MA on the West Branch Susquehanna River.

*Outfall 001*: existing discharge, design flow of 0.002625 mgd.

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

The EPA waiver is in effect.

**PA0098973**, Sewage, **Conemaugh Township Supervisors**, 1120 Tire Hill Road, Johnstown, PA 15905-7707. This application is for renewal of an NPDES permit to discharge treated sewage from Benson Wastewater Treatment Plant in Paint Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Stoney 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 Municipal Authority of Buffalo Township.

*Outfall 001*: existing discharge, design flow of 0.1597 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
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			

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Residual Chlorine	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0034614**, Sewage, **Morgan RV Resorts, Mountain Pines RV Resort, LLC**, 509 Queensbury Avenue, Queensbury, NY 12804. This application is for renewal of an NPDES permit to discharge treated sewage from Mountain Pines RV Resort STP in Saltlick Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Indian Creek, which are classified as a HQ-CWF 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 Indian Creek Valley Water Authority.

*Outfall 001*: existing discharge, design flow of 0.035 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0045802**, Sewage, **Franklin and Janet Taddeo, Pineview Manor Park**, 600 Pineview Drive, Elizabeth, PA 15037-9412. This application is for renewal of an NPDES permit to discharge treated sewage from Pineview Manor MHP STP in Hempfield Township, **Westmoreland County**.

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

*Outfall 001*: existing discharge, design flow of 0.018 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-30)	5.0			10.0
(11-1 to 4-30)	15.0			30.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.0			2.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

*Outfall 001*: expanded discharge, design flow of 0.0085 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	13.0			26.0
(11-1 to 4-30)	25.0			50.0
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			

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

**PA0104329**, Sewage, **United States Army Corps of Engineers, Pittsburgh District, William S. Moorhead Federal Building**, 1000 Liberty Avenue, Pittsburgh, PA 15222-4186. This proposed facility is located in Mead Township, **Warren County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Emlenton Water Company is located on the Allegheny River and is approximately 103 miles below point of discharge.

The receiving stream, the Allegheny River, is in Watershed 16-B and classified for: WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.002 mgd.

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

XX—Monitor and report on monthly DMRs.

The EPA waiver is in effect.

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### 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. 0909403**, Sewerage, **Chalfont New Britian Township Joint Sewer Authority**, 1645 Upper State Road, Doylestown, PA 18901-2666. This proposed facility is located in New Britian Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a low pressure sewer system.

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

**WQM Permit No. 5209401**, Sewerage, **509 Central South, LLC and 509 Central North, LLC**, 5020 Clark Road 315, Sarasota, FL 34233. This proposed facility is located in Palmyra Township, **Pike County**.

Description of Proposed Action/Activity: This project consists of constructions of a small flow sewage treatment facility with spray irrigation and sewage flow of 2,000 gpd.

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

**WQM Permit No. 6578202-A1**, Industrial Waste, **North East, LLC**, 122 Fitzhenry Road, Smithton, PA 15479. This existing facility is located in South Huntingdon Township, **Westmoreland County**.

Description of Proposed Action/Activity: Application for the replacement of an Oil/Water Separator.

**WQM Permit No. 0409402**, Sewerage, **Richard Jericho**, 130 Chiccarello Drive, Clinton, PA 15026. This proposed facility is located in Hanover Township, **Beaver County**.

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

**WQM Permit No. WQG016174**, Sewerage, **Matthew Peterson**, 1506 Scott Street, McKeesport, PA 15132. This proposed facility is located in Elizabeth Township, **Allegheny County**.

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

**WQM Permit No. 0497402-A1**, Sewerage, **Rochester Borough Sewer and Maintenance Authority**, P. O. Box 563, Rochester, PA 15074. This existing facility is located in Rochester Township, **Beaver County**.

Description of Proposed Action/Activity: Application for the construction and operation of sanitary sewers to separate existing combined sewers.

The Pennsylvania Infrastructure Investment Authority which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department of Environmental Protection's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010909004	James L. Herman Enterprises 2371 Old Post Road Coplay, PA 18037	Bucks	Springfield Township	UNT Cooks Creek EV

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024809001	Marquis Properties, LLC Attn: Lawrence Tersigni 416 Frederick Street Easton, PA 18042	Northampton	City of Easton	Bushkill Creek HQ-CWF

*Schuylkill County Conservation District: 1206 Agriculture Center Drive, R. R. 5, Box 5810, Pottsville, PA 17901, (570) 622-3742.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025409001	Robert W. Fox 22 Oak Street Nesquehoning, PA 18240	Schuylkill	Rush Township	Tributary to Nesquehoning Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI000109001	Tom Kalathas 431 Mower Road Chambersburg, PA 17201	Adams	Franklin Township	Carbaugh Run HQ-CWF

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

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

### **STATE CONSERVATION COMMISSION**

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

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

Based upon preliminary reviews, the State Conservation Commission (SCC), or County Conservation Districts (CCD) working under a delegation agreement with the SCC, have completed an administrative review of NMPs described. These

NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at [www.pacd.org/districts/directory.htm](http://www.pacd.org/districts/directory.htm) or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

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

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

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

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

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Kevin Greiner and Harold Weaver 2717 and 2963 North Colebrook Road Manheim, PA 17545	Lancaster	129.1	254.18	Heifers, ducks	NA	Renewal
Stoner's Hijos Hill, Inc. 7678 Oellig Road Mercersburg, PA 17236	Franklin	1,470.5	1,222.65	Dairy	NA	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

*Central Office: Bureau Director, Water Standards and Facility Regulation, P. O. Box 8467, Harrisburg, PA 17105-8467.*

##### Permit No. 9996565, Public Water Supply.

Applicant	<b>Watermax, LLC</b>
Township or Borough	New Castle, DE
Responsible Official	Jim Megraw, Manager
Type of Facility	Out-of-State Bottled Water System
Application Received Date	May 21, 2009
Description of Action	Applicant requesting the Department of Environmental Protection's approval to sell bottled water in Pennsylvania under the brand name: Primo Purified Water.

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

##### Application No. 4109501—Construction, Public Water Supply.

Applicant	<b>Montgomery Water and Sewer Authority</b>
Township or Borough	Clinton Township
County	<b>Lycoming</b>

Responsible Official	John Lynch, Sr. Executive Director Montgomery Water and Sewer Authority 35 South Main Street Montgomery, PA 17752
Type of Facility	Public Water Supply—Construction
Consulting Engineer	Eric Moore, P. E. Larson Design Group 1000 Commerce Park Drive Suite 201 Williamsport, PA 17701
Application Received	April 22, 2009
Description of Action	Replacement of existing Well No. 2 with new well, including softening and anion exchange for nitrate removal.

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

**Application No. 2009504, Public Water Supply.**

Applicant	<b>Elderberry Prop, LLC/Elderberry MHP</b>
Township or Borough	Vernon Township <b>Crawford County</b>
Responsible Official	Vicki L. Berry
Consulting Engineer	Arthur M. Kuholski, P. E. Lake Engineering 140 Meadville Street Edinboro, PA 16412
Application Received Date	April 27, 2009
Description of Action	Permit existing source of supply and treatment for existing and unpermitted Mobile Home Park.

## 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 demon-

strates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

**M. A. Bruder & Sons, Inc.**, City of Philadelphia, **Philadelphia County**. David R. Kushner, P. G., KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of Kenneth H. Stroebel, The Sherwin-Williams Company, 101 Prospect Avenue, NW, Cleveland, OH 44115-1075 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of other organics. The intended future use of the site is nonresidential (commercial or industrial).

**Wawa North Coventry Township**, North Coventry Township, **Chester County**. Matt Brainard, GES, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 on behalf of Matthew Winters, Wawa, Inc., 260 Baltimore Pike, Wawa, PA 19063 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of No 2 fuel oil. The intended future use of the property is expected to remain commercial (nonresidential). A Notice of Intent to Remediate was reported to have been published in the *Daily Local News* on February 24, 2009.

**Chambers Group (147 Pennsylvania Avenue)**, Malvern Borough, **Chester County**. Samuel Kucia, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of Paul Chambers, Foshey, LP, 147 Pennsylvania Avenue, Malvern, PA 19355 has submitted a Notice of Intent to

Remediate. Soil at the site has been impacted by the release of No. 2 fuel oil. The future use of the site will remain the same.

**619—629 North Broad Street**, City of Philadelphia, **Philadelphia County**. Andrew Hubley, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401, Richard S. Werner, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401, Martin D. Liebhardt, Sunoco, Inc. (R&M), 350 Eagleview Boulevard, Exton, PA 19341 on behalf of Daniel H. Polett, Lexus of Chester Springs, 400 Pottstown Pike, Chester Springs, PA 19425 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of unleaded gasoline. The current property is currently vacant, but was most recently utilized as a use automobile dealership know as Wilkie Used Cars and trucks.

**Hoh Residence**, London Britain Township, **Chester County**. Douglas Schott, P. G., Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, Kurt J. Spiess, EMG Remediation Services, P. O. Box 129, Edgemont, PA 19028 on behalf of Lawrence L. and Susan P. Hoh, 101 Foxbrook Drive, Landenburg, PA 19350 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of No. 2 fuel oil. It is anticipated that the property will remain residential.

**150 South MacDade Boulevard**, Darby Borough, **Delaware County**. Michael Christie, Penn E&R, Inc., 2755 Berey Road, Hatfield, PA 19440, Darryl Borrelli, Manko, Gold Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004 on behalf of Tony Varallo, MacDade Boulevard—Darby, LLC, 5004 State Road, Drexel Hill, PA 19026 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of leaded gasoline and chlorinated solvents. The proposed future use of the property will be nonresidential for retail purposed.

**The Kennedy Companies**, Horsham Township, **Montgomery County**. Ryan C. Winnan, Storb Environmental, Inc., 410 North Easton Road, Willow Grove, PA 19090, Robert Kennedy, The Kennedy Companies, 8000 Midlantic Drive, Suite 200, North Mt. Laurel, NJ 08054 on behalf of Theresa Kohn, 28 Chambersburg Street, Gettysburg, PA 17325 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of the No. 2 fuel oil. The property is currently, and will continue to be used for industrial purposes.

**Howard's Auto Repair**, Abington Township, **Montgomery County**. Phil Gray, Phoenix GeoEnvironmental, LLC, 445 Bethlehem Pike, Suite 108, Colmar, PA 18915 on behalf of Dominic Fittipaldi, 2428 Old Welsh Realty, LLC, 3120 Quarry Avenue, Ardsley, PA 19038 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release leaded gasoline. The property will be used for equipment storage for landscaping business in the future.

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

**Goodyear Farm**, Colerain Township, **Lancaster County**. Mulry & Cresswell Environmental, Inc., 1691 Horseshoe Pike, Manor Professional Building, Suite 3, Glenmoore, PA 19343, on behalf of William Freehling, Goodyear Farm Associates, 2730 Hunt County Lane, Charlottesville, VA 22901, submitted a Notice of Intent to Remediate site soils contaminated with VOCs and SVOCs from an unpermitted dump. The site will be remediated to the Residential Statewide Health Standard and will be developed for residential use.

**Katherine Endres Property**, Maiden Creek Township, **Berks County**. Liberty Environmental, Inc., 50 North 5th Street, 5th Floor, Reading, PA 19601, on behalf of Katherine Endres, 57 West Wesner Road, Blandon, PA 19510, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 heating oil. The site will be remediated to the Residential Statewide Health Standard and will remain residential.

#### DETERMINATION FOR APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Applications for Determination of Applicability deemed complete 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**

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

**General Permit Application No. WMGR028 NC001B**, Glenn O. Hawbaker, Inc., 711 East College Avenue, Bellefonte, PA 16823. The application for Determination of Applicability for the beneficial use of baghouse fines as an aggregate in the production of hot mix asphalt at their facility in Sandy Township, **Clearfield County**, was deemed complete by the Williamsport Regional Office on April 24, 2009.

Comments concerning the application should be directed to James Miller, Environmental Program Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the permit application may contact the Williamsport Regional Office, (570) 327-3740. TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service, (800) 654-5984.

**General Permit Application No. WMGR028 NC001C**, Glenn O. Hawbaker, Inc., 711 East College Avenue, Bellefonte, PA 16823. The application for Determination of Applicability for the beneficial use of baghouse fines as an aggregate in the production of hot mix asphalt at their facility in Loyalsock Township, **Lycoming County**, was deemed complete by the Williamsport Regional Office on April 24, 2009.

Comments concerning the application should be directed to James Miller, Environmental Program Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the permit application may contact the Williamsport Regional Office, (570) 327-3740. TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service, (800) 654-5984.

## 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 regu-

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

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

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

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

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

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

### PLAN APPROVALS

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

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

**54-310-046: HMMK LLC—d/b/a Foster Materials** (6100 Easton Road, Pipersville, PA 18947) for installation of an additional crusher at their facility in Foster Township, **Schuylkill County**.

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

**43-182A: Wheatland Tube Co.** (One Council Avenue, Wheatland, PA 16161) for installation of a baghouse to be used as a replacement for an existing cyclone associated

with the No. 1 ID Blow Station (Source ID 113) at their facility in Wheatland Borough, **Mercer County**. This is a Title V facility.

**62-017R: United Refining Co.** (15 Bradley Street, Warren, PA 16365) for removal of the external cyclones and expansion of the electric static precipitator that controls the FCC in Warren City, **Warren County**. This is a Title V facility.

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

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

**46-0172B: Gemalto, Inc.** (101 Park Drive, Montgomeryville, PA 18936) for installation of a new Sakurai Screen Press at an existing facility in Montgomeryville, **Montgomery County**. This press is being installed to replace an existing screen press. The primary pollutant of concern is VOCs. Cephalon is categorized as a Synthetic Minor facility and the proposed operation of this press should not cause the facility to exceed any major thresholds. The Plan Approval will contain recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and 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.*

**67-03156A: Apex Urethane Millwork, LLC** (105 Church Lane, Red Lion, PA 17356) for operation of urethane millwork fabrication processes at the facility in Red Lion Borough, **York County**. Plant operations include urethane molding, five coating booths controlled by dry filters and grinding and sanding equipment controlled by a baghouse. Potential VOC and HAP emissions are estimated to be less than 25 and 7 tpy, respectively. The plan approval will include monitoring, work practice standards, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

**56-00025H: New Enterprise Stone & Lime Co., Inc.** (P. O. Box 448, Somerset, PA 15501-0448) to allow construction of a Vibrating Screen at an existing Nonmetallic Mineral Processing Plant, at Bakersville Quarry in Jefferson Township, **Somerset County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.45, notice is hereby given that the Department of Environmental Protection (Department) intends to issue Plan Approval PA-56-00025H to New Enterprise Stone & Lime Company, Inc. (P. O. Box 448, Somerset, PA 15501-0448) to allow the construction of a Vibrating Screen at an existing Nonmetallic Mineral Processing Plant, Bakersville Quarry located in Jefferson Township, Somerset County.

Emissions from the new source are estimated to be 5.78 tons of PM per year and 1.92 tons of PM10 per year. The proposed facility is subject to the applicable requirements



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

#### *SPECIAL CONDITIONS*

1. This Plan Approval is to allow the construction and operation of a Vibrating Screen rated at 600 tpy at an Existing Nonmetallic Mineral Processing Plant by New Enterprise Stone & Lime Company, Inc. at their Bakersville Quarry located in Jefferson Township, Somerset County.

#### 2. 25 Pa. Code § 123.1

(a) No person may permit the emission into the outdoor atmosphere of fugitive air contaminant from a source other than the following:

- (1) Construction or demolition of buildings or structures.
- (2) Grading, paving and maintenance of roads and streets.
- (3) Use of roads and streets. Emissions from material in or on trucks, railroad cars and other vehicular equipment are not considered as emissions from use of roads and streets.

(4) Clearing of land.

(5) Stockpiling of materials.

(6) Open burning operations.

(7) Blasting in open pit mines. Emissions from drilling are not considered as emissions from blasting.

(8) Coke oven batteries, provided the fugitive air contaminants emitted from any coke oven battery comply with the standards for visible fugitive emissions in §§ 123.44 and 129.15 (relating to limitations of visible fugitive air contaminants from operation of any coke oven battery; and coke pushing operations).

(9) Sources and classes of sources other than those identified in paragraphs (1)–(8), for which the operator has obtained a determination from the Department that fugitive emissions from the source, after appropriate control, meet the following requirements:

(i) the emissions are of minor significance with respect to causing air pollution; and

(ii) the emissions are not preventing or interfering with the attainment or maintenance of any ambient air quality standard.

(b) An application form for requesting a determination under either subsections (a)(9) or § 129.15(c) is available from the Department. In reviewing these applications, the Department may require the applicant to supply information including, but not limited to, a description of proposed control measures, characteristics of emissions, quantity of emissions, and ambient air quality data and analysis showing the impact of the source on ambient air quality. The applicant shall be required to demonstrate that the requirements of subsections (a)(9) and (c) and § 123.2 (relating to fugitive particulate matter) or of the requirements of § 129.15(c) have been satisfied. Upon such demonstration, the Department will issue a determination, in writing, either as an operating permit condition, for those sources subject to permit requirements under the act, or as an order containing appropriate conditions and limitations.

(c) A person responsible for any source specified in subsections (a)(1)–(7) or (9) shall take all reasonable actions to prevent PM from becoming airborne. These actions shall include, but not be limited to, the following:

(1) Use, where possible, of water or chemicals for control of dust in the demolition of buildings or structures, construction operations, the grading of roads or the clearing of land.

(2) Application of asphalt, oil, water or suitable chemicals on dirt roads, material stockpiles and other surfaces which may give rise to airborne dusts.

(3) Paving and maintenance of roadways.

(4) Prompt removal of earth or other material from paved streets onto which earth or other material has been transported by trucking or earth moving equipment, erosion by water or other means.

(d) The requirements contained in subsection (a) and § 123.2 do not apply to fugitive emissions arising from the production of agricultural commodities in their unmanufactured state on the premises of the farm operation.

3. Per 25 Pa. Code § 123.2, a person may not permit fugitive PM to be emitted into the outdoor atmosphere from a source specified in § 123.1(a)(1)–(9) (relating to prohibition of certain fugitive emissions) if the emissions are visible at the point the emissions pass outside the person's property.

4. Per 25 Pa. Code § 123.31, a person may not permit the emission into the outdoor atmosphere of any malodorous air contaminants from any source in such a manner that the malodors are detectable outside the property of the person on whose land the source is being operated.

5. The Owner/Operator shall install water sprays on screen and operate the water sprays as necessary to prevent visible fugitive emissions from the source. A winterized surfactant shall be used during cold weather operations if weather conditions do not allow the application of water.

6. The first 500 feet of the access road shall be paved and maintained as such. All other areas of vehicle traffic must be delineated by paving or crushed stone, as necessary, to prevent fugitive emissions from crossing the property line.

7. All materials shall be stockpiled in such a manner that it may be adequately wetted by the pressurized water truck as necessary to control fugitive emissions. A winterized surfactant shall be used during cold weather operations if weather conditions do not allow the application of water.

8. The Owner/Operator shall maintain a 12-month rolling total of limestone throughput at the Facility.

9. The Owner/Operator shall perform a daily inspection of the Facility for the presence of fugitive emissions. Records of the inspections shall be maintained in a log and include any corrective actions taken.

10. All logs and required records shall be maintained onsite for a minimum of 5 years and shall be made available to the Department upon request.

11. Air Cleaning devices included in this plan approval include:

(a) Water Spray System.

(b) Pressurized Water Truck.

12. A pressurized water truck, or other methods of dust control when weather conditions make watering hazardous, shall be available to the site and shall be used for dust suppression purposes, as necessary, on all areas of vehicle traffic to prevent visible emissions from crossing the property line.

13. The Department reserves the right to require performance testing or additional controls based on evaluation of the operation of the TelSmith vibrating screen after inspection and determination that existing controls are inadequate to control fugitive particulate. The Department also reserves the right to require performance testing on the existing equipment by a third party if fugitive emissions greater than the requirements of 40 CFR 60.672 are noted during the initial operating permit inspection.

14. The facility is subject to New Source Performance Standards for Nonmetallic Processing Plants (40 CFR Part 60, Subpart OOO). In accordance with 40 CFR 60.4, copies of all requests, reports, applications, submittals and other communications shall be forwarded to both Environmental Protection Agency (EPA) and the Department at the addresses listed unless otherwise noted.

Director  
Air Toxics and Radiation  
US EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

Program Manager  
Air Quality Program  
Department of Environmental Protection  
Southwest Regional Office  
400 Waterfront Drive  
Pittsburgh, PA 15222-4745

15. In accordance with 40 CFR 60.672, no owner or operator shall cause to be discharged into the atmosphere any visible emissions from:

(a) Wet screening operations and subsequent screening operations, bucket elevators and belt conveyors that process saturated material in the production line up to the next crusher, grinding mill or storage bin.

(b) Screening operations, bucket elevators and belt conveyors in the production line downstream of wet mining operations, where such screening operations, bucket elevators and belt conveyors process saturated materials up to the first crusher, grinding mill or storage bin in the production line.

16. Road watering shall be performed, as needed, and earth or other material transported from the site shall be removed promptly, as needed, on the paved public road to prevent visible fugitive emissions in accordance with 25 Pa. Code § 123.1(c).

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

18. Upon completion of Initial Operating Permit Inspection and determination by the Department that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval the Owner/Operator shall submit a State-only Operating Permit application at least 60 days prior to the expiration date of the Plan Approval.

#### GENERAL CONDITIONS

1. 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).

2. 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.

3. 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 re-activation 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 shutdown 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 shutdown 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 shutdown period and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance, and the reasons compliance has not been established. This temporary operation period will be valid for a limited time and may be extended for additional limited periods, each not to exceed 180 days.

(e) The notice submitted by the permittee under paragraph (a) previously, prior to the expiration date of the plan approval, shall modify the plan approval expiration date on page 1 of this plan approval. The new plan approval expiration date shall be 180 days from the date of commencement of operation.

4. 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.

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

(a) Upon cause shown by the permittee that the records, reports or information or a particular portion

thereof, but not emission data, to which the Department has access under the act, if made public, would divulge production or sales figures or methods, processes or production unique to that person or would otherwise tend to affect adversely the competitive position of that person by revealing trade secrets, including intellectual property rights, the Department will consider the record, report or information, or particular portion thereof confidential in the administration of the act. The Department will implement this section consistent with sections 112(d) and 114(c) of the 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.

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

(a) 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:

- (1) A justification for the extension,
- (2) A schedule for the completion of the construction.

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.

(b) 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 (relating to plan approval requirements; prevention of significant deterioration of air quality; and new source review), shall be submitted.

7. 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.

(a) 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.

(b) This plan approval is valid only for the specific source and the specific location of the source as described in the application.

8. 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.

(a) The permittee shall also allow the Department to have access at reasonable times to say 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.

(b) 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 § 114 or other applicable provisions of the CAA.

9. 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.

10. 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.

11. 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.

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

Program Manager  
Air Quality Program  
Department of Environmental Protection  
Southwest Regional Office  
400 Waterfront Drive  
Pittsburgh, PA 15222-4745

13. 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.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Noor Nahar, Air Quality Program, Department of Environmental Protection, South-

west Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. 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.

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

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

**42-004D: American Refining Group** (77 North Kendall Avenue, Bradford, PA 16701) to change existing emission limits and applicable requirements associated with the following sources: Crude Unit Heater, Raffinate Heater and ISOM Heater, Boiler No. 5 and Refinery Flare at the Bradford facility in Bradford City, **McKean County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b) the Department of Environmental Protection (Department) intends to issue a plan approval to change existing emission limits and applicable requirements associated with the following sources: Crude Unit Heater, Raffinate Heater and ISOM Heater, Boiler No. 5 and Refinery Flare all located the Bradford facility in Bradford City, McKean County. The facility currently has a Title V Permit Permit No. 42-00004 that was issued January 1, 2006. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date.

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

1. The following requirements are applicable to NSPS Affected Heaters: Crude Unit (Source No. 041), Raffinate (Source No. 045 and Isom (Source No. 049):

(a) ARG will monitor the recycle gas H<sub>2</sub>S concentration at least once per week with colorimetric tubes.

(b) If any single recycle gas H<sub>2</sub>S result exceeds 24 ppmv, ARG shall immediately begin collecting daily colorimetric tube samples of both the Platformer V-11 and ISOM UV-102 gas streams for 7 consecutive days. ARG will also notify the Department within 24 hours if the recycle gas H<sub>2</sub>S content is found to be in excess of 24 ppmv. (Note: 24 ppmv H<sub>2</sub>S in the recycle gas correlates with 80 ppmv in the fuel gas stream)

(c) If the 7 day average plus three standard deviations for each gas stream (Platformer V-11 and ISOM UV-102) is less than 81 ppm, ARG will continue with the daily recycle gas colorimetric tube sampling schedule described in item No. 1 previously.

2. The H<sub>2</sub>S limit for the Crude Unit (Source No. 041), Raffinate (Source No. 045) and Isom (Source No. 049) is 162 ppm.

3. The pressure drop across the baghouse associated with boiler No. 5 (Source ID No. 307) shall be maintained between 2—9 inches of H<sub>2</sub>O during all periods of operation.

4. A data acquisition systems (DAS) is approved for data collection procedures including recording inlet and

outlet temperatures, pressure drops and opacity for the baghouse associated with boiler No. 5 (Source ID No. 307).

5. Bypass of the baghouse system associated with boiler No. 5 (Source ID No. 307) may only occur during the following conditions:

a. Startup and shutdown shall consist of the time period where the exhaust gas inlet temperature to the baghouse is less than 273° F for any consecutive 10 minute block period or greater. Startup and shutdown can occur for no longer than 4 hours for any incident.

b. Malfunction shall consist of any time period when the inlet temperature to the baghouse is greater than 600° F for any consecutive 10 minute block or greater.

c. The facility shall record and develop a report that includes any time that the baghouse is bypassed. This shall include dates, times, durations, causes and corrective action taken if necessary. Any bypass due to malfunction shall be reported on the semi-annual Title V Operating Permit deviation report.

6. The following limits apply when this Crude Unit (Source No. 041) is combusting any fuel:

SOx 9.54 lbs/hour 41.8 tpy

NOx 12.25 lbs/hour 53.6 tpy

CO 1.11 lbs/hour 4.9 tpy

Total Particulate 0.44 lbs/hour 1.9 tpy

VOCs 0.09 lbs/hour 0.4 tpy

5. The following limits apply when NMP Raffinate Heater (Source No. 045) is burning Refinery Gas or Natural Gas:

SOx 0.18 lbs/hour 0.80 tpy

NOx 1.17 lbs/hour 5.1 tpy

CO 0.29 lbs/hour 1.3 tpy

Total Particulate 0.02 lbs/hour 0.10 tpy

VOCs 0.02 lbs/hour 0.1 tpy

6. The Crude Unit (Source No. 041) shall operate combusting only refinery gas, Nos. 4—6 fuel oil or waxes, and natural gas as fuels.

7. The pilot system for the Refinery Flare (Source FL301) shall use natural gas as a fuel source.

8. (a) To establish the amount of fuel consumed by the Refinery Gas Flare (Source ID No. FL301), the permittee shall record the throughput of crude oil into the refinery on a monthly basis.

(b) An emission factor of 150 lbs of Refinery Fuel Gas (RFG) per 1,000 gallons of crude oil shall be established for the consumed fuel rate.

(c) The sulfur and nonmethane VOC content of the RFG shall be used in conjunction with the fuel consumption rate to calculate the emission rate of SO<sub>2</sub> and VOC.

(d) These monthly emissions will be added to the emissions from the previous 11 months, in order to determine the 12-month rolling total of emissions from these sources.

(Compliance with this condition allows the facility to demonstrate compliance as a synthetic minor and fall under the eligibility threshold of 50 CFR, Part 51, Subpart P, Best Available Retrofit Technology (BART).)

Copies of the application, the Department's analysis and other documents used in the evaluation of the

application are available for public review during normal business hours at the Department's Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. Appointments for scheduling a review may be made by calling the Department at (814) 332-6340.

Any persons wishing to provide the Department with additional information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to the Department at the address shown in the preceding paragraph. A 30 day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed Plan Approval (No. 42-004D).
- Concise statements regarding the relevancy of the information or objections to the issuance of the Plan Approval. Written comments should be directed to:

John F. Guth  
Regional Air Quality Program Manager  
Commonwealth of Pennsylvania  
Department of Environmental Protection  
Northwest Region—Field Operations  
230 Chestnut Street  
Meadville, PA 16335

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

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

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

**42-158N: Temple—Inland Forest Products Corporation** (303 South Temple Drive, Diboll, TX 75941) to modify the PM emission rate at the Secondary Sander Baghouse at their Mt. Jewett facility in Mt. Jewett Township, **McKean County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a plan approval to modify the PM emission rate at the Secondary Sander Baghouse at their Mt. Jewett facility in Mt. Jewett Township, McKean County. The facility currently has a Title V permit No. 42-00158 that was issued October 2, 2006. This plan approval will, in accordance with 25 Pa. Code

§ 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date.

As a general summary, the following requirements are:

1. The emissions from the MDF System 11-Secondary Sander Baghouse to Stack SM11 shall not exceed:

PM: 2.04 lbs/hr

PM10: 7.72 tpy based on a 12-month rolling total

2. The owner or operator shall perform PM and PM10 emission tests every 3 years to determine compliance with the emissions limitations in this plan approval.

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

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

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

Identification of the proposed permit No. 42-158N.

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

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

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

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

## OPERATING PERMITS

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

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

**39-00055: B. Braun Medical, Inc.** (901 Marcon Boulevard, Allentown, PA 18109) for operation of a surgical and

medical instruments and apparatus manufacturing facility and modification to the permit to include an adjacent building formerly owner by SureFit, Inc. and permitted under permit number 39-00038, in Hanover Township, **Lehigh County**. This is a modification and renewal of the Title V Operating Permit.

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

**67-05133: Separation Technologies, LLC** (101 Hampton Avenue, Needham, MA 02494) for operation of a fly ash processing facility at the Brunner Island Steam Electric Station in East Manchester Township, **York County**. The facility primarily emits PM and has the potential-to-emit about 11.6 tons of PM annually. The Title V operating permit will contain monitoring, work practice standards, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**39-00035: Allentown Wastewater Treatment Plant** (112 Union Street, Allentown, PA 18102-4910) for operation of a municipal wastewater treatment facility in the City of Allentown, **Lehigh County**. This is a renewal of a State-only Operating Permit.

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

**22-03052: Harmon Home Heating** (352 Mountain House Road, Halifax, PA 17032-9733) for operation of their manufacturing facility in Jackson Township, **Dauphin County**. This is a permit renewal of their existing State-only operating permit. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**38-03033: East Indies Coffee and Tea Company, Inc.** (7 Keystone Drive, Lebanon, PA 17042) for their coffee roasting facility in South Lebanon Township, **Lebanon County**. This is a renewal of the State-only operating permit issued in June 2004.

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

**37-00314: Natural Sand Company, Inc.—Plane Grove Road Plant** (4783 Harlansburg Road, Slippery Rock, PA 16057) to re-issue the referenced permit for this specialty soil processing operation in Plain Grove Township, **Lawrence County**. The primary emissions from this facility are from the 585 HP Diesel Generator and the Soil Drying Process.

**43-00055: Bonsal American, Inc.** (97 Main Street, Fredonia, PA 16124) for re-issuance of the State-only Permit in Fredonia Borough, **Mercer County**. The facility manufactures concrete mix products. The facility's major emission sources include bagging and bins, two degreasers and a rotary drum dryer. The facility is a natural minor facility because the emissions are less than Title V threshold limits.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

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

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 previously each application within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include

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

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

#### *Coal Applications Received*

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

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

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

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

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

**03961301 and NPDES Permit No. PA03961301, Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201), to revise the permit for the Tracy Lynne Mine in Kiskiminetas Township, **Armstrong County** and related NPDES permit to construct mine water treatment ponds and a new NPDES discharge point. Surface Acres Proposed 15.5. Receiving Stream: Tributary 9 to Roaring Run, classified for the following use: CWF. Application received January 22, 2009.

**30841316 and NPDES Permit No. PA0213535, Consol Pennsylvania Coal Company, LLC**, (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Bailey Mine and Prep Plant in Richhill and Aleppo Townships, **Greene County** to add underground permit and subsidence control plan acres for development mining. Underground Acres Proposed 122.0,

Subsidence Control Plan Acres Proposed 122.0. No additional discharges. Application received February 24, 2009.

**30841317 and NPDES Permit No. PA0213527, Consol Pennsylvania Coal Company**, (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit and related NPDES permit for the Enlow Fork Mine in Morris Township, **Washington County** to add surface acreage to install the E22 Bleeder Airshaft and six boreholes. Surface Acres Proposed 15.0. Receiving stream: UNT to Craft Creek, classified for the following use: WWF. Application received January 29, 2009.

**63733701 and NPDES Permit No. PA0023400, Champion Refuse Disposal Area**, (563 Route 18, Burgettstown, PA 15021), to renew the permit and related NPDES permit and revise the permit for the Champion Refuse Disposal Area in Robinson Township, **Washington County** for beneficial use of coal ash, reprocessing of onsite refuse and surface mining of onsite coal. The reclamation plan revision also includes a post-mining land use change from pastureland to industrial/commercial. No additional discharges. Application received October 6, 2008.

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

**11000104 and NPDES No. PA0248851, Hoffman Mining, Inc.**, P. O. Box 130, Friedens, PA 15541, revision

of an existing bituminous surface and auger mine to change land use from woodland to unmanaged natural habitat and wildlife habitat in Adams Township, **Cambria County**, affecting 51.0 acres. Receiving stream: Paint Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received April 16, 2009.

**56050108 and NPDES No. PA0249874. Hoffman Mining, Inc.**, P. O. Box 130, Friedens, PA 15541, revision of an existing bituminous surface and auger mine to change land use from woodland to unmanaged natural habitat in Paint Township, **Somerset County**, affecting 239.9 acres. Receiving streams: Shade Creek and UNTs to/and Spruce Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Border Dam of Cambria/Somerset Authority. Application received April 16, 2009.

**56703107 and NPDES No. PA0605956. Hoffman Mining, Inc.**, P. O. Box 130, Friedens, PA 15541, revision of an existing bituminous surface and auger mine to change land use from woodland to wildlife habitat and unmanaged natural habitat in Paint Township, **Somerset County**, affecting 863.0 acres. Receiving streams: UNT to Paint Creek, UNTs to/and Kauffman Run; Stonycreek; Shade Creek classified for the following uses: CWF; WWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stonycreek SWI. Application received April 16, 2009.

**32040101 and NPDES No. PA0249548. Twin Brook Coal, Inc.**, P. O. Box 225, Clymer, PA 15728, revision of an existing bituminous surface and auger mine to change land use from forestland to pastureland or land occasionally cut for hay in Green Township, **Indiana County**,

affecting 41.0 acres. Receiving streams: UNT to Dixon Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received April 16, 2009.

**56090107 and NPDES No. PA0262790. Future Industries, Inc.**, P. O. Box 157, Meyersdale, PA 15552, commencement, operation and restoration of a bituminous surface and auger mine in Stonycreek Township, **Somerset County**, affecting 108.7 acres. Receiving streams: UNT to Stonycreek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received April 16, 2009.

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

**49830202R5. Split Vein Coal Co., Inc.**, (R. R. 1, Drawer D, Paxinos, PA 17860), renewal of an existing anthracite coal refuse reprocessing operation in Coal Township, **Northumberland County** affecting 276.5 acres, receiving stream: none. Application received April 20, 2009.

**40990202R2. HUD, Inc. t/a Emerald Anthracite II**, (P. O. Box 27, Nanticoke, PA 18634), renewal of an existing anthracite coal refuse reprocessing operation in Newport and Hanover Townships, **Luzerne County** affecting 104.2 acres, receiving stream: none. Application received April 21, 2009.

#### *Noncoal Applications Received*

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

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

\* The parameter is applicable at all times.

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

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

**64050805. James T. Lopresti**, (R. R. 4, Box 4088, Honesdale, PA 18431), Stages I and II bond release from a quarry operation in Texas Township, **Wayne County** affecting 1.0 acre on property owned by James T. Lopresti. Application received April 20, 2009.

## **FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401**

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the

involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are



available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1–693.27) and section 302 of the 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.*

**E51-234. Philadelphia Water Department**, 1101 Market Street, Philadelphia, PA 19107, City of Philadelphia, **Philadelphia County**, United States Army Corps of Engineers, Philadelphia District.

To remove an existing undersized stream enclosure which conveys Welton Run (WWF), and to daylight approximately 81 Linear Feet of the stream channel.

The site is located approximately 4,000 feet west of the intersection of US Route 1 and Bennett Road (Frankford, PA-NJ USGS Quadrangle N: 19.7 inches; W: 1.7 inches).

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**E35-386. Corky's Garden Path Greenhouses**, 1312 Justus Boulevard, Clarks Summit, PA 18411, in Scott Township, **Lackawanna County**, United States Army Corps of Engineers, Baltimore District.

Corky's Garden Path Greenhouses submitted an application to the Department of Environmental Protection (Department) to fill 0.22 acre of PEM wetlands within the Leggett's Creek Watershed for the purpose of expanding Corky's Garden Path Greenhouses. The project is located on the southern corner of Layton Road and SR 0347 (Dalton, PA Quadrangle N: 0.1 inch; W: 2.0 inches). On July 30, 2008, the Department denied Permit Application No. E35-386. Corky's appealed the Department's denial to the Environmental Hearing Board (Board) on August 27, 2008. The Department and Corky's jointly requested the Board to remand Permit Application No. E35-386 to the Department for further consideration. On April 8, 2009, the Board remanded Permit Application No. E35-386 to the Department for further consideration.

**E48-404. Midland Farms, Inc.**, 3760 Golf Course Road, Allentown, PA 18104, in Lehigh Township, **Northampton County**, United States Army Corps of Engineers, Philadelphia District.

To place fill in 0.36 acre of PEM Wetlands for the purpose of additional development for single-family residences. The project is located approximately 2.69 miles from the intersection of SR 0248 and SR 0946 on the west side of Banyan Road. This project is for after-the-fact authorization of the previously-proposed fill (Palmerton, PA Quadrangle Latitude: 40° 47' 0"; Longitude: 75° 31' 35").

**E39-495. Lower Milford Township**, 7607 Chestnuthill Church Road, Coopersburg, PA 18036-3712,

in Lower Milford Township, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a 6-inch diameter PVC pipe outfall with type D endwall and lined, trapezoidal swale of a 6-inch bed with a 12-inch depth with a side slope of 1:1 to Saucon Creek (HQ-CWF). The project is located at 130 Limeport Pike approximately 2.8 miles south of the intersection of Saucon Valley Road and Limeport Pike (Allentown East, PA Quadrangle Latitude: 40° 30' 41"; Longitude: 75° 26' 53").

**E45-540. David and Lorin Halliwell**, HC 88, Box 441, Pocono Lake, PA 18347, in Tobyhanna, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To place and maintain fill in 0.09 acre of PEM, EV Wetlands for the construction of a residential home and the construction of a 120 square foot boat dock in Arrowhead Lake (HQ-CWF). The project is located at Lot No. 78 along Lakeshore Drive in the Arrowhead Lakes Residential Community (Thornhurst, PA Quadrangle Latitude: 41° 09' 20"; Longitude: 75° 34' 0").

**E45-541. Beverly Weirich**, P. O. Box 293, Pocono Summit, PA 18346, in Tobyhanna, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a sanitary sewer line across PEM Wetlands. The crossing is to be bored under the wetland and will impact approximately 0.01 acre of wetlands. The project is located on the north side of Old Route 0940, approximately 0.17 mile northwest of the intersection of SR 940 and SR 0423 (Pocono Pines, PA Quadrangle Latitude: 41° 06' 19"; Longitude: 75° 28' 15").

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

**E65-930. Turtle Creek Watershed Association**, 325 Commerce Street, Wilmerding, PA 15148. To construct and maintain stream channel improvements in Murraysville, **Westmoreland County**, United States Army Corps of Engineers, Pittsburgh District (Murrysville, PA Quadrangle North: 12.0"; West 9.5", Latitude: 40° 26' 31"; Longitude: 79° 41' 37"). The applicant proposes to construct and maintain approximately 2,200' of stream channel improvements consisting of channel reconstruction, rock cross veins, J-hook veins, riparian zone plantings and channel realignment, all on a UNT to Haymaker Run (HQ-CWF) The project is located approximately 1 mile north of US Route 22.

**ENVIRONMENTAL ASSESSMENTS**

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

**EA22-017. Tri-County Conewago Creek Association**, Matt Royer, P. O. Box 107, Elizabethtown, PA, 17022, United States Army Corps of Engineers, Baltimore District.

To construct and maintain: 1) two earthen berms creating approximately 15.0 acres of floodplain lowland wetlands; 2) ten bankfull benches; 3) 28 log vane structures; 4) six mounds; and 5) restore and stabilize 2,705 linear feet of Conewago Creek (TSF) with an additional 100-foot riparian buffer on both sides of Conewago Creek (TSF) all for the purpose of reducing sediment to the Conewago Creek Watershed at a point just northwest of the intersection of Routes 743 and 283 (Elizabethtown, PA Quadrangle 11.5 inches N; 2.5 inches W, Latitude: 40°

11' 17" N; Longitude: 76° 36' 31" W) in Mount Joy Township, Lancaster County and Conewago Township, Dauphin County.

#### **WATER QUALITY CERTIFICATIONS REQUESTS**

*Southeast Regional Office: Regional Water Management Program Manager, 2 East Main Street, Norristown, PA 19401, (484) 250-5970.*

#### **REQUESTS FOR CERTIFICATION UNDER SECTION 401 OF THE FEDERAL WATER POLLUTION CONTROL ACT**

The following requests have been made to the Department of Environmental Protection (Department) for certification under section 401(a) of the 1972 amendments to the Federal Water Pollution Control Act, 33 U.S.C. § 1341(a), that there is reasonable assurance that the construction herein described will not violate applicable federal and state water quality standards.

Prior to final approval of the proposed certification, consideration will be given to any comments, suggestions and objections, which are submitted in writing 30 days from the date of this notice. Comments should be submitted to the Department at the address indicated above each of the following requests for certification. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed, and a concise statement of comments, objections and suggestions in sufficient detail to inform the Department of the exact basis of the proposal and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given comments if deemed necessary to resolve conflicts. Each individual will be notified in writing of the time and place of any scheduled hearing or conference concerning the certification request to which the protest relates. Maps, drawings and other data pertinent to the certification request are available for inspection and review at the address indicated above each request for certification between 8 a.m. and 4 p.m. on each working day.

**Certification Request Initiated By:** Department of the Army  
Philadelphia District  
Corps of Engineers  
Wanamaker Building  
100 Penn Square East  
Philadelphia, PA 19107-3390

**Project Description/Location:** *Project Description/Location:* This project involves the discharge of supernatant from the Money Island confined disposal facility (CDF) to the Delaware River. Maintenance dredging is proposed to remove shoals located on the Keystone, Landreth, Riverview,

Foundry, Church, Florence, Roebbling, Kinkora, Penn and Newbold ranges of the Federal 40-foot channel (Trenton to Burlington Island). In addition shoaling will be removed from the Fairless Turning Basin and the 25-foot channel at Duck Island. Approximately 865,000 cubic yards of sediment will be removed and placed in the Money and Biles Islands CDF's located in Falls Township, Bucks County. Sediment will settle out in the CDF's and supernatant will be returned to the Delaware Estuary at the Money Island facility only.

**Certification Request Initiated By:** Department of the Navy  
Naval Support Activity  
Philadelphia  
4921 South Broad Street  
Philadelphia, PA 19112

**Project Description/Location:** *Project Description/Location:* This project involves the discharge of supernatant from the Fort Mifflin dredge disposal area resulting from the maintenance dredging of the Naval Support Activity, Philadelphia Navy Yard, Pier 4 east berth. Approximately 137,000 cubic yards of sediment will be removed and placed in the disposal area located at the confluence of the Schuylkill and Delaware Rivers. Sediments will settle out and the supernatant will be returned to the Delaware Estuary.

#### **DAM SAFETY**

*Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.*

**D17-005B. City of Dubois,** P. O. Box 408, 16 West Scribner Avenue, Dubois, PA 15801. To modify, operate and maintain Anderson Creek Dam across Anderson Creek (HQ-CWF), impacting 0.90 acre of wetlands (Palustrine Emergent (PEM) and 55 feet of stream and providing a minimum of 0.90 acre of wetland mitigation, for the purpose of increasing the storage capacity of the reservoir and providing overtopping protection to the embankment, in Luthersburg, PA Quadrangle N: 17.2 inches; W: 15.9 inches) in Union Township, **Clearfield County.**

## **STORAGE TANKS**

### **SITE-SPECIFIC INSTALLATION PERMITS**

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

**The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.**

<i>SSIP Application No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
09001	SealMaster 6853 Ruppsville Road Allentown, PA 18106 Attn: Darrel Stein	Bucks	Bensalem Township	3 ASTs storing pavement sealer	32,000 gallons total

## ACTIONS

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

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

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

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

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

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

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for 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 &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0063185 (Industrial Waste)	Eldorado Properties Corporation (Dupont Bulk Petroleum Storage Terminal) 900 Eisenhower Boulevard Harrisburg, PA 17105	Pittston Township Luzerne County	Collins Creek 05A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0020478 (SEW)	Bloomfield Borough Council P. O. Box 144 New Bloomfield, PA 17068	Perry County Bloomfield Borough	UNT Trout Run 7A	Y
PAG2003603083-R	Desmond Construction Company 1085 Manheim Pike Lancaster, PA 17601	Lancaster County West Lampeter Township	Mill Creek CWF	Y
PAG2003604005-R	Horst and Son 120 North Pointe Road Lancaster, PA 17601	Lancaster County West Lampeter Township	Mill Creek CWF	Y
PAG2003604049-R	West Lampeter Township 852 Village Road Lampeter, PA 17537	Lancaster County West Lampeter Township	UNT Big Spring Run WWF	Y
PAG2003604083-R	Mennonite Home 1520 Harrisburg Pike Lancaster, PA 17601	Lancaster County East Hempfield Township	Little Conestoga Creek WWF	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0098523 Sewage	Calvin Cramer 305 Oberdick Drive McKeesport, PA 15135	Washington County Amwell Township	Little Tenmile Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0222780	Scott W. Zimmerman 4822 Glen Hazel Road Wilcox, PA 15870	Jones Township Elk County	UNT to the East Branch Clarion River 17-A	Y
PA0239178	David J. Mays 13 Church Steet Westline, PA 16740	LaFayette Township McKean County	UNT to Kinzua Creek 16-B	Y
PA0104043	James E. Barrows d/b/a Grandview Acres MHP 3104 Hadley Road Hadley, PA 16130-9723	Perry Township Mercer County	UNT to Little Shenango River 20-A	Y
PA0091065	Charles M. Truman 114 Cobham Lane Cabot, PA 16023	Winfield Township Butler County	UNT to Little Buffalo Creek 18-F	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. PA0260631**, CAFO, **Peach Glen Farm, LLC**, 367 Georgetown Road, Gardners, PA 17324. This proposed facility is located in Dickinson Township, **Cumberland County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 552-Animal Equivalent Units swine and turkey operation in Watershed 7-E.

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

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

**WQM Permit No. 6609401**, Sewerage, **Little Washington Wastewater Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010. This proposed facility is located in Washington Township, **Wyoming County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for construction of a new sewage treatment plant.

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

**WQM Permit No. WQG02010902**, Sewerage, **Cumberland Township Authority**, 1370 Fairfield Road, Gettysburg, PA 17325. This proposed facility is located in Cumberland Township, **Adams County**.

Description of Proposed Action/Activity: Approval for the construction/operation of a new sewage pumping station to serve the Picketts Choice residential condominium and the St. Francis Xavier Church site. The condominium will consist of 42 units situated on 14.5 acres of land and the church site will consist of a school, church building and parish on 43.79 acres of land. Construction will involve installation of public water mains, public sanitary sewer mains, streets and a sewage pumping station with force main.

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

**WQM Permit No. 4602407**, Sewerage, **Amendment 1, Limerick Township**, 646 West Ridge Pike, Limerick, PA 19468. This is proposed facility is located in Limerick Township, **Montgomery County**.

Description of Action/Activity: Construction of a 3,200 LF of an 8 inch diameter sewer extension.

**WQM Permit No. 4609405**, Sewerage, **Upper Pottsgrove Township**, 1409 Farmington Avenue, Pottstown, PA 19464. This proposed facility is located in Upper Pottsgrove Township, **Montgomery County**.

Description of Action/Activity: Installation of approximately 1,100 feet of 18 inch PVC gravity sewer along Farmington Avenue.

**WQM Permit No. WQG02230904**, Sewerage, **EDMM, LP**, 1810 Wilmington Pike, Suite 1, Glen Mills, PA 19342. This proposed facility is located in Concord Township, **Delaware County**.

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

### 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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 0909002	Trueblood Construction Company 1009 Penllyn Pike P. O. Box 618 Spring House, PA 19477	Bucks	Buckingham Township	Paunnacussing Creek HQ-CWF
PAI01 1508069	Greater Delaware Valley Holdings 541 Lawrence Road Broomall, PA 19008	Chester	Willistown Township	UNT Ridley Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023908017	Ralph Handwerk 2717 North Lane Orefield, PA 18069	Lehigh	Lowhill Township	Hassen Creek HQ-CWF, MF
PAI024808001	Department of Transportation Engineering District 5-0 1002 Hamilton Street Allentown, PA 18101-1013	Northampton	City of Bethlehem	Saucon Creek HQ-CWF
PAI024508005	JOSHMOR, Inc. HC Box 405A Brodheads ville, PA 18322	Monroe	Chestnuthill and Jackson Townships	McMichaels Creek EV

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024808010	EPI, LLC 6831 East 32nd Street Suite 300 Indianapolis, IN 46226	Northampton	Lower Nazareth and Bethlehem Townships	Monocacy Creek HQ-CWF

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

*Washington County Conservation District, 602 Courthouse Square, Washington, PA 15301, (724) 228-6774.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056308004	North Strabane Township 1929 Route 519 South Canonsburg, PA 15317	Washington	North Strabane Township	UNT to Chartiers Creek HQ-WWF

## **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 &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Tredyffrin Township Chester County	PAG200 1509005	Tredyffrin/Easton School District West Valley Business Center 940 West Valley Road Suite 1700 Wayne, PA 19087	Darlings Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Whiteland Township Chester County	PAG200 1508038	Horace Ranck 1416 Sparkman Lane West Chester, PA 19380	Valley Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Oxford Township Chester County	PAG200 1509015	Amos Lapp 333 Street Road Oxford, PA 19363	UNT Lee Run TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving Water/Use*

*Contact Office &  
Phone No.*

City of Philadelphia Philadelphia County	PAG201 5104001-R-1	Department of Transportation District 6-0 7000 Geerdes Boulevard King of Prussia, PA 19406	Delaware River Basin Estuary WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Merion Township Montgomery County	PAG200 4608007-1	131 and 151 Rock Hill Assoc., LP 2701 Renaissance Boulevard 4th Floor King of Prussia, PA 19406	Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Merion Township Montgomery County	PAG200 4609003	Liberty Property Trust 500 Chesterfield Parkway Malvern, PA 19355	Crow Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Abington Township Montgomery County	PAG200 4604110-R	Presby Homes and Services 2000 Joshua Road Lafayette Hill, PA 19444	Pennypack Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Dublin Township Montgomery County	PAG200 4608089	John and Anna Pileggi 3470 Limekiln Pike Chalfont, PA 18914	UNT Wissahickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Towamensing Township Carbon County	PAG2001309001	Lower Towamensing Township Board of Supervisors 595 Hahn's Dairy Road Palmerton, PA 18071	Fireline Creek CWF	Carbon County Conservation District (610) 377-4894
Blakely Borough Lackawanna County	PAG2003505021(1)	Ernest Drost Peckville Assembly of God 3364 Scranton Carbondale Highway Blakely, PA 18447	Tributary to Wildcat Creek CWF	Lackawanna County Conservation District (570) 281-9495
Orwigsburg Borough Schuylkill County	PAG2005408003	John Dunchick 205 Pine Boulevard Orwigsburg, PA 17961	Tributary to Mahannon Creek CWF	Schuylkill County Conservation District (570) 622-3742
West Hanover Township Dauphin County	PAG2002204013-R	Doug Halbert Classic Communities 2151 Linglestown Road Suite 300 Harrisburg, PA 17110	Manada Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
York Township York County	PAG2006708061	Todd Lord Orthopaedic and Spine Specialists 1855 Powder Mill Road York, PA 17402	UNT to Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Snake Spring Township Bedford County	PAG2000509005	William Waltman Waltman Builders 354 Penn Knoll Road Everett, PA 15537	UNT to Raystown Branch Juniata River TSF	Bedford County Conservation District 702 West Pitt Street Suite 3 Fairlawn Court Bedford, PA 15522 (814) 623-7900, Ext. 3

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving Water/Use*

*Contact Office &  
Phone No.*

East Hanover Township Dauphin County	PAG2002203037-R	Penn National Turf Club, Inc. P. O. Box 32 Grantville, PA 17028	Swatara Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Derry Township Dauphin County	PAG2002209008	Ed Consalo Derry Township School District P. O. Box 898 30C East Granada Avenue Hershey, PA 17033	Spring Creek East WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Swatara Township Dauphin County	PAR10I179-R	Wellington Manor Cornerstone at Wellington Manor, LP 200 Bailey Drive Suite 202 Stewartstown, PA 17363	Beaver Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Manheim Township Lancaster County	PAR10O424R-1	Manheim Township 1840 Municipal Drive Lancaster, PA 17602-4105	Little Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361
Manheim Township Lancaster County	PAG2003609014	David Joss Manheim Associates 50 East Wynnewood Road Suite 200 Wynnewood Road Suite 200 Wynnewood, PA 19096	UNT to Little Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361
East Hempfield Township Lancaster County	PAG2003606117	Presiding Bishop Church of Jesus Christ Latter-Day Saints P. O. Box 318 NYNY Project Management Office Ramsey, NJ 07446	Swarr Run TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361
West Lampeter Township Lancaster County	PAG2003608064	Lot 5 Associates, LLC 144 East Stiegel Street Manheim, PA 17545	Big Spring Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361
Manor Township Lancaster County	PAG2003609007	Lancaster Area Sewer Authority 130 Centerville Road Lancaster, PA 17603	UNT to West Branch Little Conestoga Creek—West Branch Little Conestoga Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361
Warwick Township Lancaster County	PAG2003608079	Warwick Devco, LP 200 Old Forge Lane Suite 201 Kennett Square, PA 19348	UNT to Little Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361



<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Manheim Township Lancaster County	PAG2003608083	Eden Rock Partners 2137 Embassy Drive Lancaster, PA 17603	UNT to Conestoga River/WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361
Strasburg Borough Lancaster County	PAG2003609004	44 Strasburg Associates, LLC 503 Bedford Place Lititz, PA 17543	Pequea Creek—Octoraro Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361
Earl Township Lancaster County	PAG2003609005	Our Lady of Lourdes Catholic Church 150 Water Street New Holland, PA 17557	Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361
Millersville Borough Lancaster County	PAG2003609009	Millersville University P. O. Box 1002 Millersville, PA 17551	UNT to Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361
East Hempfield Township Lancaster County	PAG2003609012	Greystone Construction 2372 Franklin Road Columbia, PA 17512	Swarr Run TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361
Manheim Township Lancaster County	PAG2003609014	Manheim Associates Federal Realty Investors 50 Wynnewood Road Suite 200 Wynnewood, PA 19096	Little Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361
Penn Township Lancaster County	PAG2003609015	Pleasant View Retirement Community 544 North Penryn Road Manheim, PA 17565	Chickies Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361
Quarryville Borough Lancaster County	PAG2003609019	Southern End Self Storage 142 North Church Street P. O. Box 674 Quarryville, PA 17566	UNT to Big Beaver Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361
New Holland Borough Lancaster County	PAG2003609020	Eastern Lancaster County School District 669 East Main Street P. O. Box 609 New Holland, PA 17557	Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361
Brecknock Township Lancaster County	PAG2003609021	Calvary Mennonite Fellowship Church 420 Wunderly Lane New Holland, PA 17557	Muddy Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361

*Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving Water/Use**Contact Office &  
Phone No.*

Bethel Township Berks County	PAG2000609013	Elvin Brubaker 160 Bashore Street Bethel, PA 19507	UNT to Little Swatara Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Amity Township Berks County	PAG2000608038	Timothy O'Connor Hess Corporation 1 Hess Plaza Woodbridge, NJ 07095	Schuylkill River CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Cumberland Township Adams County	PAR100154-R	Joseph A. Myers 160 Ram Drive Hanover, PA 17331	UNT to Rock Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Littlestown Borough Adams County	PAR100086-R	Harry P. McKean New Age Associates, Inc. 126 Onyx Road New Oxford, PA 17350	UNT to Alloway Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Montour County Mahoning Township	PAG2004709004	T&S Realty, LLC Country Club Terrace Phase II 40 Single Tree Drive Bloomsburg, PA 17815	Sechlar Run CWF	Montour County Conservation District 112 Woodbine Lane Suite 2 Danville, PA 17821 (570) 271-1140
Montour County Mahoning Township	PAG2004709005	John Sensenig Bold Top Farm Parcel 161 10465 SR 44 Watsontown, PA 17777	UNT to Susquehanna River CWF	Montour County Conservation District 112 Woodbine Lane Suite 2 Danville, PA 17821 (570) 271-1140
Indiana County Armstrong Township	PAG2003209005	Indiana County Municipal Services Authority c/o Michael Duffalo 602 Kolter Drive Indiana, PA 15701	Curry and Anthony Runs, Blacklegs Creek, Walker and Cherry Runs UNT CWF	Indiana County Conservation District (724) 463-8547
Washington County North Strabane Township	PAG2006303044-R	Maronda Homes, Inc. 202 Park West Drive Pittsburgh, PA 15275	UNT to Chartiers Creek WWF	Washington County Conservation District (724) 228-6774
Butler County Adams Township Allegheny County Pine Township	PAG2001005004-1	Charles J. Betters Bayberry North Association 3468 Brodhead Road Monaca, PA 15061	Kaufmann Run WWF	Butler County Conservation District (724) 284-5270
Mercer County City of Hermitage	PAG2004309004	Department of General Services c/o Gary R. Taylor Room 201 18th and Herr Streets Harrisburg, PA 17125	UNT of Hogback Run WWF	Mercer County Conservation District (724) 662-2242
Venango County Franklin City	PAG2006109001	Venango Regional Airport 1560 Airport Road Franklin, PA 16323	UNT Sandy Creek French Creek Allegheny River WWF	Venango County Conservation District (814) 676-2832

*General Permit Type—PAG-3**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
York County Manchester Township	PAR123525	Sean T. Gager Conagra Mills 2800 Black Bridge Road York, PA 17406-9703	Codorus Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Dauphin County Wiconisco Township	PAR303501	Kimmel's Coal and Packaging, Inc. P. O. Box 1 401 Machamer Avenue Wiconisco, PA 17097	Wiconisco Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Somerset Borough Somerset County	PAR236115	Gilmour Manufacturing Company 492 Drum Avenue Somerset, PA 15501	East Branch of Coxes Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

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

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Sewickley Township Westmoreland County	PAG056235	Coen Oil Company P. O. Box 34 1045 West Chestnut Street Washington, PA 15301	UNT to Little Sewickley Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-7**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Conewago and South Londonderry Townships	PAG070003 PAG070005 PAG073508	Synagro 1605 Dooley Road P. O. Box B Whiteford, MD 21160	Weaver-Bachman Road Farm	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Dauphin and Lebanon Counties				
Conewago Township Dauphin County	PAG070003 PAG070005 PAG073508	Synagro 1605 Dooley Road P. O. Box B Whiteford, MD 21160	Weaver-Cedar Road Farm	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

*General Permit Type—PAG-8 (SSN)**Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Site Name & Location**Contact Office & Phone  
No.*

Conewago and  
South Londonderry  
Townships  
Dauphin and  
Cumberland  
Counties

PAG080002  
PAG080003  
PAG080004  
PAG080006  
PAG080008  
PAG080018  
PAG082201  
PAG082203  
PAG082211  
PAG083501  
PAG083502  
PAG083506  
PAG083510  
PAG083515  
PAG083517  
PAG083518  
PAG083522  
PAG083535  
PAG083540  
PAG083542  
PAG083547  
PAG083551  
PAG083556  
PAG083565  
PAG083567  
PAG083573  
PAG083596  
PAG083597  
PAG083600  
PAG083825  
PAG089903  
PAG089904  
PAG089905  
PABIG9903

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

Weaver-Bachmanville  
Road Farm

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

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Site Name & Location*

*Contact Office & Phone  
No.*

Conewago Township  
Dauphin County

PAG080003  
PAG080005  
PAG080004  
PAG080006  
PAG080008  
PAG080018  
PAG082201  
PAG082203  
PAG082211  
PAG083501  
PAG083502  
PAG083506  
PAG083510  
PAG083515  
PAG083517  
PAG083518  
PAG083522  
PAG083535  
PAG083540  
PAG083542  
PAG083547  
PAG083551  
PAG083556  
PAG083565  
PAG083567  
PAG083573  
PAG083596  
PAG083597  
PAG083600  
PAG083825  
PAG089903  
PAG089904  
PAG089905  
PABIG9903

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

Weaver-Cedar Road  
Farms

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

*General Permit Type—PAG-10*

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving Water/Use*

*Contact Office & Phone  
No.*

Burrell Township  
Indiana County

PAG106126

Texas Eastern  
Transmission, LP  
5400 Westheimer Court  
5G-40  
Houston, TX 77056

UNT of Blacklick Creek

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 AT&T 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>Application or Action</i>
Robert Boyles and Son 258 Mountain Road Muncy Valley, PA 17758-9548	Lycoming	225.1	558.25	Swine/beef	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 AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

#### SAFE DRINKING WATER

##### Actions taken under the Pennsylvania Safe Drinking Water Act

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

**Permit No. 4809501**, Public Water Supply.

Applicant **Northampton Community College Monroe Campus**  
3835 Green Pond Road  
Bethlehem, PA 18020

Pocono Township  
County **Monroe**  
Type of Facility PWS  
Consulting Engineer David B. Strunk, P. E.  
Strunk-Albert Engineering  
R. R. 5  
Box 5198  
Route 209  
East Stroudsburg, PA 18301  
Permit to Construct April 20, 2009  
Issued

**Permit No. 4009507**, Public Water Supply.

Applicant **Nature's Way Purewater Systems, Inc.**  
164 Commerce Road  
Dupont, PA 18641  
Dupont Borough

County **Luzerne**  
Type of Facility Bottled Water Facility  
Consulting Engineer James Palumbo, P. E.  
Quad Three Group, Inc.  
72 Glenmaura National  
Boulevard  
Moosic, PA 18507

Permit to Construct April 20, 2009  
Issued

**Permit No. 4509502MA**, Minor Amendment, Public Water Supply.

Applicant **Brodhead Creek Regional Authority**  
410 Stokes Avenue  
East Stroudsburg, PA 18301  
Stroudsburg Borough and Stroud Township

County **Monroe**  
Type of Facility PWS  
Consulting Engineer Russell Scott, IV, P. E.  
RKR Hess Associates  
P. O. Box 268  
East Stroudsburg, PA 18301

Permit to Construct April 23, 2009  
Issued

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

**Permit No. 2807503**, Public Water Supply.

Applicant **Arden Diller**  
 Municipality Antrim Township  
 County **Franklin**  
 Type of Facility New Well No. 1 and chlorination.  
 Consulting Engineer Joseph M. McDowell, P. E.  
 Martin and Martin, Inc.  
 37 South Main Street  
 Chambersburg, PA 17201  
 Permit to Construct April 24, 2009  
 Issued

**Permit No. 4409501 MA, Minor Amendment**, Public Water Supply.

Applicant **Municipal Authority of the Borough of Lewistown**  
 Municipality Juniata Terrace Borough  
 County **Mifflin**  
 Type of Facility Construction of a new 110,000 gallon finished water storage tank to replace the existing Juniata Terrace Storage Tank.  
 Consulting Engineer John R. Segursky, P. E.  
 Uni-Tec Consulting Engineers, Inc.  
 2007 Cato Avenue  
 State College, PA 16801  
 Permit to Construct April 14, 2009  
 Issued

**Source Water Protection Program Approval** issued to **Upper Leacock Township Water System**, 36 Hillcrest Avenue, Leola, PA 17540, PWSID 7360140, Leola Borough, **Lancaster County** on April 23, 2009.

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

**Permit No. 1408502—Operation**, Public Water Supply.

Applicant **Gregg Township Water Authority**  
 Township or Borough Gregg Township  
 County **Centre**  
 Responsible Official Thomas J. Stitzer  
 Gregg Township Water Authority  
 P. O. Box 165  
 Spring Mills, PA 16875  
 Type of Facility Public Water Supply—Operation  
 Consulting Engineer Eric Lundy, P. E.  
 Nittany Engineering & Assoc., LLC  
 2836 Earlstown Road  
 Centre Hall, PA 16828-9162  
 Permit Issued Date April 23, 2009  
 Description of Action Operation of Well No. 1, with associated appurtenances, transmission line to the filtration plant and detention piping.

**Permit No. 1406503—Operation**, Public Water Supply.

Applicant **Gregg Township Water Authority**  
 Township or Borough Gregg Township  
 County **Centre**  
 Responsible Official Thomas J. Stitzer  
 Gregg Township Water Authority  
 P. O. Box 165  
 Spring Mills, PA 16875  
 Type of Facility Public Water Supply—Operation  
 Consulting Engineer Eric Lundy, P. E.  
 Nittany Engineering & Assoc., LLC  
 2836 Earlstown Road  
 Centre Hall, PA 16828-9162  
 Permit Issued Date April 23, 2009  
 Description of Action Operation of a 256,000 gallon finished water storage tank, transmission lines, mixed oxidant generation system, EPD pressure sand filtration plant and associated appurtenances.

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

**Operations Permit** issued to **Erie City Water Authority**, PWSID No. 6250028, McKean Borough/Township, **Erie County**, April 23, 2009, for Phase I construction consisting of approximately 22,000 linear feet of 8" and 12" water main, for extension project as permitted under construction permit No. 2594501-MA10, issued November 20, 2007.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

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

*Plan Location:* Located at 220 Shatto Drive, Carlisle in North Middleton Township, Cumberland County.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
North Middleton Township	2051 Spring Road Carlisle, PA 17013	Cumberland

*Plan Description:* Approval of a revision to the Official Sewage Plan of North Middleton Township, Cumberland County. The approved plan provides for a Small Flow Treatment Facility to serve a proposed single-family residence on the existing property owned by Albert Kuhn at 220 Shatto Drive, Carlisle, PA. The property is Lot 11 of the Kendor Summit Development. The proposed 500 gpd SFTF will have a treated discharge to the Conodoguinet Creek. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

## HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

### Notice of Proposed Interim Response

#### Classic Auto Restoration Services of Pittsburgh, Inc. Site

#### Union Township, Washington County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), is proposing an interim response at the Classic Auto Restoration Services, Inc. Site (Site) located at 28 Davidson Avenue in Elrama, Union Township, Washington County, PA.

The Site consists of a dilapidated building situated on 13 lots in the Village of Elrama. The front of the building faces Davidson Street and the back of the building faces an alley. The property once operated as a specialty electroplating facility, primarily for car parts. Classic Auto Restoration Services of Pittsburgh, Inc., the most recent company to operate the facility, ceased operation in November 2004, and abandoned the building along with the chemicals used in the electroplating process. The chemicals include various corrosives, oxidizers, poisons such as cyanide and metals (nickel, chromium, lead, cadmium, copper, and the like) and listed hazardous wastes. Chemicals and wastes were stored in containers in deteriorating condition, many containers were open and many were in poor condition and/or leaking. From October 2005, through April 2006, the Department conducted a prompt interim response to characterize, remove and dispose of the chemicals and hazardous wastes. This response addressed the immediate threats to human health and the environment.

During the prompt interim response, the Department conducted an investigation at the Site which found soil contamination under the building floor and foundation, as well as contamination inside the building, on the walls and on the floors. This contamination could not be addressed within the scope of the prompt interim response.

The present conditions at the Site pose a threat to human health from potential direct contact, ingestion, and/or inhalation to hazardous substances that remain inside the building. The Site is located in a residential area and is close to occupied homes. The building doors are padlocked; however, trespassers continue to break in. The Site also poses a threat to the environment, soil is contaminated under the building and there is the potential for groundwater contamination. The objective and scope of the interim response is to remove and properly dispose of soil and material contaminated with hazardous substances.

The Department considered four alternatives for this Site: (1) no action; (2) demolition of the building, excavation of contaminated soil and disposal of contaminated soil and material; (3) installation of a fence around the property; and (4) demolition of the building and installation of a fence around the property.

The Department is proposing Alternative 2 as its interim response. This alternative was chosen because it complies with the applicable, relevant, and appropriate requirements to the greatest extent, is the option most protective of human health and the environment, and is the most cost-effective alternative.

This notice is being provided under section 506(b) of HSCA. The administrative record, which contains the information that forms the basis and documents the selection of this Interim Response, is available for public review and comment. The administrative record is located at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222, and is available for review Monday through Friday from 8 a.m. to 4 p.m. Call (412) 442-4000 for an appointment.

The administrative record will be open for comment from May 9, 2009, until August 7, 2009. Persons may submit written comments into the record, during this time only, by sending them to Annette Paluh, Project Manager, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222 or by delivering them to the office in person.

In addition, persons may present oral comments for inclusion in the administrative record at a public hearing. A public hearing is scheduled for June 23, 2009, at 6 p.m. at the Elrama Volunteer Fire Hall, located at 17 Elrama Avenue, Elrama, PA 15038. Persons wishing to present comments should register with Katy Gresh before 12 p.m., June 23, 2009, at the Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4203, [kagresh@state.pa.us](mailto:kagresh@state.pa.us).

Persons with disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings should call Katy Gresh at (412) 442-4203 or through the Pennsylvania ATT Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 2

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**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

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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 analy-



sis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Former Exxon Mobil Station No. 15GPX**, Glenolden Borough, **Delaware County**. Jennifer L. O'Reilly, GES, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, Stephanie L. Rose, GES, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 on behalf of John J. Hoban, Exxon Mobil Environmental Services Co., 220 Commerce Drive, Suite 205, Fort Washington, PA 19034 has submitted a Risk Assessment/Cleanup Report concerning remediation of site groundwater and soil contaminated with petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Statewide Health Standard and Site-Specific Standard.

**318 West Lancaster Avenue Property**, Lower Merion Township, **Montgomery County**. Charlene Drake, REPSG, 6901 Kinsessing Avenue, Philadelphia, PA 19142 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Yodder Resident**, Downingtown Boroughs, **Chester County**. Don Coleman, Marshall & Miller Associates, Inc., 3913 Hartzdael Drive, Suite 1306, Camp Hill, PA 17011 on behalf of Dick Socks, Response Environmental, Inc., 912 Spring Circle, Mechanicsburg, PA 17055 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Chambers Group**, Malvern Borough, **Chester County**. Samuel Kucia, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401, John Whitney, Private Entity, 25 Euclid Avenue, Haddonfield, NJ 08033 on behalf of Paul Chambers, Foshy, LP, 147 Pennsylvania Avenue, Malvern, PA 19355 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Former Eastern Prestressed Concrete Site**, Hatfield Township, **Montgomery County**. Craig Herr, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Kevin Tranyor, O'Neill Hatfield Associates, L.C., 1001 Hector Street, Suite 100, Conshohocken, PA 19428 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with unleaded gasoline, diesel fuel and No. 2 fuel oil. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Comfort Inn Trevose**, Bensalem Township, **Bucks County**. Terry Harris, Boucher & James, Inc., 1456 Ferry Road, Building 500, Doylestown, PA 18901 on behalf of Hansa Patel, Vihar Bensalem, LP, 2779 Route 1 North, Trevose, PA 19053 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 Site-Specific Standard.

**3062 South 61st Street**, City of Philadelphia, **Philadelphia County**. Gerald Kirkpatrick, Environmental Standards, Inc., 1140 Valley Forge Road, P. O. Box 810, Valley Forge, PA 19482, Dan Kane, Essington Avenue Partners, II, LP, 2701 Renaissance Boulevard, 4th Floor, King of Prussia, PA 19406, Joseph Kraycki, Environmental Standards, Inc., 1140 Valley Forge Road, P. O. Box 810, Valley Forge, PA 19482 on behalf of Thomas Dalfo, Philadelphia Authority for Industrial Development, 2600 Centre Square West, 1500 Market Street, Philadelphia, PA 19102 has submitted a Remedial Investigation/Cleanup Plan 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.

**Fisher Crossing Apartment Complex**, City of Philadelphia, **Philadelphia County**. Jeremy Bolyn, Environmental Management Company, Inc., 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Corsa Richards, Corsa Management, P. O. Box 770, South Orange, NJ 07079 has submitted a Final Report concerning remediation of site soil contaminated with No. 6 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Former US Postal Service Truck Terminal Service Annex**, City of Philadelphia, **Philadelphia County**. Christopher Orzechowski, Keating Environmental Management, Inc., 123 John Robert Thomas Drive, Exton, PA 19341, Brad A. Molotsky, Brandywine Cira South, LP, 555 East Lancaster Avenue, Suite 100, Radnor, PA 19087 on behalf of Kyle Rosato, University of Pennsylvania, 3101 Walnut Street, Philadelphia, PA 19104 has submitted a Remedial Investigation/Risk Assessment and Cleanup Plan 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.

**Wawa North Coventry Township**, North Coventry Township, **Chester County**. Matt Brainard, GES Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 on behalf of Matthew Winters, Wawa, Inc., 260 Baltimore Pike, Wawa, PA 19063 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Mark II Associates, Inc. Property (Folcroft Property)**, Folcroft Borough, **Delaware County**. Eduard Eichen, CIH, The Oak Group, Inc., Waterfront Technology Center, 200 Federal Street, Suite 300, Camden, NJ 08103, Terence O'Reilly, TriState Environmental Management Services, Inc., 368 Dunksferry Road, Bensalem, PA 19020 on behalf of Cynthia Ray, Mark II Associates, Inc., 266 South 23rd Street, Philadelphia, PA 19103 has withdrawn their Remedial Investigation and Final Report concerning remediation of site groundwater and soil contaminated with chlorinated solvents. The report was intended to document remediation of the site to meet the Statewide Health Standard and Site-Specific Standard.

**Sun Malvern Tanker Spill Site**, East Whiteland Township, **Chester County**. Krista Snyder, GES. Inc., Martin Liebhardt, Sunoco, Inc. (R&M), 350 Eagleview, 440 Creamery Way, Suite 500, Exton, PA 19341 on behalf of Tony Bamonte, Liberty Property Trust, LP, 500 Chester Field Parkway, Malvern, PA 19355 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with unleaded gasoline, MTBE and BTEX. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

**Former S.O.L.I.D.A. Property**, Off PA Route 171, Oakland Township, **Susquehanna County**. Martin P. Gilgallon, P. G., Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, PA 18452 has submitted a Final Report (on behalf of his client, The Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, 50 East North Temple Street, 12th Floor, Salt Lake City, UT 84150-6320), concerning the remediation of soil located in an area containing historic fill material at the property that was found to have been impacted by lead and copper. The report was submitted to document attainment of the Residential Statewide Health Standard. A public notice regarding the submission of the Final Report was published in *The Scranton Times* on April 7, 2009.

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

**Edwards Property**, Frankstown Township, **Blair County**. American Geosciences, Inc., 3925 Reed Boulevard, Suite 400, Murrysville, PA 15668, on behalf of Joseph Edwards, R. D. 2, Box 302, Williamsburg, PA 16693 and Sel-Lo Oil, Inc., R. D. 2, Box 629, Altoona, 16601, submitted a Final Report concerning remediation of site soils and groundwater contaminated with No. 2 heating oil. The property is currently used as a residence and will remain residential in the future. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**CC Express I80 MM 157 Diesel Spill**, Boggs Township, **Centre County**. Taylor GeoServices, 38 Bishop Hollow Road, Suite 200, Newtown Square, PA 19073 on behalf of CC Express, 409 Greenwood Avenue, Fort Wayne, IN 46808 has submitted a Final Report within 90 days of the release concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**Honeywell Wax Mfg. OLD**, Borough of Emlenton, **Venango County**. URS Corporation, Foster Plaza 4, 501 Holiday Drive, Suite 300, Pittsburgh, PA 15220 on behalf of Pennzoil-Quaker State Company, 12700 Northborough Drive, 300 E-11, Houston, TX 77067 has submitted a Cleanup Plan concerning remediation of site soil contaminated with benzene, 1,2,4-trimethylbenzene, cyclohexane, dibenzofuran, ethylbenzene, methylene chloride, toluene, total xylenes, arsenic, chromium, lead and mercury; and site groundwater contaminated with 1,2,4-trimethylbenzene, benzene, chloromethane, naphthalene, total xylenes, aluminum, antimony, arsenic, copper, iron, lead,

manganese, selenium and zinc. The Cleanup Plan is intended to document remediation of the site to meet the Site-Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 3

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

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

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Wawa North Coventry Township.** North Coventry Township, **Chester County.** Matthew Brainard, ES, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 on behalf of Matthew Winters, Wawa, Inc., 260 West Baltimore Pike, Wawa, PA 19063 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on April 17, 2009.

**Comfort Inn Trevoze,** Bensalem Township, **Bucks County.** Terry Harris, Boucher & James, Inc., Fountainville Professional Building, 1456 Ferry Road, Building 500, Doylestown, PA 18901 on behalf of Hansa Patel, Vihar Bensalem LP, 2779 Route 1 North, Trevoze, PA 19053 has submitted a Remedial Investigation Report concerning the remediation of site groundwater and soil contaminated with unleaded gasoline. The Remedial Investigation Report was approved by the Department of Environmental Protection on April 20, 2009.

**Wawa Food Market No. 186,** East Norriton Township, **Montgomery County.** Matthew Winters, Wawa, Inc., 260 West Baltimore Pike, Wawa, PA 19063 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with pesticides. The Final Report did not demonstrate attainment of the Site-Specific Standard and was placed on hold by the Department of Environmental Protection on April 17, 2009.

**Andres Residence,** Downingtown Borough, **Chester County.** James H. Mulry, Mulry and Cresswell Environmental, Inc., 1691 Horseshoe Pike, Manor Professional Building, Suite 3, Glenmoore, PA 19343 on behalf of Donald Anders, 304 Bishop Morgan Court, Downingtown, PA 19335 has submitted a 90 day Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The 90 day Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on April 20, 2009.

**Multi-Family Residence,** City of Philadelphia, **Philadelphia County.** Robert Marion, GCI Environmental Services, 1250 East King Street, Lancaster, PA 17062 on behalf of Daniel J. Lasdon, 1700—02 North 5th, LLP, 700 East Erie Avenue, Philadelphia, PA 19134 has submitted a Risk Assessment and Final Report concerning the remediation of site soil contaminated with No. 6 fuel oil. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on April 17, 2009.

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

**UPMC Bedford Memorial Hospital,** Snake Spring Township, **Bedford County.** Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of UPMC Bedford Memorial Hospital, 10455 Lincoln Highway, Everett, PA 15537-7046, submitted a Final Report concerning remediation of site soils contaminated with heating oil from a faulty valve on an aboveground storage tank. The report was submitted within 90 days of the release and documented remediation of the site to meet the Residential Statewide Health Standard. The Final Report was approved on April 23, 2009.

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

**Former J. C. Ehrlich Site,** City of Williamsport, **Lycoming County.** Molesevich Environmental, LLC, P. O. Box 654, Lewisburg, PA 17837 on behalf of Victor

Hammel, JCE Real Estate, LLC, 500 Spring Road Drive, Wyomissing, PA 19610 has submitted a Remedial Investigation/Final Report concerning remediation of site soil contaminated with No. 2 fuel oil and gasoline. The Remedial Investigation/Final Report demonstrated attainment of the Site-specific Standard and was approved by the Department of Environmental Protection on April 24, 2009.

**Mary Siemsen Residence,** Northumberland Borough, **Northumberland County.** Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Mary Siemsen, 272 King Street, Northumberland, PA 17857 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 heating oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on April 27, 2009.

#### MUNICIPAL WASTE GENERAL PERMITS

**Permit modified 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 Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**WSI Sandy Run Landfill, Inc., Permit No. 101538,** located in Broad Top Township, **Bedford County,** submitted an application for expansion to their existing municipal waste landfill and a new soil borrow area. A Local Municipal Involvement Process meeting was held on April 2, 2009, at which point the application was considered received. The Department of Environmental Protection (Department), applicant, and Broad Top Township negotiated a Department review time frame of 570 days. The application was considered administratively complete on April 14, 2009.

#### 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.*

**GP11-09-0014: Allied Recycling Co.** (1752 Limekiln Pike, Dresher, PA 19025-1595) on April 22, 2009, to operate nonroad engines in Falls Township, **Bucks County.**

**GP3-09-0084: Allied Recycling Co.** (1752 Limekiln Pike, Dresher, PA 19025-1595) on April 22, 2009, to operate portable nonmetallic in Falls Township, **Bucks County.**

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

**54-310-047GP3: Pennsy Supply, Inc.** (P. O. Box 3331, 1001 Paxton Street, Harrisburg, PA 17105) on April 16, 2009, to install and operate a portable crushing operation at their site in Wayne Township, **Schuylkill County.**

**64-310-024GP3: Haines & Kibblehouse** (P. O. Box 196, Skippack, PA 19474) on April 6, 2009, to construct and operate a Portable Crushing Operation with watersprays at their site in Damascus Township, **Wayne County**.

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

**GP14-65-00992: Professional Cremation Service, LLC** (505 East Pittsburgh Street, Greensburg, PA 15601-2687) on April 21, 2009, to allow the construction and operation of a human crematory in Derry Township, **Westmoreland County**.

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**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.**

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

**15-0009C: AGC Chemicals Americas, Inc.** (255 South Bailey Road, Downingtown, PA 19335) on April 24, 2009, to install a new dedicated scrubber/dust collector system to control emissions from the existing fluidized bed dryer, at their facility in Caln Township, **Chester County**. This facility is a Minor facility. There will not increase in any emissions due to this modification. The Plan Approval will contain monitoring and recordkeeping requirements to keep the source operating within the allowable emissions 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) 826-2531.*

**66-315-054: Procter & Gamble Paper Products** (P. O. Box 32, Mehoopnay, PA 18629) on April 15, 2009, to install two napkin converting lines at their facility in Washington Township, **Wyoming County**.

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

**67-05083B: Conectiv Mid Merit, LLC** (P. O. Box 6066 92 DC 72, Newark, DE 19714-6066) on April 23, 2009, to authorize the transfer and use of emission reduction credits for offset purposes for their gas turbine generator units in Peach Bottom Township, **York County**.

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

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

**15-0124: MacKissic, Inc.** (1189 Old Schuylkill Road, P. O. Box 0111, Parker Ford, PA 19457) on April 27, 2009, to operate a paint spray booth in East Coventry Township, **Chester County**.

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

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

**46-00079: Naval Air Station—Joint Reserve Base** (Code 992P, Environmental Division, Building 78, Willow Grove, PA 19090) on April 21, 2009, for renewal of the Title V Operating Permit No. 46-00079 in Horsham Township, **Montgomery County**. The original Title V operating permit was issued on December 27, 2001. The facility's major emission points include: Boilers, emergency generators, paint booths and engine test cells. The renewed Title V operating permit will contain sufficient monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements. No sources at this facility are subject to CAM (40 CFR Part 64).

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Norman Frederick, Facilities Permitting Chief, (570) 826-2507.*

**54-00006: WPS Westwood Generation, LLC** (45 Westwood Road, Tremont, PA 17981) on April 17, 2009, for renewal of a Title V Operating Permit for operation of a power generating facility in Frailey Township, **Schuylkill County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.*

**06-05064: Sunoco Partners Market & Terminal, LP** (525 Fritztown Road, Sinking Spring, PA 19608-1509) on April 21, 2009, for their bulk liquid petroleum fuel storage and loading operation at their Montello Terminal in Spring Township, **Berks County**. This is a renewal of a Title V operating permit.

**36-05072: Mount Joy Wire Corp.** (1000 East Main Street, Mount Joy, PA 17552-9332) on April 24, 2009, for operation of a steel wire manufacturing facility in Mount Joy Borough, **Lancaster County**. This is a renewal of the Title V operating permit.

**67-05005: PPL Brunner Island, LLC** (2 North Ninth Street, Allentown, PA 18101-1139) on April 22, 2009, to operate their Brunner Island Steam Electric Station in East Manchester Township, **York County**. This Title V Operating Permit was administratively amended for a minor modification to the facility's Compliance Assurance Monitoring plan. This is Revision No. 3.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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

**46-00084: Pilgrim's Pride Corp.** (471 Harleysville Pike, P. O. Box 8, Franconia, PA 18924) on April 22, 2009, for a renewal of a State-only, Natural Minor Operating Permit in Franconia Township, **Montgomery County**. The permit is for a non-Title V (State-only) facility. The main sources are four dual-fired boilers and one cold cleaning machine. The permit will include monitoring, recordkeeping and reporting requirements to address all applicable air quality requirements.

**46-00191: Merck & Co., Inc.** (351 North Sumneytown Pike, North Wales, PA 19454) on April 22, 2009, for operation of their office complex in Upper Gwynedd Township, **Montgomery County**. The permit is for a non-Title V (State-only) facility. The sources of air emissions include: several boilers, generators and miscellaneous combustion sources. The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**23-00091: Union Packaging, LLC** (6250 Baltimore Avenue, Yeadon, PA 19050) on April 22, 2009, for operation of rotogravure and flexographic presses in Yeadon Borough, **Delaware County**. This action is a renewal of the State-only Operating Permit (Natural Minor), which was issued on March 18, 2004. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting designed to keep the facility operating within all applicable air quality requirements.

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

**39-00021: Lehigh Valley Hospital and Health Network** (1627 Chew Street, Allentown, PA 18104) on April 22, 2009, to operate a hospital with three boilers in Allentown City, **Lehigh 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.*

**36-03067: Covance Research Products, Inc.** (310 Swamp Bridge Road, Denver, PA 17517-8723) on April 20, 2009, for operation of a pet cremation chamber in West Cocalico Township, **Lancaster 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.*

**26-00020: Hanson Aggregates BMC, Inc.** (2200 Springfield Pike, Connellsville, PA 15425-6412), on April 22, 2009, to operate a limestone crushing and screening line consisting of crushers, screens, conveyors, stockpiles and a haul road at the Rich Hill Quarry, located in Bullskin Township, **Fayette County**. This is a renewal of the synthetic minor operating permit issued in 2004.

**26-00291: Silbaugh Vault & Burial Service** (542 Morgantown Street, Uniontown, PA 15401-5412) on April 21, 2009, to operate a crematory in South Union Township, **Fayette County**. The facility's sources of air emissions include two natural gas-fired human crematories. This is a State-only Operating Permit Renewal.

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

**25-00972: Insul Board, Inc.** (2120 Colonial Avenue, P. O. Box 8103, Erie, PA 16505) on April 17, 2009, to issue a Synthetic Minor Operating Permit to operate a facility that manufactures expanded polystyrene materials used in construction and packaging in Millcreek Township, **Erie County**. The facility's primary emission sources include a natural gas fired boiler, miscellaneous natural gas use, a preexpander, a prepuff storage unit, a block mold machine and a warehousing operation.

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

**S09-005: R. R. Donnelley Baum** (9985 Gantry Road, Philadelphia, PA 19115) on April 23, 2009, for the offset lithographic printing facility in the City of Philadelphia, **Philadelphia County**. The synthetic minor facilities emission sources include five nonheatset offset sheetfed lithographic printing presses.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

**15-00090: National Envelope Corp.** (303 Eagleview Boulevard, Exton, PA 19341) on April 22, 2009, for a Non-Title V Facility, State-only, Synthetic Minor Permit in Bristol Township, **Bucks County**. The Operating permit was amended: (1) to incorporate Plan Approval 15-0090B; (2) to consolidate the conditions for the flexographic sources (Sources 101, 103 and 104) under one source (Source 101).

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

**22-05029: Exelon Generation Co., LLC** (P. O. Box 480, Route 441S, Middletown, PA 17057) on April 20, 2009, for standby units comprising of two boilers, three engine generators and other sources in Londonderry Township, **Dauphin County**. This State-only operating permit was administratively amended due to a change of ownership. This is Revision No. 1.

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

**65-00732: Excelsa Health—Latrobe Hospital** (One Mellon Way, Latrobe, PA 15650) on April 27, 2009, for an administrative amendment of its operating permit to revise the responsible official and permit contact information in the City of Latrobe, **Westmoreland County**.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21).** The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

*Coal Applications Returned*

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

**30081301 and NPDES Permit No. PA0235741, Foundation Mining, LP**, (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to operate the Foundation Mine in Center and Jackson Townships, **Greene County** a new underground longwall mine and related NPDES permit. Stream restoration may be necessary to alleviate subsidence pooling impacts in Center Township to Hargus Creek in four areas bound by the following points on the Holbrook USGS Quad, N: 16.96 inches; W: 5.23 inches to N: 19.77 inches; W 4.41 inches and to one area in House and McCourtney Runs bound by points N: 18.99 inches, W: 7.05 inches to N: 20.42 inches; W: 10.24 inches. Surface Acres Proposed 305.0, Underground Acres Proposed 9,438.0, Subsidence Control Plan Acres Proposed 6,678.0. Receiving streams Hodge and House Runs, both classified for the following use: HQ-WWF. Application received February 27, 2008. Application returned April 20, 2009.

#### *Coal Permits Actions*

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

**65831701 and NPDES Permit No. PA0213985, Eastern Associated Coal, LLC**, (P. O. Box 1233, Charleston, WV 25624-1233), to renew the permit for the Delmont Treatment Facility in South Huntingdon Township, **Westmoreland County** and related NPDES permit. No additional discharges. Application received December 19, 2007. Permit issued April 22, 2009.

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

**32980110 and NPDES No. PA0234869. Opal Industries, Inc.**, P. O. Box 980, Latrobe, PA 15650, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Conemaugh Township, **Indiana County**, affecting 148.5 acres. Receiving streams: UNTs to/and Sulphur Run; UNTs to/and Blacklegs Creek; UNTs to/and Kiskiminetas River classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 19, 2009. Permit issued April 20, 2009.

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

**10090101 and NPDES Permit No. PA0241512. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Renewal of an existing bituminous strip operation in Eau Claire Borough and Venango Township, **Butler County** affecting 35.0 acres. Receiving streams: UNT to South Fork Little Scrubgrass Creek and South Fork Little Scrubgrass Creek. Application received March 25, 2009. Permit issued April 20, 2009.

**33030101 and NPDES Permit No. PA0242292. Strishock Coal Company** (220 Hillcrest Drive, DuBois, PA 15801) Renewal of an existing bituminous strip operation in Washington Township, **Jefferson County** affecting 103.5 acres. Receiving streams: Horm Run. This renewal is issued for reclamation only. Application received March 4, 2009. Permit issued April 22, 2009.

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

**17743165 and NPDES No. PA0127574. RES Coal, LLC** (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920). Transfer of an existing bituminous surface mine, with an Insignificant Permit Boundary Correction, from Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849), located in Boggs Township, **Clearfield County**,

affecting 164.4 acres. Receiving streams: Clearfield Creek to West Branch Susquehanna, classified for the following uses: CWF, WWF. There are no potable water supply intakes within 10 miles downstream. Application received January 29, 2009. Permit issued April 15, 2009.

**17990105. Waroquier Coal Company** (P. O. Box 128, Clearfield, PA 16830), permit renewal for reclamation only of a bituminous surface mine in Brady Township, **Clearfield County**, affecting 75.0 acres. Permit issued April 20, 2009.

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

**49080101. John P. Shingara**, (6624 SR 225, Shamokin, PA 17972), commencement, operation and restoration of an anthracite surface mine operation in Zerbe Township, **Northumberland County** affecting 108.5 acres, receiving stream: none. Application received January 8, 2008. Permit issued April 16, 2009.

**54880202R4. Morea Cogen, Inc.**, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County** affecting 200.0 acres, receiving stream: none. Application received September 17, 2008. Renewal issued April 22, 2009.

#### *Noncoal Permits Actions*

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

**64080802. Michael W. DeVrieze**, (1174 Calkins Road, Milanville, PA 18443), commencement, operation and restoration of a quarry operation in Damascus Township, **Wayne County** affecting 5.0 acres, receiving stream: none. Application received July 21, 2008. Permit issued April 21, 2009.

**58080857. Harold E. Wheeland, Jr.**, (P. O. Box 56, Brooklyn, PA 18813), commencement, operation and restoration of a quarry operation in Springville Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received October 31, 2008. Permit issued April 21, 2009.

**40072803. Valley Seeding Co., Inc.**, (306 West County Road, Sugarloaf, PA 18249), commencement, operation and restoration of a quarry operation in Black Creek Township, **Luzerne County** affecting 5.0 acres, receiving stream: none. Application received July 16, 2007. Permit issued April 23, 2009.

#### **ABANDONED MINE RECLAMATION**

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

Primacy Bond  
Forfeiture Contract

Awarded PBF 57813001.1  
Location Cherry Township  
Sullivan County, PA

Description Act 181 Bond Forfeiture  
Reclamation Project  
Bernice Mining and Contracting  
Co., Inc.  
Permit No. 57813001 (Bliss) and  
57830101 (Lewis)

Contractor Berner Construction, Inc.  
1101 Quarry Road  
Gap, PA 17527

Amount \$719,417.77

Date of Award April 24, 2009

## ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

### *Blasting Permits Actions*

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

**21094112. Warrens Excavating & Drilling, Inc.,** P. O. Box 214, Myerstown, PA 17067-0214, blasting activity permit issued for residential development in Hampden Township, **Cumberland County**. Blasting activity permit end date is April 9, 2010. Permit issued April 16, 2009.

**21094114. Dyno Nobel, Inc.,** 1320 Galiffa Drive, Donora, PA 15033, blasting activity permit issued for residential development in Silver Spring Township, **Cumberland County**. Blasting activity permit end date is April 30, 2010. Permit issued April 16, 2009.

**21094113. M & J Explosives, Inc.,** P. O. Box 608, Carlisle, PA 17013-0608, blasting activity permit issued for residential development in Upper Allen Township, **Cumberland County**. Blasting activity permit end date is April 30, 2010. Permit issued April 16, 2009.

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

**65094004. KESCO, Inc.** (P. O. Box 95, Adrian, PA 16210). Blasting Activity Permit for demolition of the smoke stack the old Keystone Glass Works, located in Arnold City, **Westmoreland County**. The expected demolition is for April 23, 2009.

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

**17094006. Larry D. Baumgardner** (P. O. Box 148, Lanse, PA 16849), blasting on the Lyncroft Reclamation Project located in Beccaria Township, **Clearfield County**. Permit issued April 21, 2009. Permit expires September 30, 2009.

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

**38094106. Warren's Excavating & Drilling, Inc.,** (P. O. Box 214, Myerstown, PA 17067), construction blasting for BTKD Commercial Site in West Cornwall Township, **Lebanon County** with an expiration date of April 16, 2010. Permit issued April 21, 2009.

**45094114. Geological Technologies, Inc.,** (P. O. Box 70, Falling Waters, WV 25419), construction blasting for Crossroads II in Hamilton and Stroud Townships, **Monroe County** with an expiration date of April 2, 2010. Permit issued April 21, 2009.

**48094104. Rock Work, Inc.,** (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for a borrow pit in Upper Mt. Bethel Township, **Northampton County** with an expiration date of April 30, 2010. Permit issued April 21, 2009.

**58094009. Meshoppen Blasting, Inc.,** (P. O. Box 127, Frantz Road, Meshoppen, PA 18630), construction blasting for the Lathrop Gas Well Site Cabot A Lathrop 1 in

Springville Township, **Susquehanna County** with an expiration date of August 31, 2009. Permit issued April 23, 2009.

**58094010. Meshoppen Blasting, Inc.,** (P. O. Box 127, Frantz Road, Meshoppen, PA 18630), construction blasting for the Cabot—R Smith, 3H Site in Springville Township, **Susquehanna County** with an expiration date of November 30, 2009. Permit issued April 23, 2009.

**09094101. Eastern Blasting Co., Inc.,** (1292 Street Road, New Hope, PA 18938), construction blasting for Fox Hill in East Rockhill Township, **Bucks County** with an expiration date of April 1, 2010. Permit issued April 23, 2009.

**36094120. TJ Angelozzi, Inc.,** (7845 Kabik Court, Woodbine, MD 21797), construction blasting for Hawthorne Ridge in Lancaster Township, **Lancaster County** with an expiration date of October 20, 2009. Permit issued April 23, 2009.

**36094121. TJ Angelozzi, Inc.,** (7845 Kabik Court, Woodbine, MD 21797), construction blasting for Hawthorne Ridge in Lancaster Township, **Lancaster County** with an expiration date of October 20, 2009. Permit issued April 23, 2009.

**39094107. Warren's Excavating & Drilling, Inc.,** (P. O. Box 214, Myerstown, PA 17067), construction blasting for Park Ridge Estates in South Whitehall Township, **Lehigh County** with an expiration date of April 20, 2010. Permit issued April 23, 2009.

**67094110. Warren's Excavating & Drilling, Inc.,** (P. O. Box 214, Myerstown, PA 17067), construction blasting for Route 234 York Water Line in Dover, Jackson and West Manchester Townships, **York County** with an expiration date of April 16, 2010. Permit issued April 23, 2009.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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



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

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for 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 P. S. §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E31-215: Spruce Creek Habitat Improvements, Spruce Creek Rod and Gun Club, P. O. Box 1762, Altoona, PA 16603-1762, Franklin Township, Huntingdon County, United States Army Corps of Engineers, Baltimore District.**

1. To remove the existing breached rock dam and construct and maintain a rock cross vane in Spruce Creek (HQ-CWF) and a 35-foot long by 1.5-foot high mud sill along the right bank of Spruce Creek (HQ-CWF) (Franklinville, PA Quad N: 10.24 inches; W: 4.97 inches, Latitude: 40° 40' 53"; Longitude: 78° 02' 09").

2. To repair and maintain the outlet structure of a nonregulated dam along the flood plain of Spruce Creek (HQ-CWF), dredge the pond, and maintain a 4-foot wide footbridge having a span of 37.0 feet with 5.5 feet underclearance across Spruce Creek (HQ-CWF) (Franklinville, PA Quad N: 9.63 inches; W: 9.35 inches, Latitude: 40° 40' 41", Longitude: 78° 02' 19").

3. To construct and maintain a 95-foot long by 1.5-foot high mud sill and a 40-foot long by 1.5-foot high log vane along the left and right banks of Spruce Creek (HQ-CWF) and maintain a 4-foot wide foot bridge having a span of 39.0 feet with 5.5 feet underclearance across Spruce Creek (HQ-CWF) (Franklinville, PA Quad N: 9.63 inches; W: 5.85 inches, Latitude: 40° 40' 41"; Longitude: 78° 02' 32").

4. To remove the existing log dam and construct and maintain a rock cross vane and a 27-foot wide channel block in Spruce Creek (HQ-CWF) (Franklinville, PA Quad N: 5.45 inches; W: 10.83 inches, Latitude: 40° 39' 18"; Longitude: 78° 04' 41").

5. To maintain a 4-foot wide footbridge having a span of 40.0 feet with a 5.5 feet underclearance across Spruce Creek (HQ-CWF) (Franklinville, PA Quad N: 5.70 inches; W: 10.67 inches, Latitude: 40° 39' 23"; Longitude: 78° 04' 37").

6. To construct and maintain channel blocks along the upstream and downstream ends of a side channel of

Spruce Creek (HQ-CWF) (Franklinville, PA Quad N: 5.56 inches; W: 9.15 inches, Latitude: 40° 39' 20"; Longitude: 78° 03' 57").

All activities are related to fish habitat improvements by the Spruce Creek Rod and Gun Club in Franklin Township, Huntingdon County.

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

**E02-1509-A1. Pittsburgh Water and Sewer Authority, Penn Liberty Plaza 1, 1200 Penn Avenue, Pittsburgh, PA 15222.** To include the construction, maintenance and repair of sewer lines in Bellevue Borough, City of Pittsburgh and Ross Township, **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District (Pittsburgh West, PA Quadrangle N: 20.2 inches; W: 6.6 inches, Latitude: 40° 29' 10"; Longitude: 80° 02' 51"). To amend Permit No. E02-1509 to include the following: to construct and maintain a 39.9 foot extension to the existing 84-inch diameter culvert consisting of a 84-inch diameter culvert; to repair the existing 72/84-inch diameter culvert; to construct and maintain a 15' stormdrain that connects to the 84-inch diameter culvert; to rehabilitate and maintain the existing 60-inch diameter culvert in and along the channel of Jacks Run (WWF); to restore and maintain approximately 1,010 linear feet of said stream, and to grade and place fill in approximately 50 linear feet of an UNT of Jacks Run (WWF). The project is located at the intersection of Belgium and Farragut Streets.

**ENVIRONMENTAL ASSESSMENTS**

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.*

**D35-009EA. Department of Conservation and Natural Resources, Bureau of Forestry, 401 Samters Building, 101 Penn Avenue, Scranton, PA 18503-2025. Carbondale Township, Lackawanna County.** Project proposes to breach and remove Rush Brook Dam across Rushbrook (CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 500 feet of stream channel. The dam is located approximately 200 feet North of the intersection of Heart Lake Road (SR107) and Corners Pk. (SR1006) (Carbondale, PA Quadrangle Latitude: 41° 32' 57"; Longitude: 75° 33' 54").

**D48-029EA. Director of Parks and Public Property, City of Bethlehem, 10 East Church Street, Bethlehem, PA 18018-6025.** Project proposes to breach and remove Saucon Park Dam across Saucon Creek (HQ-CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 1,000 feet of stream channel. The dam is located approximately 2,900 feet northwest of the intersection of SR 412 and US 78 (Hellertown, PA Quadrangle Latitude: 40° 36' 09"; Longitude: 75° 20' 49"). City of Bethlehem, **Northampton County**.

**D23-042EA. Lansdowne Borough, 12 East Baltimore Avenue, Lansdowne, PA 19050.** Project proposes to breach an unnamed dam across Darby Creek (TSF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 600 feet of stream channel. The dam is located approximately 1,500 feet south of the intersection of SR 2016 (Baltimore Avenue) and Eldon Road (Lansdowne, PA Quadrangle Latitude:



39° 55' 54"; Longitude: 75° 17' 00"). Clifton Heights and Lansdowne Boroughs, **Delaware County**.

**EA64-196CO. Association of Property Owners of the Hideout, Inc.**, 640 The Hideout, Lake Ariel, PA 18436, Salem Township, **Wayne County**, United States Army Corp of Engineers, Philadelphia District. To rehabilitate Roamingwood Lake Dam across Ariel Creek (HQ-CWF) to provide overtopping protection and achieve compliance with current regulations. The project will necessitate impacts to 0.32-acre of Palustrine Emergent Wetland. The applicant proposes 0.33-acre of replacement wetland. The dam is located approximately 1,300 feet east of the intersection of Lakeview Drive and Pocono Court (Lakeville, PA Quadrangle Latitude: 41° 25' 22"; Longitude: 75° 20' 45").

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control Permits have been issued.

Any person aggrieved by these actions may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. Chapter 5, Subchapter A (relating to practice and procedure of Commonwealth agencies), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market

Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary 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.*

<i>ESCP No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESCGP-1 0809801-01	Fortuna Energy, Inc. 337 Daniel Zenker Drive Horseheads, NY 14845	Bradford County	Troy Township	South Branch Sugar Creek TSF

### STORAGE TANKS

#### SITE-SPECIFIC INSTALLATION PERMITS

**The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.**

<i>SSIP Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
09-22-006	SealMaster 6853 Ruppsville Road Allentown, PA 18106 Attn: Darrel Stein	Dauphin	Swatara Township	3 ASTs storing pavement sealer	32,000 gallons total

### SPECIAL NOTICES

#### DRINKING WATER STATE REVOLVING FUND SPECIAL NOTICE

#### Special Notice under the Federal Safe Drinking Water Act (SDWA); 42 U.S.C. 300f, et. seq.

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

##### Project Location:

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Pennsylvania American Water	800 West Hersheypark Drive Hershey, PA 17033	Luzerne

*Project Description:* The Pennsylvania Infrastructure Investment Authority (PENNVEST), which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. Pennsylvania

American Water proposes the rehabilitation/repainting of the Mill Creek Tank No. 1 located in Plains Township, Luzerne County, PENNVEST Project No. 40156040904-CW. The Department of Environmental Protection's (Department) review of the project and the information received for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

##### Project Location:

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Borough of East Stroudsburg	P. O. Box 303 East Stroudsburg, PA 18301	Monroe

*Project Description:* The Pennsylvania Infrastructure Investment Authority (PENNVEST), which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Borough of East Stroudsburg proposes East Stroudsburg Borough

Water System Improvement Project, PENNVEST No. 4501504040902-CW. The Department of Environmental Protection's (Department) review of this waterline replacement project and the information received for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the categorical exclusion.

*Project Location:*

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Brodhead Creek Regional Authority	410 Stokes Avenue East Stroudsburg, PA 18301	Monroe

*Project Description:* The Pennsylvania Infrastructure Investment Authority (PENNVEST), which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Brodhead Creek Regional Authority (BCRA) proposes the BCRA Water System Improvement Project (PENNVEST No. 45015030902-CW) which includes waterline upgrade/replacement/emergency interconnection repair work. The Department of Environmental Protection's (Department) review of this waterline upgrade/replacement/emergency interconnection repair work and the information received for this portion of the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the categorical exclusion.

**Walnut Creek**

The Department of Environmental Protection (Department), Northwest Regional Watershed Management Program announces the Walnut Creek Watershed Protection and Restoration Plan, (Erie County) has been finalized. This document outlines the commitments of time, energy and resources that the Department will invest in the protection and restoration of this important watershed. A finalized copy of the plan and the Public Comment and Response Document is available at the regional office, or can be viewed by accessing the "Community Involvement" link at the Department's Northwest Regional web site: <http://www.depweb.state.pa.us/northwestregion/site/default.asp>.

[Pa.B. Doc. No. 09-844. Filed for public inspection May 8, 2009, 9:00 a.m.]

**Bid Opportunity**

**BOGM 08-12, Cleaning Out and Plugging 39 Abandoned and Orphan Oil Wells, (Thomas and Brenda Fitch Property), Otto and Keating Townships, McKean County.** The principal items of work include cleaning out and plugging 39 abandoned and orphan oil wells, estimated to be between 1,420 and 1,700 feet in depth, to Department of Environmental Protection specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. This project issues on May 8, 2009, and bids will be opened on June 11, 2009, 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](mailto:joelmiller@state.pa.us) for more information on this bid.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-845. Filed for public inspection May 8, 2009, 9:00 a.m.]

**Comment Period Extension and Public Meetings and Hearings: Proposed Revisions to General NPDES Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (PAG-13)**

The Department of Environmental Protection (Department) announces a 60-day extension of the public comment period for the proposed revisions to General NPDES Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (PAG-13). Comments will now be accepted by the Department until July 6, 2009. In addition to the public comment period extension, the Department has scheduled three public meetings to explain the proposed changes to PAG-13 and to respond to questions from the public. Following the conclusion of the public meetings, the Department will hold public hearings to accept testimony on the proposed amendments to PAG-13. The public meetings will be held from 3 p.m.—4 p.m. and the public hearings will begin at 4 p.m. on the dates indicated.

- |               |   |
|---------------|---|
| June 16, 2009 | Department of Environmental Protection<br>Southwest Regional Office<br>Waterfront Conference Room A and B<br>400 Waterfront Drive<br>Pittsburgh, PA 15222-4745<br>(412) 442-4000<br><br>NOTE: Contact Deborah Filbert at (412) 442-4095 at least 2-3 days prior to the public meeting and hearing to obtain security passes for access to the building. |
| June 18, 2009 | Department of Environmental Protection<br>Southeast Regional Office<br>Delaware and Schuylkill Conference Rooms<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900   |
| June 23, 2009 | Department of Environmental Protection<br>Southcentral Regional Office<br>Susquehanna Conference Room<br>909 Elmerton Avenue<br>Harrisburg, PA 17110<br>(717) 705-4700  |

Persons wishing to present testimony at a hearing indicated previously are requested to contact the Department of Environmental Protection, Bureau of Watershed Management, Rachel Carson State Office Building, P. O. Box 8775, 10th Floor, Harrisburg, PA 17105-8774, (717) 787-6827 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness. Witnesses are requested to submit three written copies of oral testimony

at each hearing. Organizations are limited to designating one witness to present testimony on their behalf at the hearing.

Notice soliciting comments on the substantive revisions to PAG-13 was initially published at 39 Pa.B. 1749 (April 4, 2009). Revisions to PAG-13 include modifications to enhance clarity and to incorporate overall programmatic changes, including: changing the title of the protocol to the stormwater management program, modifying the field inspection of outfalls and changing the inspection rate of outfalls for renewal permittees to once within the term of the permit. Other changes to PAG-13 include provisions to facilitate the compliance of stormwater ordinance requirements included in the 2003 MS4 permit and requirements for the development of a Stormwater TMDL Plan in impaired waters with a currently approved TMDL. The Department is also proposing to increase the PAG-13 permit filing fee from \$100 to \$250, payable to the Commonwealth of Pennsylvania Clean Water Fund.

PAG-13 is issued under the authority of the Clean Water Act (33 U.S.C.A. § 1251 et seq.) (act) and Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1—691.1001). The current PAG-13 permit was extended by a notice published at 38 Pa.B. 4679 (August 23, 2008) and is scheduled to expire at midnight March 9, 2010. The current PAG-13 permit will continue to be in force until formal revision of PAG-13 is published as final in the *Pennsylvania Bulletin*.

Written comments on the proposed revisions to PAG-13 should be submitted, by July 6, 2009, to Barry Newman, Department of Environmental Protection, Bureau of Watershed Management, Rachel Carson State Office Building, P.O. Box 8775, 10th Floor, Harrisburg, PA 17105-8774, ep-pag13comments@state.pa.us. The Department will not accept comments submitted by facsimile or by voice mail.

The proposed PAG-13 draft permit is available by contacting the Department at (717) 772-6827 or ep-pag13comments@state.pa.us. The proposed draft permit is also available on the Department's web site at www.depweb.state.pa.us (choose "Public Participation"; then scroll down to "Proposals Currently Open for Comment").

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). Following the specified comment period, the Department will review all submitted comments and testimony and prepare a comment and response document and final General Permit documents package. Availability of the final permit documents will be announced in a future issue of the *Pennsylvania Bulletin*.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-846. Filed for public inspection May 8, 2009, 9:00 a.m.]

### **Solid Waste Advisory Committee; Meeting Cancellation Notice**

The Solid Waste Advisory Committee meeting scheduled for Thursday, May 14, 2009, has been cancelled. The next meeting is scheduled for Thursday, September 10, 2009, at the Rachel Carson State Office Building, Harris-

burg, PA. Questions concerning this meeting should be directed to Michael Texter, (717) 783-6006, mtexter@state.pa.us.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-847. Filed for public inspection May 8, 2009, 9:00 a.m.]

## **DEPARTMENT OF HEALTH**

### **Application of Gettysburg Hospital for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Gettysburg Hospital has requested an exception to the requirements of 28 Pa. Code § 553.3(8)(iii) and (v) (relating to governing body responsibilities).

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

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 Service at (800) 654-5984.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-848. Filed for public inspection May 8, 2009, 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 § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.1.1.2 (relating to hand washing station).

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).

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 09-849. Filed for public inspection May 8, 2009, 9:00 a.m.]

### Application of St. Mary Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that St. Mary Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 37-2.6.3 (relating to staff shower in outpatient surgical facility), 2.5.5 (relating to sterilization facility), 2.5.7.1 (relating to anesthesia equipment and supply storage) and 22.4.2.1(1) (relating to Phase II recovery 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).

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 09-850. Filed for public inspection May 8, 2009, 9:00 a.m.]

### Application of Saint Vincent Endoscopy Center, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Saint Vincent Endoscopy Center, LLC has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

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

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 Service at (800) 654-5984.

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 09-851. Filed for public inspection May 8, 2009, 9:00 a.m.]

### Application of Spartan Health Surgicenter for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Spartan Health Surgicenter has requested an exception to the requirement of 28 Pa. Code § 569.35 (relating to general safety precautions).

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

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 09-852. Filed for public inspection May 8, 2009, 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):

Bradford Regional Medical Center  
Charles Cole Memorial Hospital  
Ephrata Community Hospital  
Memorial Hospital-York  
Montgomery Health Care System  
St. Clair Hospital  
Uniontown 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.

These facilities are requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-853. Filed for public inspection May 8, 2009, 9:00 a.m.]

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

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 201.3 (relating to definitions).

Consulate Health Care of Cheswick  
3876 Saxonburg Boulevard  
Cheswick, PA 15024

Marian Manor  
2695 Winchester Drive  
Pittsburgh, PA 15220

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 201.18(e) (relating to management).

Millcreek Community Hospital Transitional Care Unit  
5515 Peach Street  
Erie, PA 16509  
FAC ID 57010201

Millcreek Manor  
5515 Peach Street  
Erie, PA 16509  
FAC ID 131102

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building).

Phoebe Home, Inc.  
1925 Turner Street  
Allentown, PA 18104  
Facility ID 161302

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

Pennsylvania Soldiers' and Sailors' Home  
P. O. Box 6239  
560 East Third Street  
Erie, PA 16512  
FAC ID 189202

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.33(a) (relating to utility room).

Holy Family Manor  
1200 Spring Street  
Bethlehem, PA 18018  
FAC ID 082702

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

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

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

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

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-854. Filed for public inspection May 8, 2009, 9:00 a.m.]

**DEPARTMENT OF  
PUBLIC WELFARE****Changes to an Additional Class of Disproportionate Share Payments***Purpose of Notice*

The Department of Public Welfare (Department) is providing final notice of an increase in the allocation for disproportionate share hospital (DSH) payments to certain qualifying Medical Assistance (MA) enrolled hospitals that advance the Department's goal of enhanced access to multiple types of medical care in economically distressed areas of this Commonwealth. There is no

change in current qualifying criteria or methodology for determining eligibility for this additional class of DSH payments.

The State General funds allocated for these annual payments increased to \$7.848 million. For Fiscal Year (FY) 2008-2009 only, an additional \$4 million in State General funds is allocated for these payments.

The Department continues to divide payments proportionally between qualifying hospitals based on the percentages of each qualifying hospital's MA inpatient days to the total MA inpatient days of all qualifying hospitals. In making these payments, the Department ensures that no acute care general hospital receives a DSH payment that is in excess of its hospital-specific DSH upper payment limit and the Commonwealth does not exceed its aggregate annual DSH allotment.

The Department published notice of its intent to increase the FY 2008-2009 allocation for DSH payments to certain qualifying MA enrolled hospitals that advance the Department's goal of enhanced access to multiple types of medical care in economically distressed areas of this Commonwealth at 39 Pa.B. 746 (February 7, 2009). The Department did not receive any public comments during the 30-day public comment period following the publication of the notice and will implement the proposed changes as final.

#### *Fiscal Impact*

For FY 2008-2009, the fiscal impact related to this increase is \$13.162 million (\$5.986 million in State funds). The \$4.000 million payment of State General Funds will be treated as a one-time payment. The \$1.986 million payment of State General Funds will be ongoing.

ESTELLE B. RICHMAN,  
*Secretary*

#### **Fiscal Note:** 14-NOT-598. (1) General Fund:

	<i>MA—Inpatient</i>
(2) Implementing Year 2008-09 is	\$1,986,000
(3) 1st Succeeding Year 2009-10 is	\$1,986,000
2nd Succeeding Year 2010-11 is	\$1,986,000
3rd Succeeding Year 2011-12 is	\$1,986,000
4th Succeeding Year 2012-13 is	\$1,986,000
5th Succeeding Year 2013-14 is	\$1,986,000

#### *Acute Care Hospitals*

Implementing Year 2008-2009 is	\$400,000
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

#### *MA—Inpatient*

(4) 2007-08 Program—	\$468,589,000
2006-07 Program—	\$513,020,000
2005-06 Program—	\$474,693,000

#### *Acute Care Hospitals*

2007-08 Program—	\$21,175,000
2006-07 Program—	\$14,500,000
2005-06 Program—	\$10,800,000

(7) MA—Inpatient and Acute Care Hospitals; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 09-855. Filed for public inspection May 8, 2009, 9:00 a.m.]

### **Peer Groups, Peer Group Medians; and Peer Group Prices for General Nursing Facilities, County Nursing Facilities, Hospital-Based Nursing Facilities and Special Rehabilitation Facilities**

The purpose of this notice is to announce the Department of Public Welfare's (Department) peer groups, peer group medians and peer group prices for general nursing facilities, county nursing facilities, hospital-based nursing facilities and special rehabilitation facilities under 55 Pa. Code § 1187.95(a)(4) (relating to general principles for rate and price setting). The Department used the peer groups, peer group medians and peer group prices to determine case-mix rates for nonpublic nursing facilities for the State Fiscal Year (FY) July 1, 2008 through June 30, 2009. The Department calculated the peer groups, peer group medians and peer group prices announced in this notice in accordance with 55 Pa. Code Chapter 1187 (relating to nursing facility services) as amended at 35 Pa.B. 4612 (August 13, 2005). The data that the Department used to determine the peer group medians and prices is available on the Office of Medical Assistance Programs' web site at: <http://www.dpw.state.pa.us/PartnersProviders/MedicalAssistance/DoingBusiness/LTCCaseMixInfo/>.

To establish the database for the calculation of peer group medians and prices, the Department used each nursing facility's three most recent audited cost reports that were issued by the Department on or before March 31, 2008, and indexed the costs for each report forward to the common date of December 31, 2008, using the CMS Nursing Home Without Capital Market Basket Index.

The following is a listing, by group, of the number of nursing facilities with a particular year-end, and the inflation factor used to roll the costs of each facility forward to the common date of December 31, 2008.

#### **GENERAL AND COUNTY NURSING FACILITIES**

<i>Facility Year End</i>	<i>Number of Facilities*</i>	<i>Inflation Factor</i>
June 30, 2002	3	1.2417
December 31, 2002	20	1.2111
June 30, 2003	26	1.1960
December 31, 2003	319	1.1812
June 30, 2004	237	1.1636
December 31, 2004	358	1.1466
June 30, 2005	228	1.1285
December 31, 2005	350	1.0990
June 30, 2006	227	1.0831
December 31, 2006	31	1.0689

**HOSPITAL-BASED NURSING FACILITIES**

<i>Facility Year End</i>	<i>Number of Facilities*</i>	<i>Inflation Factor</i>
June 30, 2003	2	1.1960
June 30, 2004	16	1.1636
June 30, 2005	16	1.1285
June 30, 2006	14	1.0831

**SPECIAL REHABILITATION FACILITIES**

<i>Facility Year End</i>	<i>Number of Facilities*</i>	<i>Inflation Factor</i>
December 31, 2003	3	1.1812
June 30, 2004	4	1.1636
December 31, 2004	2	1.1466
June 30, 2005	5	1.1285
December 31, 2005	2	1.0990
June 30, 2006	5	1.0831

\* As a result of using the three most recent audited cost reports, the "Number of Facilities" column reflects a number in excess of actual enrolled nursing facilities.

After the database was inflated using the inflation values, the Department grouped the facilities in the correct geographic and bed size groupings. In accordance with 55 Pa. Code § 1187.94 (relating to peer grouping for price setting), to establish peer groups, the Department used the Metropolitan Statistical Areas (MSA) group classification published in the Federal Office of Management and Budget Bulletin No. 99-04 (relating to revised statistical definitions of Metropolitan Areas and guidance on uses of Metropolitan Area definitions) to classify each nursing facility into one of three MSA groups or one non-MSA group. The Department then used the bed complement of the nursing facility on the final day of the reporting period of the most recent audited MA-11 used in the Nursing Information System database to classify nursing facilities into one of three bed complement groups. These groups are 3—119 beds, 120—269 and 270 beds and over. Peer groups 7 and 10 have been collapsed in accordance with § 1187.94(1)(iv). Peer group 13 is designated for special rehabilitation facilities only and peer group 14 is designated for hospital-based nursing facilities only, regardless of geographic location or bed-size.

After the database was established and the peer groups determined, the Department then calculated the medians and prices for each peer group. To calculate the resident care cost medians, the Department divided the audited allowable resident care costs for each cost report by the total facility case-mix index from the available February 1 picture date closest to the midpoint of the cost report period to obtain case-mix neutral total resident care cost for the cost report year. The Department then divided the case-mix neutral total resident care cost for each cost report by the total audited actual resident days for the cost report year to obtain the case-mix neutral resident care cost per diem for the cost report year. The Department calculated the 3-year arithmetic mean of the case-mix neutral resident care cost per diem for each nursing facility to obtain the average case-mix neutral resident care cost per diem of each facility. The Department arrayed the average case-mix neutral resident care cost per diem for each nursing facility within the respective peer groups and determined a median for each peer group.

To calculate the other resident care cost medians, the Department first divided the audited allowable other resident care costs for each cost report by the total audited actual resident days for the cost report year to obtain the other resident related cost per diem for the cost report year. The Department calculated the 3-year arithmetic mean of the other resident related cost for each nursing facility to obtain the average other resident related cost per diem of each facility. The Department arrayed the average other resident related cost per diem for each nursing facility within the respective peer groups and determined a median for each peer group.

To calculate the administrative cost medians, the Department adjusted, as appropriate, the total audited actual resident days for each cost report to a minimum 90% occupancy in accordance with 55 Pa. Code § 1187.23 (relating to nursing facility incentives and adjustments). The Department then divided the audited allowable administrative cost for each cost report by the total audited actual resident days, adjusted to 90% occupancy, if applicable, to obtain the administrative cost per diem for the cost report year. The Department calculated the 3-year arithmetic mean of the administrative cost for each nursing facility to obtain the average administrative cost per diem of each facility. The Department arrayed the average administrative cost per diem for each nursing facility within the respective peer groups to determine a median for each peer group.

After the medians were determined for each peer group, the Department set prices using the medians. To set peer group prices, the Department multiplied the resident care cost median of each peer group by 1.17 to obtain the resident care cost peer group price; multiplied the other resident related cost median of each peer group by 1.12 to obtain the other resident related peer group price; and, multiplied the administrative cost median of each peer group by 1.04 to obtain the administrative cost peer group price.

The peer groups, peer group medians and peer group prices of general and county nursing facilities, hospital-based and special rehabilitation nursing facilities for Year 13 are listed in Annex A.

A Medical Assistance nursing facility provider may file an administrative appeal if the provider believes that the Department made any errors or the provider otherwise disagrees with the Year 13 peer group prices that the Department established for its peer group. A provider's appeal must be sent in writing to the Department's Bureau of Hearings and Appeals, P. O. Box 2675, Harrisburg, PA 17105, and received by the Bureau of Hearings and Appeals within 30 days of the date of this notice. If a provider chooses to appeal, the provider will be afforded the opportunity for a de novo hearing before the Bureau of Hearings and Appeals. The peer group prices applied in setting the provider's rates may be changed as a result of the final adjudication of the provider's peer group price appeal. Providers should refer to 67 Pa.C.S. Chapter 11 (relating to medical assistance hearings and appeals), and to the Department's regulations at 55 Pa. Code Chapter 41 (relating to medical assistance provider appeal procedures), for more detail regarding their appeal rights and the requirements related to their written appeals.

*Fiscal Impact*

The fiscal impact associated with this change is estimated to be \$15.387 million (\$5.982 million in State funds) for FY 2008-2009.

*Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department at the following address: Department of Public Welfare, Office of Long-Term Living, Attention: Gail Weidman, P. O. Box 2675, Harrisburg, PA 17105.

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

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-596. (1) General Fund:

(2) Implementing Year 2008-09 is	\$5,982,000
(3) 1st Succeeding Year 2009-10 is	\$6,525,000
2nd Succeeding Year 2010-11 is	\$6,525,000
3rd Succeeding Year 2011-12 is	\$6,525,000
4th Succeeding Year 2012-13 is	\$6,525,000
5th Succeeding Year 2013-14 is	\$6,525,000
(4) 2007-08 Program—	\$692,585,000
2006-07 Program—	\$695,279,000
2005-06 Program—	\$817,890,000

(7) Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.



02/20/09

Rate year 2008

Median			Most Recent	Second Most Recent	Third Most Recent
Peer	Current	Current	Cost Report	Cost Report	Cost Report
Group	Provider No.	Provider Name	End Date	End Date	End Date
1	0019578200001	BROOMALL REHAB AND NURSING CENTER	12/31/2005	12/31/2004	12/31/2002
1	0011163880002	CARE PAVILION OF WALNUT PARK, INC	06/30/2006	06/30/2005	06/30/2004
1	1000064640017	FAIR ACRES GERIATRIC CENTER	12/31/2005	12/31/2004	12/31/2003
1	0007564990004	FRIENDSHIP RIDGE	12/31/2005	12/31/2004	12/31/2003
1	0007570930002	IMMACULATE MARY HOME	06/30/2006	06/30/2005	06/30/2004
1	1007411200006	JOHN J KANE REGIONAL CENTER-GLEN HAZEL	12/31/2005	12/31/2004	12/31/2003
1	1007411200008	JOHN J KANE REGIONAL CENTER-MCKEESPORT	12/31/2005	12/31/2004	12/31/2003
1	1007411200001	JOHN J KANE REGIONAL CENTER-ROSS TWNSHP	12/31/2005	12/31/2004	12/31/2003
1	1007411200004	JOHN J KANE REGIONAL CENTER-SCOTT TWNSHP	12/31/2005	12/31/2004	12/31/2003
1	1007600910035	MADLYN AND LEONARD ABRAMSON CENTER	06/30/2006	06/30/2005	06/30/2004
1	1007773100003	NESHAMINY MANOR HOME	12/31/2005	12/31/2004	12/31/2003
1	0007477580001	PARKHOUSE, PROVIDENCE POINTE	12/31/2005	12/31/2004	12/31/2003
1	1000076950094	PHILADELPHIA NURSING HOME	12/31/2005	12/31/2004	12/31/2003
1	1007655340002	POCOPSON HOME	12/31/2005	12/31/2004	12/31/2003
1	0007494300003	SAINT FRANCIS COUNTRY HOUSE	06/30/2006	06/30/2005	06/30/2004
1	1007389300003	ST JOHN SPECIALTY CARE CENTER	06/30/2006	06/30/2005	06/30/2004
1	1001264530004	ST JOSEPH'S MANOR (DBA ENTITY OF HRHS)	06/30/2006	06/30/2005	06/30/2004
1	1002272960004	WASHINGTON COUNTY HEALTH CENTER	12/31/2005	12/31/2004	12/31/2003
1	0005762020001	WESTMORELAND MANOR	12/31/2005	12/31/2004	12/31/2003

PG1	Resident Care Median	Other Resident Rltd Median	Administrative Median
	\$119.22	\$55.72	\$21.64
PG1	Resident Care Price	Other Resident Rltd Price	Administrative Price
	\$139.49	\$62.41	\$22.51

Median			Most Recent	Second Most Recent	Third Most Recent
Peer	Current	Current	Cost Report	Cost Report	Cost Report
Group	Provider Number	Provider Name	End Date	End Date	End Date
2	1007749810004	ANDORRA WOODS HEALTHCARE CENTER	12/31/2005	12/31/2004	12/31/2003
2	0006337390001	ASBURY HEALTH CENTER	12/31/2005	12/31/2004	12/31/2003
2	0010270360001	ATTLEBORO NURSING AND REHAB CENTER	12/31/2005	12/31/2004	12/31/2003
2	0011856700001	BALA NURSING AND RETIREMENT CENTER	06/30/2006	06/30/2005	06/30/2004
2	0009143190001	BALDOCK HEALTH CARE CENTER	06/30/2006	06/30/2005	06/30/2004
2	1012798310001	BALDWIN HEALTH CENTER	06/30/2006	06/30/2004	06/30/2003
2	0009746940001	BAPTIST HOMES OF WESTERN PENNSYLVANIA	06/30/2006	06/30/2005	06/30/2004
2	1007783630008	BEAVER VALLEY NURSING AND REHAB CENTER	06/30/2006	06/30/2005	06/30/2004
2	1007727260033	BRANDYWINE HALL	06/30/2006	06/30/2005	06/30/2004
2	1007300650003	BRIARCLIFF PAVILION FOR SPECIALIZED CARE	12/31/2005	12/31/2004	12/31/2003
2	0007908660002	BRIARLEAF NURSING AND CONVAL CENTER	06/30/2006	06/30/2005	06/30/2004
2	1009797370001	BRIGHTEN AT BRYN MAWR	06/30/2006	06/30/2005	12/31/2003
2	0019531330001	BROOKSIDE HEALTHCARE AND REHAB CENTER	12/31/2005	12/31/2004	12/31/2002
2	1021432010001	BROOMALL MANOR	06/30/2006	06/30/2005	12/31/2003
2	0007574220001	BROOMALL PRESBYTERIAN VILLAGE	12/31/2005	12/31/2004	12/31/2003
2	1021079490001	BUCKINGHAM VALLEY REHAB AND NURSING CTR	06/30/2006	06/30/2005	06/30/2004
2	0007575490001	CATHEDRAL VILLAGE	06/30/2006	06/30/2005	06/30/2004
2	0019201230001	CENTENNIAL VILLAGE	12/31/2005	12/31/2004	12/31/2003
2	0019547760001	CHAPEL MANOR	06/30/2006	06/30/2005	06/30/2004
2	1007292240001	CHARLES M. MORRIS NURSING AND REHAB CTR	06/30/2006	06/30/2005	06/30/2004
2	1015756410001	CHATHAM ACRES NURSING CENTER, INC	06/30/2005	06/30/2004	06/30/2003
2	0012177100001	CHELTENHAM NURSING AND REHAB CENTER	06/30/2006	06/30/2005	06/30/2004
2	0017811000001	CHELTENHAM YORK ROAD NSG & REHAB CENTER	06/30/2006	06/30/2005	06/30/2004
2	0015660040002	CHERRY TREE NURSING CENTER	12/31/2005	12/31/2004	12/31/2003
2	1007720920004	CHESTNUT HILL LODGE HEALTH AND REHAB CTR	12/31/2005	12/31/2004	12/31/2003

2	1007726910001	CLIVEDEN CONVALESCENT CENTER	06/30/2006	06/30/2005	06/30/2004
2	1007458090001	COMMONS AT SQUIRREL HILL	12/31/2005	12/31/2004	12/31/2003
2	1001336090003	CONCORDIA LUTHERAN HEALTH AND HUMAN CARE	06/30/2006	06/30/2005	06/30/2004
2	1018133130001	CONSULATE HEALTH CARE OF CHESWICK	06/30/2006	06/30/2005	06/30/2004
2	0009828380001	COUNTRY MEADOWS OF SOUTH HILLS	12/31/2005	12/31/2004	12/31/2003
2	0019204460001	CRANBERRY PLACE	06/30/2006	06/30/2005	06/30/2004
2	0008332840001	CRESTVIEW CENTER	06/30/2006	06/30/2005	06/30/2004
2	0007450830001	DEER MEADOWS RETIREMENT COMMUNITY	06/30/2006	06/30/2005	06/30/2004
2	1007783630025	ELKINS CREST HEALTH AND REHAB CENTER	06/30/2006	06/30/2005	06/30/2004
2	0007449700001	EVANGELICAL MANOR	12/31/2005	12/31/2004	12/31/2003
2	1007727260028	FAIRVIEW CARE CENTER OF BETHLEHEM PIKE	06/30/2006	06/30/2005	06/30/2004
2	1007727260042	FAIRVIEW CARE CENTER OF PAPERMILL ROAD	06/30/2006	06/30/2005	06/30/2004
2	0018790090001	FORBES ROAD NURSING AND REHAB CENTER	12/31/2005	12/31/2004	12/31/2003
2	0008992030001	GARDEN SPRING CENTER	06/30/2006	06/30/2005	06/30/2004
2	0009748540001	GERMANTOWN HOME	06/30/2006	06/30/2005	06/30/2004
2	1017760690001	GLENDALE UPTOWN HOME	06/30/2006	06/30/2005	06/30/2004
2	1015552280001	GOLDEN LIVINGCENTER-DOYLESTOWN	12/31/2005	12/31/2004	12/31/2003
2	1015524500001	GOLDEN LIVINGCENTER-LANSDALE	12/31/2005	12/31/2004	12/31/2003
2	1015498100001	GOLDEN LIVINGCENTER-MONROEVILLE	12/31/2005	12/31/2004	12/31/2003
2	1015499550001	GOLDEN LIVINGCENTER-MT LEBANON	12/31/2005	12/31/2004	12/31/2003
2	1015509560001	GOLDEN LIVINGCENTER-MURRYSVILLE	12/31/2005	12/31/2004	12/31/2003
2	1015547300001	GOLDEN LIVINGCENTER-PHOENIXVILLE	12/31/2005	12/31/2004	12/31/2003
2	1015582930001	GOLDEN LIVINGCENTER-UNIONTOWN	12/31/2005	12/31/2004	12/31/2003
2	0019578760001	GREENERY SPECIALTY CARE CENTER	12/31/2005	12/31/2004	06/30/2003
2	0007910950001	GREENLEAF NURSING HOME AND CONVAL CENTER	06/30/2006	06/30/2005	06/30/2004
2	0018362800002	GREENSBURG CARE CENTER	12/31/2005	12/31/2004	12/31/2003
2	0007574870001	GWYNEDD SQUARE CTR FOR NSG & CONVAL CARE	06/30/2006	06/30/2005	06/30/2004
2	0018363060001	HARMAR VILLAGE CARE CENTER	12/31/2005	12/31/2004	12/31/2003
2	0019532040001	HARSTON HALL	06/30/2006	06/30/2005	06/30/2004
2	1020581830001	HEARTLAND HEALTH CARE CENTER(PITTSBURGH)	06/30/2006	06/30/2005	06/30/2004
2	0019252190001	HEMPFIELD MANOR	12/31/2006	12/31/2005	12/31/2004
2	0018557400001	HIGHLAND PARK CARE CENTER	12/31/2005	12/31/2004	12/31/2003
2	1007737790001	HILLCREST CENTER	06/30/2006	06/30/2005	06/30/2004
2	0009988920001	HUMBERT LANE NURSING AND REHAB CENTRE	06/30/2006	06/30/2005	06/30/2004
2	1021125000001	IVY HILL REHABILITATION AND NURSING CTR	06/30/2006	06/30/2005	06/30/2004
2	1001264530002	LAFAYETTE-REDEEMER (DBA ENTITY OF HRHS)	06/30/2006	06/30/2005	06/30/2004
2	1007783630028	LANGHORNE GARDENS REHAB AND NURSING CTR	06/30/2006	06/30/2005	06/30/2004
2	0016259290001	LGAR HEALTH AND REHABILITATION CENTER	12/31/2005	12/31/2004	12/31/2003
2	1007727260019	LIBERTY COURT, GENESIS ELDERCARE NETWORK	06/30/2006	06/30/2005	06/30/2004
2	1007784700008	LIFEQUEST NURSING CENTER	06/30/2006	06/30/2005	06/30/2004
2	0007565320001	LITTLE FLOWER MANOR	06/30/2006	06/30/2005	06/30/2004
2	0009354080001	LUTHER WOODS CONVALESCENT CENTER	12/31/2005	12/31/2004	12/31/2003
2	1011974130002	MAIN LINE NURSING AND REHAB CENTER	06/30/2006	06/30/2004	06/30/2003
2	1007295000002	MAJESTIC OAKS	06/30/2006	06/30/2005	06/30/2004
2	1007777400066	MANATAWNY MANOR INC	06/30/2006	06/30/2005	06/30/2004
2	1020605390001	MANORCARE HEALTH SVCS-BETHEL PARK	12/31/2005	12/31/2004	12/31/2003
2	1020608980001	MANORCARE HEALTH SVCS-GREEN TREE	12/31/2005	12/31/2004	12/31/2003
2	1020632090001	MANORCARE HEALTH SVCS-HUNTINGDON VALLEY	12/31/2005	12/31/2004	12/31/2003
2	1020621680001	MANORCARE HEALTH SVCS-KING OF PRUSSIA	12/31/2005	12/31/2004	12/31/2003
2	1020617600001	MANORCARE HEALTH SVCS-LANSDALE	12/31/2005	12/31/2004	12/31/2003
2	1020612870001	MANORCARE HEALTH SVCS-MCMURRAY	12/31/2005	12/31/2004	12/31/2003
2	0016017490001	MANORCARE HEALTH SVCS-MERCY FITZGERALD	06/30/2006	06/30/2005	06/30/2004
2	1020613300001	MANORCARE HEALTH SVCS-MONROEVILLE	12/31/2005	12/31/2004	12/31/2003
2	1020613580001	MANORCARE HEALTH SVCS-NORTH HILLS	12/31/2005	12/31/2004	12/31/2003
2	1020624710001	MANORCARE HEALTH SVCS-POTTSTOWN	12/31/2005	12/31/2004	12/31/2003
2	1020617790001	MANORCARE HEALTH SVCS-WHITEHALL BOROUGH	12/31/2005	12/31/2004	12/31/2003
2	1020609690001	MANORCARE HEALTH SVCS-YARDLEY	12/31/2005	12/31/2004	12/31/2003
2	1020598230001	MANORCARE HEALTH SVCS-YEADON	12/31/2006	12/31/2005	12/31/2004
2	1007726910004	MAPLEWOOD MANOR CENTER	06/30/2006	06/30/2005	06/30/2004

2	1001918450002	MARIAN MANOR CORPORATION	06/30/2006	06/30/2005	06/30/2004
2	1000027230008	MASONIC VILLAGE AT SEWICKLEY	12/31/2005	12/31/2004	12/31/2003
2	0007521120002	MOUNT MACRINA MANOR NURSING HOME	06/30/2006	06/30/2005	06/30/2004
2	0019578670001	MOUNTAINVIEW SPECIALTY CARE CENTER	12/31/2005	12/31/2004	12/31/2002
2	1021279230001	OAKWOOD HEALTHCARE & REHABILITATION CTR	06/30/2006	06/30/2005	06/30/2004
2	1007494880009	OXFORD HEALTH CENTER	12/31/2005	12/31/2004	12/31/2003
2	0007576000003	PARK PLEASANT HEALTH CARE FACILITY	06/30/2006	06/30/2005	06/30/2004
2	0007566400001	PASSAVANT RETIREMENT AND HEALTH CENTER	06/30/2006	06/30/2005	06/30/2004
2	0012939630002	PAUL'S RUN	12/31/2005	12/31/2004	12/31/2003
2	1007280850001	PEMBROOKE HEALTH AND REHAB RESIDENCE	06/30/2006	06/30/2005	06/30/2004
2	0010643250002	PENN CENTER FOR REHABILITATION AND CARE	06/30/2006	06/30/2005	06/30/2004
2	0019531600001	PENNSBURG MANOR	06/30/2006	06/30/2005	06/30/2004
2	0007494760001	PHILADELPHIA PROTESTANT HOME	12/31/2005	12/31/2004	12/31/2003
2	0018166900001	PHOEBE RICHLAND HCC	06/30/2005	06/30/2004	06/30/2003
2	1001257320007	PINE RUN HEALTH CENTER	06/30/2006	06/30/2005	06/30/2004
2	1007280850006	PROSPECT PARK HEALTH AND REHAB RESIDENCE	06/30/2005	06/30/2004	06/30/2003
2	0018363330001	PROVIDENCE CARE CENTER	12/31/2005	12/31/2004	12/31/2003
2	1007762600003	QUAKERTOWN CENTER	12/31/2006	12/31/2005	12/31/2004
2	1007457290004	REGINA COMMUNITY NURSING CENTER	06/30/2006	06/30/2005	06/30/2004
2	1017333480001	REHAB & NURSING CTR GREATER PITTSBURGH	12/31/2005	12/31/2004	12/31/2003
2	1007780870001	RITTENHOUSE PINE CENTER	06/30/2006	06/30/2005	06/30/2004
2	0009938310002	RIVER'S EDGE NURSING AND REHAB CENTER	12/31/2005	12/31/2004	12/31/2003
2	0010560920001	RIVERSIDE CARE CENTER	12/31/2005	12/31/2004	12/31/2003
2	0012079380001	ROCHESTER MANOR	12/31/2005	12/31/2004	12/31/2003
2	1007453170003	RYDAL PARK OF PHILADELPHIA PRSBYTR HOMES	12/31/2005	12/31/2004	12/31/2003
2	0007569800002	SACRED HEART MANOR	06/30/2006	06/30/2005	06/30/2004
2	0007552950001	SAINT ANNE HOME	06/30/2006	06/30/2005	06/30/2004
2	0007508240001	SAINT IGNATIUS NURSING HOME	06/30/2006	06/30/2005	06/30/2004
2	0007512690001	SAINT JOHN NEUMANN NURSING HOME	06/30/2006	06/30/2005	06/30/2004
2	0011860410001	SAINT MARTHA MANOR	06/30/2006	06/30/2005	06/30/2004
2	0007491620001	SAINT MARY'S MANOR	06/30/2006	06/30/2005	06/30/2004
2	0014198220001	SANATOGA CENTER	06/30/2006	06/30/2005	06/30/2004
2	0007519200002	SAUNDERS HOUSE	06/30/2006	06/30/2005	06/30/2004
2	0019484380001	SENECA PLACE	06/30/2006	06/30/2005	06/30/2004
2	1020584140001	SHADYSIDE NURSING AND REHAB CENTER	06/30/2006	06/30/2005	06/30/2004
2	0007480110002	SILVER LAKE CENTER	06/30/2006	06/30/2005	06/30/2004
2	1007727260012	SILVER STREAM CENTER	06/30/2006	06/30/2005	06/30/2004
2	0007485680002	SIMPSON HOUSE, INC	12/31/2005	12/31/2004	12/31/2003
2	1007727260007	SOMERTON CENTER	06/30/2006	06/30/2005	06/30/2004
2	0009744890001	SOUTHMONT OF PRESBYTERIAN SENIORCARE	12/31/2006	12/31/2005	12/31/2004
2	1017127310001	SPRINGS AT THE WATERMARK, THE	06/30/2006	06/30/2005	06/30/2004
2	1012019460001	ST. BARNABAS NURSING HOME	06/30/2004	06/30/2003	06/30/2002
2	1010293650001	ST. MONICA MANOR	06/30/2006	06/30/2004	06/30/2003
2	0010355390002	STAPELEY IN GERMANTOWN	06/30/2006	06/30/2005	06/30/2004
2	0019017270001	STERLING HEALTH CARE AND REHAB CENTER	06/30/2006	06/30/2005	06/30/2004
2	1007783630054	SUBURBAN WOODS HEALTH AND REHAB CENTER	12/31/2005	12/31/2004	12/31/2003
2	0007508510003	SUNNYVIEW NURSING AND REHABILITATION CTR	12/31/2005	12/31/2004	12/31/2003
2	1016337900001	SYCAMORE CREEK NURSING CENTER	06/30/2006	06/30/2005	06/30/2004
2	1008752500001	TEL HAI RETIREMENT COMMUNITY	06/30/2006	06/30/2005	06/30/2004
2	0019532400001	THE BELVEDERE CENTER, GENESIS HEALTHCARE	06/30/2006	06/30/2005	06/30/2004
2	1007716300001	TOWNE MANOR EAST	12/31/2005	12/31/2004	12/31/2003
2	0011845570001	TUCKER HOUSE	06/30/2006	06/30/2005	06/30/2004
2	0019010200001	UPMC HERITAGE PLACE	06/30/2006	06/30/2005	06/30/2004
2	1007783630016	VALLEY MANOR NURSING AND REHAB CENTER	06/30/2006	06/30/2005	06/30/2004
2	0016442270002	VILLA SAINT JOSEPH OF BADEN INC.	06/30/2006	06/30/2005	06/30/2004
2	1016400420001	VILLAGE AT PENNWOOD	12/31/2005	12/31/2004	12/31/2003
2	1007499890003	VINCENTIAN HOME	06/30/2006	06/30/2005	06/30/2004
2	1007742390003	VINCENTIAN REGENCY	06/30/2006	06/30/2005	06/30/2004
2	1020575240001	WALLINGFORD NURSING AND REHAB CENTER	06/30/2006	06/30/2005	06/30/2004

2	0009878700002	WEST HAVEN NURSING HOME	06/30/2006	06/30/2005	06/30/2004
2	1011349320001	WEST HILLS HEALTH AND REHAB CENTER	06/30/2006	06/30/2004	06/30/2003
2	1012805380001	WEXFORD HOUSE NURSING CENTER	06/30/2006	06/30/2004	06/30/2003
2	0016367350001	WILLOW RIDGE CENTER	12/31/2006	12/31/2005	12/31/2004
2	1007544140014	WILLOW TERRACE	06/30/2006	06/30/2005	06/30/2004
2	0010338930002	WILLOWS OF PRESBYTERIAN SENIORCARE, THE	12/31/2006	12/31/2005	12/31/2004
2	0018363510001	WOODHAVEN CARE CENTER	12/31/2005	12/31/2004	12/31/2003

PG2	Resident Care Median	Other Resident Rltd Median	Administrative Median
	\$89.57	\$37.52	\$20.74
PG2	Resident Care Price	Other Resident Rltd Price	Administrative Price
	\$104.80	\$42.02	\$21.57

Median	Peer	Current	Current	Most Recent	Second Most Recent	Third Most Recent
Group	Provider Number	Provider Name	Cost Report	Cost Report	Cost Report	Cost Report
			End Date	End Date	End Date	End Date
3	1007778850002	58TH STREET PRESBYTERIAN HOME, THE	12/31/2005	12/31/2004	12/31/2003	
3	0007553010002	ARTMAN LUTHERAN HOME	06/30/2006	06/30/2005	06/30/2004	
3	0007573330003	AUTUMN GROVE CARE CENTER	06/30/2006	06/30/2005	06/30/2004	
3	0017221270001	BARCLAY FRIENDS	12/31/2005	12/31/2004	12/31/2003	
3	0018608300001	BEAVER ELDER CARE AND REHAB CENTER	12/31/2005	12/31/2004	12/31/2003	
3	1007614000004	BELAIR HEALTH AND REHABILITATION CENTER	06/30/2006	06/30/2005	06/30/2004	
3	1019122310001	BELLE HAVEN	12/31/2005	12/31/2004	12/31/2003	
3	0007470600001	BETHLEN HM OF THE HUNGARIAN RFRMD FED	12/31/2005	12/31/2004	12/31/2003	
3	1014889670001	BRIGHTEN AT AMBLER	06/30/2005	06/30/2004	06/30/2003	
3	0014397270002	BRINTON MANOR	12/31/2006	12/31/2005	12/31/2004	
3	0010302000002	CANTERBURY PLACE	12/31/2005	12/31/2004	12/31/2003	
3	0017213800001	CEDARS OF MONROEVILLE, THE	12/31/2005	12/31/2004	12/31/2003	
3	1003211530002	CHANDLER HALL HEALTH SERVICES INC	12/31/2005	12/31/2004	12/31/2002	
3	0017572850001	CHICORA MEDICAL CENTER	06/30/2006	06/30/2005	06/30/2004	
3	0007457900001	CHRIST'S HOME RETIREMENT CENTER	06/30/2006	06/30/2005	06/30/2004	
3	0009120920001	CONNER-WILLIAMS NURSING HOME	06/30/2006	06/30/2005	06/30/2004	
3	1018132700001	CONSULATE HEALTH CARE OF NORTH STRABANE	12/31/2005	12/31/2004	12/31/2003	
3	1007507380007	COVENTRY MANOR NURSING HOME	12/31/2005	12/31/2004	12/31/2003	
3	0008879280001	DOCK TERRACE	06/30/2006	06/30/2005	06/30/2004	
3	1007783630018	DRESHER HILL HEALTH AND REHAB CENTER	06/30/2006	06/30/2005	06/30/2004	
3	1007653650003	EDGEHILL NURSING AND REHAB CENTER	06/30/2006	06/30/2005	06/30/2004	
3	1007726730011	ELDERCREST NURSING CENTER	06/30/2006	06/30/2005	06/30/2004	
3	1008144140003	ELM TERRACE GARDENS	06/30/2006	06/30/2005	06/30/2004	
3	1007300740005	EVERGREEN NURSING CENTER	12/31/2005	12/31/2004	12/31/2003	
3	1019292010001	FAIR WINDS MANOR	06/30/2006	06/30/2005	06/30/2004	
3	0007450920001	FREDERICK MENNONITE COMMUNITY	12/31/2005	12/31/2004	12/31/2003	
3	0011456010001	FRIENDSHIP VILLAGE OF SOUTH HILLS	12/31/2005	12/31/2004	12/31/2003	
3	1015512650001	GOLDEN LIVINGCENTER-OAKMONT	12/31/2005	12/31/2004	12/31/2003	
3	1015549280001	GOLDEN LIVINGCENTER-ROSEMONT	12/31/2005	12/31/2004	12/31/2003	
3	1015489580001	GOLDEN LIVINGCENTER-SOUTH HILLS	12/31/2005	12/31/2004	12/31/2003	
3	1015550590001	GOLDEN LIVINGCENTER-STENTON	12/31/2005	12/31/2004	12/31/2003	
3	0018363150001	HARMON HOUSE CARE CENTER	12/31/2005	12/31/2004	12/31/2003	
3	1007726730007	HAVENCREST NURSING CENTER	06/30/2006	06/30/2005	06/30/2004	
3	1011974130001	HAVERFORD NURSING & REHABILITATION CTR	06/30/2006	06/30/2004	06/30/2003	
3	1011458100003	HENRY CLAY VILLA	12/31/2005	12/31/2004	12/31/2003	
3	0010035800001	HERITAGE TOWERS	12/31/2005	12/31/2004	12/31/2003	
3	0011208630002	HICKORY HOUSE NURSING HOME	12/31/2005	12/31/2004	12/31/2003	
3	0012891650003	HIGHLAND CENTER, GENESIS ELDERCARE NTRWK	06/30/2006	06/30/2005	06/30/2004	
3	0007471860001	HOLY FAMILY HOME	12/31/2005	12/31/2004	12/31/2003	
3	1007762510003	HOPKINS CENTER	12/31/2006	12/31/2005	12/31/2004	
3	1005344010002	JEFFERSON HILLS MANOR	12/31/2005	12/31/2004	12/31/2003	
3	1007300650006	KADE NURSING HOME	12/31/2005	12/31/2004	12/31/2003	
3	1022065530001	KEARSLEY LONG TERM CARE CENTER II	06/30/2006	06/30/2005	06/30/2004	

3	0007479900003	LAFAYETTE MANOR, INC	12/31/2005	12/31/2004	12/31/2003
3	1007726730005	LATROBE REGIONAL HEALTH AND REHAB CENTER	06/30/2006	06/30/2005	06/30/2004
3	1007302520001	LAUREL RIDGE CENTER	06/30/2006	06/30/2005	06/30/2004
3	0015937270002	LAWSON NURSING HOME, INC.	12/31/2005	12/31/2004	12/31/2003
3	0007507900001	LITTLE SISTERS OF THE POOR	12/31/2005	12/31/2004	12/31/2003
3	0012581400001	LOYALHANNA CARE CENTER	12/31/2005	12/31/2004	12/31/2003
3	0007503880001	LUTHERAN COMMUNITY AT TELFORD	06/30/2006	06/30/2005	06/30/2004
3	0007548970001	MARWOOD REST HOME, INC	06/30/2006	06/30/2005	06/30/2004
3	0007463850001	MARY J DREXEL HOME	12/31/2006	12/31/2005	12/31/2004
3	1000027230032	MASONIC VILLAGE AT LAFAYETTE HILL	12/31/2005	12/31/2004	12/31/2003
3	1000027230006	MASONIC VILLAGE AT WARMINSTER	12/31/2005	12/31/2004	12/31/2003
3	0012758760001	MCMURRAY HILLS MANOR	06/30/2006	06/30/2005	06/30/2004
3	1007726730013	MEADOWCREST NURSING CENTER	06/30/2006	06/30/2005	06/30/2004
3	0007769830001	MEADOWS AT MARTINS RUN, THE	12/31/2005	12/31/2004	12/31/2003
3	0019291830001	MON VALLEY CARE CENTER	12/31/2005	12/31/2004	
3	0015148030001	NAAMANS CREEK COUNTRY MANOR	06/30/2006	06/30/2005	06/30/2004
3	1011348160001	NORTH HILLS HEALTH AND REHAB CENTER	06/30/2006	06/30/2004	06/30/2003
3	1007726730009	OAK HILL NURSING AND REHAB CENTER	06/30/2006	06/30/2005	06/30/2004
3	0016270750001	PENNYPACK CENTER	12/31/2006	12/31/2005	12/31/2004
3	0006548550001	PETER BECKER COMMUNITY	06/30/2006	06/30/2005	06/30/2004
3	0007507710002	PICKERING MANOR HOME	06/30/2006	06/30/2005	06/30/2004
3	0007575110001	REDSTONE HIGHLANDS HEALTH CARE CENTER	06/30/2006	06/30/2005	06/30/2004
3	1001336450002	REFORMED PRESBYTERIAN HOME	12/31/2005	12/31/2004	12/31/2003
3	1017553180001	RESIDENCE FOR RENAL CARE AT SHADYSIDE	12/31/2005	12/31/2004	12/31/2003
3	1021080700001	RICHBORO CARE CENTER	06/30/2006	06/30/2005	06/30/2004
3	1000036400003	ROCKHILL MENNONITE COMMUNITY	06/30/2006	06/30/2005	06/30/2004
3	0015804150002	SAINT JOSEPH VILLA	06/30/2006	06/30/2005	06/30/2004
3	0019402700001	SAXONY HEALTH CENTER	12/31/2005	12/31/2004	12/31/2002
3	0018037170001	SCOTTDAL MANOR REHABILITATION CENTER	12/31/2005	12/31/2004	12/31/2003
3	0008824110001	SHERWOOD OAKS	06/30/2006	06/30/2005	06/30/2004
3	1020610080001	SKY VUE TERRACE	06/30/2006	06/30/2005	06/30/2004
3	0010170020001	SOUDETON MENNONITE HOMES	06/30/2006	06/30/2005	06/30/2004
3	1019298830001	SOUTH FAYETTE NURSING CENTER	06/30/2006	06/30/2005	06/30/2004
3	1007277760001	SOUTHWESTERN NURSING CENTER	06/30/2005	06/30/2004	06/30/2003
3	1007783630021	STATESMAN HEALTH AND REHAB CENTER	06/30/2006	06/30/2005	06/30/2004
3	1007716300005	TOWNE MANOR WEST	12/31/2005	12/31/2004	12/31/2003
3	0011184080003	TOWNVIEW HEALTH AND REHAB CENTER	06/30/2006	06/30/2005	06/30/2004
3	0007573240001	UNITARIAN UNIVERSALIST HOUSE	12/31/2005	12/31/2004	12/31/2003
3	1012021200001	VALENCIA WOODS AT ST BARNABAS	06/30/2004	06/30/2003	06/30/2002
3	1007456200003	VINCENTIAN DE MARILLAC	06/30/2006	06/30/2005	06/30/2004
3	1021645150001	WAYNE CENTER	06/30/2006	06/30/2005	06/30/2004
3	1001679750002	WILLIAM PENN CARE CENTER	12/31/2005	12/31/2004	12/31/2003
3	1007498710002	WILLOWBROOKE COURT AT BRITTANY POINTE	12/31/2005	12/31/2004	12/31/2003
3	0007565230002	WYNCOTE CHURCH HOME	06/30/2006	06/30/2005	06/30/2004

PG3	Resident Care Median	Other Resident Rltd Median	Administrative Median
	\$90.13	\$39.57	\$20.66
PG3	Resident Care Price	Other Resident Rltd Price	Administrative Price
	\$105.45	\$44.32	\$21.49

Median	Peer	Current	Current	Most Recent	Second Most Recent	Third Most Recent
Group	Provider Number	Provider Name	Provider Name	Cost Report	Cost Report	Cost Report
				End Date	End Date	End Date
4	0011577000002	ALLIED SERVICES SKILLED NURSING CENTER		06/30/2006	06/30/2005	06/30/2004
4	0005763100001	BERKS HEIM		12/31/2005	12/31/2004	12/31/2003
4	1007415500015	CAMBRIA COUNTY HOME-LAUREL CREST REHAB		12/31/2005	12/31/2004	12/31/2003
4	1000048620009	CEDAR HAVEN		12/31/2005	12/31/2004	12/31/2003
4	0005757700003	CEDARBROOK NURSING HOMES		12/31/2005	12/31/2004	12/31/2003
4	1000073090009	CLAREMONT NRC OF CUMBERLAND COUNTY		12/31/2005	12/31/2004	12/31/2003

4	1008143990001	COLONIAL MANOR NURSING HOME	12/31/2005	12/31/2004	12/31/2003
4	1013876410001	CONESTOGA VIEW	12/31/2004	12/31/2003	12/31/2002
4	1007487670001	CROSS KEYS VILLAGE-BRETHREN HM COMM, THE	06/30/2006	06/30/2005	06/30/2004
4	1015531520001	GOLDEN LIVINGCENTER-WEST SHORE	12/31/2005	12/31/2004	12/31/2003
4	1007683200003	GRACEDALE - NORTHAMPTON COUNTY HOME	12/31/2005	12/31/2004	12/31/2003
4	0007571820003	LACKAWANNA COUNTY HEALTH CARE CENTER	12/31/2005	12/31/2004	12/31/2003
4	1000027230017	MASONIC VILLAGE AT ELIZABETHTOWN	12/31/2005	12/31/2004	12/31/2003
4	1007783630053	MOUNTAIN CITY NURSING AND REHAB CENTER	12/31/2005	12/31/2004	12/31/2003
4	1007378070003	MOUNTAIN VIEW MANOR NRSG AND REHAB CTR	12/31/2005	12/31/2004	12/31/2003
4	1007292150001	PHOEBE HOME, INC	06/30/2006	06/30/2005	06/30/2004
4	0007509400002	PLEASANT ACRES NURSING AND REHAB CENTER	12/31/2005	12/31/2004	12/31/2003
4	1007744350006	PLEASANT RIDGE MANOR EAST/WEST	12/31/2005	12/31/2004	12/31/2003
4	1017950190001	SPRING CREEK REHAB AND HEALTH CARE CTR	12/31/2005	12/31/2004	12/31/2003
4	1017374090001	VALLEY CREST NURSING AND REHAB CENTER	12/31/2005	12/31/2004	12/31/2003

PG4	Resident Care Median	Other Resident Rltd Median	Administrative Median
	\$109.26	\$52.49	\$20.84
PG4	Resident Care Price	Other Resident Rltd Price	Administrative Price
	\$127.83	\$58.79	\$21.67

Median			Most Recent	Second Most Recent	Third Most Recent
Peer	Current	Current	Cost Report	Cost Report	Cost Report
Group	Provider Number	Provider Name	End Date	End Date	End Date
5	0010076320001	ABINGTON MANOR	12/31/2006	12/31/2005	12/31/2004
5	0014861370001	BERKSHIRE CENTER	06/30/2006	06/30/2005	06/30/2004
5	1007562590012	BERWICK RETIREMENT VILLAGE NRSNG CTR II	06/30/2006	06/30/2005	06/30/2004
5	1020508460001	BIRCHWOOD NURSING AND REHAB CENTER	12/31/2005	12/31/2004	12/31/2003
5	0017466840001	BLOOMSBURG HEALTH CARE CENTER	06/30/2006	06/30/2005	06/30/2004
5	1001262480003	BRETHREN VILLAGE	06/30/2006	06/30/2005	06/30/2004
5	1009101610001	COLONIAL PARK CARE CENTER	12/31/2005	12/31/2003	12/31/2002
5	0007474260001	CORNWALL MANOR	12/31/2005	12/31/2004	12/31/2003
5	0019250400001	CORRY MANOR	12/31/2006	12/31/2005	12/31/2004
5	1007306460003	EASTON NURSING CENTER	12/31/2005	12/31/2004	12/31/2003
5	1007512800002	ECC RETIREMENT VILLAGE-ALBRIGHT COMM	12/31/2005	12/31/2004	12/31/2003
5	0019250770001	EDINBORO MANOR	12/31/2006	12/31/2005	12/31/2004
5	1007555290001	EPHRATA MANOR	12/31/2005	12/31/2004	12/31/2003
5	0007566860002	FAIRMOUNT HOMES	06/30/2006	06/30/2005	06/30/2004
5	0019251570001	FAIRVIEW MANOR	12/31/2006	12/31/2005	12/31/2004
5	0011349300005	FELLOWSHIP MANOR	06/30/2006	06/30/2005	06/30/2004
5	1007777400018	FREY VILLAGE	12/31/2005	12/31/2004	12/31/2003
5	1015491310001	GOLDEN LIVINGCENTER-EAST MOUNTAIN	12/31/2005	12/31/2004	12/31/2003
5	1015519170001	GOLDEN LIVINGCENTER-LANCASTER	12/31/2005	12/31/2004	12/31/2003
5	1015513720001	GOLDEN LIVINGCENTER-READING	12/31/2005	12/31/2004	12/31/2003
5	1015515410001	GOLDEN LIVINGCENTER-SCRANTON	12/31/2005	12/31/2004	12/31/2003
5	1015586130001	GOLDEN LIVINGCENTER-SUMMIT	12/31/2005	12/31/2004	12/31/2003
5	1015486900001	GOLDEN LIVINGCENTER-TUNKHANNOCK	12/31/2005	12/31/2004	12/31/2003
5	1015518640001	GOLDEN LIVINGCENTER-WESTERN RESERVE	12/31/2005	12/31/2004	12/31/2003
5	0008862970001	HANOVER HALL	12/31/2005	12/31/2004	12/31/2003
5	1021058190001	HARRISON SENIOR LIVING OF CHRISTIANA	12/31/2006	12/31/2005	12/31/2004
5	1007588700002	HIGHLAND MANOR NURSING AND CONVAL CENTER	06/30/2006	06/30/2005	06/30/2004
5	1007608140001	HOLY FAMILY MANOR	12/31/2005	12/31/2004	12/31/2003
5	0015681800002	HOMEWOOD AT PLUM CREEK	12/31/2004	12/31/2003	12/31/2002
5	0007472840001	JEWISH HOME OF EASTERN PENNSYLVANIA	12/31/2005	12/31/2004	12/31/2003
5	0007472750002	JEWISH HOME OF GREATER HARRISBURG	06/30/2006	06/30/2005	06/30/2004
5	1007716300003	KINGSTON COMMONS	12/31/2005	12/31/2004	12/31/2003
5	0009851970001	KUTZTOWN MANOR	06/30/2006	06/30/2005	06/30/2004
5	1008143990005	LANCASHIRE HALL	12/31/2005	12/31/2004	12/31/2003
5	1007469500008	LAUREL CENTER	12/31/2006	12/31/2005	12/31/2004
5	1002291290002	LEBANON VALLEY BRETHREN HOME	12/31/2005	12/31/2004	12/31/2003

5	0014944980001	LEHIGH CENTER	06/30/2006	06/30/2005	06/30/2004
5	1020573910001	LIBERTY NURSING AND REHAB CENTER	06/30/2006	06/30/2005	06/30/2004
5	0007513020001	LITTLE FLOWER MANOR OF DIOCESE SCRANTON	12/31/2005	12/31/2004	12/31/2003
5	1007777400065	LUTHERAN HOME AT TOPTON	12/31/2005	12/31/2004	12/31/2003
5	0007552770002	MAHONING VALLEY NURSING AND REHAB CENTER	12/31/2005	12/31/2004	12/31/2003
5	1020604300001	MANORCARE HEALTH SVCS-ALLENTOWN	12/31/2006	12/31/2005	12/31/2004
5	1020645830001	MANORCARE HEALTH SVCS-BETHLEHEM (2021)	12/31/2005	12/31/2004	12/31/2003
5	1020647070001	MANORCARE HEALTH SVCS-BETHLEHEM (2029)	12/31/2005	12/31/2004	12/31/2003
5	1020629270001	MANORCARE HEALTH SVCS-CAMP HILL	12/31/2005	12/31/2004	12/31/2003
5	1020635210001	MANORCARE HEALTH SVCS-CARLISLE	12/31/2005	12/31/2004	12/31/2003
5	1020608510001	MANORCARE HEALTH SVCS-DALLASTOWN	12/31/2005	12/31/2004	12/31/2003
5	1020611060001	MANORCARE HEALTH SVCS-EASTON	12/31/2005	12/31/2004	12/31/2003
5	1020609500001	MANORCARE HEALTH SVCS-KINGSTON	12/31/2005	12/31/2004	12/31/2003
5	1020612040001	MANORCARE HEALTH SVCS-KINGSTON COURT	06/30/2006	06/30/2005	06/30/2004
5	1020630110001	MANORCARE HEALTH SVCS-LANCASTER	12/31/2006	12/31/2005	12/31/2004
5	1020604680001	MANORCARE HEALTH SVCS-LAURELDALE	12/31/2005	12/31/2004	12/31/2003
5	1020612400001	MANORCARE HEALTH SVCS-LEBANON	12/31/2005	12/31/2004	12/31/2003
5	1020615540001	MANORCARE HEALTH SVCS-SINKING SPRING	12/31/2005	12/31/2004	12/31/2003
5	1020617320001	MANORCARE HEALTH SVCS-WEST READING NORTH	12/31/2005	12/31/2004	12/31/2003
5	1020619390001	MANORCARE HEALTH SVCS-YORK NORTH	06/30/2006	06/30/2005	06/30/2004
5	1020619480001	MANORCARE HEALTH SVCS-YORK SOUTH	06/30/2006	06/30/2005	06/30/2004
5	0016657370002	MAPLE FARM NURSING CENTER	06/30/2006	06/30/2005	06/30/2004
5	1005959080003	MEADOWS NURSING CENTER	06/30/2006	06/30/2005	06/30/2004
5	0007515540001	MENNONITE HOME, THE	06/30/2006	06/30/2005	06/30/2004
5	1000025720004	MESSIAH VILLAGE	06/30/2006	06/30/2005	06/30/2004
5	0009931990001	MIFFLIN CENTER	12/31/2006	12/31/2005	12/31/2004
5	1002275810002	MORAVIAN MANOR	12/31/2005	12/31/2004	12/31/2003
5	0013905550001	MOUNTAIN VIEW CARE CENTER	06/30/2006	06/30/2005	06/30/2004
5	1020645000001	OLD ORCHARD HEALTH CARE CENTER	12/31/2005	12/31/2004	12/31/2003
5	0017836790004	ORANGEVILLE NURSING AND REHAB CENTER	12/31/2005	12/31/2004	12/31/2003
5	0013042160001	PHOEBE BERKS HEALTH CARE CENTER, INC	06/30/2005	06/30/2004	06/30/2003
5	0007513110002	PLEASANT VIEW RETIREMENT COMMUNITY	12/31/2005	12/31/2004	12/31/2003
5	1017331140001	PRESQUE ISLE REHAB & NURSING CENTER	12/31/2005	12/31/2004	12/31/2003
5	0007496810002	QUARRYVILLE PRESBYTERIAN RETIRMENT COMM	06/30/2006	06/30/2005	06/30/2004
5	0007505660001	REST HAVEN-YORK	06/30/2006	06/30/2005	06/30/2004
5	0009934840001	RIVERSTREET MANOR	12/31/2006	12/31/2005	12/31/2004
5	0007493960001	SAINT ANNE'S RETIREMENT COMMUNITY	06/30/2006	06/30/2005	06/30/2004
5	1007457470001	SAINT MARY'S EAST	12/31/2005	12/31/2004	12/31/2003
5	0015509080002	SHIPPENSBURG HEALTH CARE CENTER	12/31/2005	12/31/2004	12/31/2003
5	1014500930001	SLATE BELT NURSING AND REHAB CENTER	06/30/2005	06/30/2004	06/30/2003
5	1007726730001	SPRUCE MANOR NURSING AND REHAB CENTER	06/30/2006	06/30/2005	06/30/2004
5	1011465300001	SUSQUEHANNA VALLEY NURSING AND REHAB CTR	12/31/2005	12/31/2004	12/31/2003
5	1020510930001	TAYLOR NURSING AND REHAB CENTER	06/30/2006	06/30/2005	06/30/2004
5	1018123700001	THE MANOR AT PERRY VILLAGE	12/31/2004	12/31/2003	12/31/2002
5	1018126480001	THE MANOR AT SUSQUEHANNA VILLAGE	12/31/2004	12/31/2003	12/31/2002
5	1018132330001	THE PAVILION AT ST LUKE VILLAGE	12/31/2004	12/31/2003	12/31/2002
5	1020610350001	TWINBROOK MEDICAL CENTER	06/30/2006	06/30/2005	06/30/2004
5	1007600550014	WEATHERWOOD-CARBON COUNTY NH & REHAB CTR	12/31/2005	12/31/2004	12/31/2003
5	0007506640002	WESLEY VILLAGE	12/31/2005	12/31/2004	12/31/2003

PG5	Resident Care Median	Other Resident Rltd Median	Administrative Median
	\$83.30	\$34.42	\$19.05
PG5	Resident Care Price	Other Resident Rltd Price	Administrative Price
	\$97.46	\$38.55	\$19.81

Median	Peer	Current	Current	Most Recent	Second Most Recent	Third Most Recent
Group	Provider Number	Provider Name	Cost Report	Cost Report	Cost Report	Cost Report
			End Date	End Date	End Date	End Date
6	1007393560003	ABINGTON CREST NURSING AND REHAB CENTER	06/30/2006	06/30/2005	06/30/2004	

6	1007507380004	AUDUBON VILLA	12/31/2005	12/31/2004	12/31/2003
6	1017524140001	BALANCED CARE BLOOMSBURG	06/30/2006	06/30/2005	06/30/2004
6	0007479270001	BALL PAVILION, THE	06/30/2006	06/30/2005	06/30/2004
6	1001664120010	BARBARA J. EGAN NURSING AND REHAB CENTER	12/31/2005	12/31/2004	12/31/2003
6	0018870560001	BELLE REVE HEALTH CARE CENTER	12/31/2005	12/31/2004	12/31/2003
6	1017505810003	BETHANY VILLAGE RETIREMENT CENTER	12/31/2005	12/31/2004	12/31/2003
6	0007515810003	BONHAM NURSING CENTER	12/31/2005	12/31/2004	12/31/2003
6	1007717380002	BUTLER VALLEY MANOR	12/31/2005	12/31/2004	12/31/2003
6	0007452430001	CALVARY FELLOWSHIP HOMES, INC	06/30/2006	06/30/2005	06/30/2004
6	0017217470001	CARBONDALE NURSING AND REHAB CENTER	12/31/2005	12/31/2004	12/31/2003
6	0007451630001	CHAPEL POINTE AT CARLISLE	12/31/2005	12/31/2004	12/31/2003
6	0007476040001	CHURCH OF GOD HOME, INC	12/31/2005	12/31/2004	12/31/2003
6	1001237560003	COUNTRY MEADOWS NURSING CENTER-BETHLEHEM	12/31/2005	12/31/2004	12/31/2003
6	1014899550001	COUNTRYSIDE CHRISTIAN COMMUNITY	12/31/2005	12/31/2004	12/31/2003
6	0007551790001	COURTYARD GARDENS NURSING AND REHAB CTR	12/31/2005	12/31/2004	12/31/2003
6	1007777400050	CUMBERLAND CROSSINGS RETIREMENT COMM	12/31/2005	12/31/2004	06/30/2003
6	0007448900002	DAVIS MANOR	06/30/2006	06/30/2005	06/30/2004
6	1007507380010	DENVER NURSING HOME	12/31/2005	12/31/2004	12/31/2003
6	1019304900001	DUNMORE HEALTH CARE CENTER	06/30/2006	06/30/2005	06/30/2004
6	1007512800004	ECC RETIREMENT VILLAGE-STONERIDGE COMM	12/31/2005	12/31/2004	12/31/2003
6	1018673970001	FOREST PARK HEALTH CENTER	12/31/2005	12/31/2004	12/31/2003
6	1017505810002	FORESTVIEW	06/30/2006	06/30/2005	06/30/2004
6	1015529140001	GOLDEN LIVINGCENTER-BLUE RIDGE MOUNTAIN	12/31/2005	12/31/2004	12/31/2003
6	1015530900001	GOLDEN LIVINGCENTER-CAMP HILL	12/31/2005	12/31/2004	12/31/2003
6	1015495340001	GOLDEN LIVINGCENTER-ERIE	12/31/2005	12/31/2004	12/31/2003
6	1008394040001	GREEN RIDGE HEALTH CARE CENTER, LLC	12/31/2005	12/31/2003	12/31/2002
6	0019321150001	GUARDIAN ELDER CARE CENTER	12/31/2005	12/31/2004	12/31/2002
6	1007727260002	HAMILTON ARMS CENTER	06/30/2006	06/30/2005	06/30/2004
6	1020573730001	HAMPTON HOUSE	06/30/2006	06/30/2005	06/30/2004
6	0007475510001	HERITAGE HOUSE	06/30/2006	06/30/2005	06/30/2004
6	0007509960001	HOLY FAMILY RESIDENCE	12/31/2005	12/31/2004	12/31/2003
6	0007575940001	HOMELAND CENTER	06/30/2006	06/30/2005	06/30/2004
6	0010636500002	HOMESTEAD VILLAGE, INC	06/30/2006	06/30/2005	06/30/2004
6	0007573700001	KEPLER HOME, INC, THE	12/31/2005	12/31/2004	12/31/2003
6	0007575300001	KINKORA PYTHIAN HOME	06/30/2006	06/30/2005	06/30/2004
6	1007557700003	LAKESIDE NURSING CENTER	12/31/2005	12/31/2004	12/31/2003
6	0008383510002	LANDIS HOMES	06/30/2006	06/30/2005	06/30/2004
6	0019484560001	LAURELS HEALTH AND REHAB AT KINGSTON	12/31/2005	12/31/2004	06/30/2003
6	0019484740002	LAURELS HEALTH AND REHAB AT MID VALLEY	12/31/2005	12/31/2004	06/30/2003
6	1007555290004	LEBANON VALLEY HOME THE	12/31/2005	12/31/2004	12/31/2003
6	1001260410031	LUTHER ACRES MANOR	12/31/2005	12/31/2004	12/31/2003
6	1007777400064	LUTHER CREST NURSING FACILITY	12/31/2005	12/31/2004	12/31/2003
6	1001664120007	LUTHERAN NRSG AND REHAB CTR-SPRENKLE DR	12/31/2005	12/31/2004	12/31/2003
6	1007538560005	MANCHESTER PRESBYTERIAN LODGE	12/31/2005	12/31/2004	12/31/2003
6	1020623280001	MANORCARE HEALTH SVCS-ELIZABETHTOWN	12/31/2005	12/31/2004	12/31/2003
6	0007574500001	MARY ELLEN CONVALESCENT HOME, INC	06/30/2006	06/30/2005	06/30/2004
6	0012388540001	MERCY CENTER NURSING UNIT, INC	12/31/2005	12/31/2004	12/31/2003
6	0007544850005	MILFORD SENIOR CARE AND REHAB CENTER	12/31/2005	12/31/2004	12/31/2003
6	0012079290002	MILLCREEK MANOR	06/30/2006	06/30/2005	06/30/2004
6	1007557700006	MILLVILLE HEALTH CENTER	12/31/2005	12/31/2004	12/31/2003
6	0007479720001	MISERICORDIA CONVALESCENT HOME	12/31/2005	12/31/2004	12/31/2003
6	1007561970002	MORAVIAN SPRINGS HEALTH CENTER	06/30/2006	06/30/2005	06/30/2004
6	0010917520001	MOSSER NURSING HOME	06/30/2006	06/30/2005	06/30/2004
6	1017617540001	MOUNT HOPE NAZARENE RETIREMENT COMMUNITY	06/30/2006	06/30/2005	06/30/2004
6	1007653650006	MOUNTAIN REST NURSING HOME	06/30/2006	06/30/2005	06/30/2004
6	1007300650009	NIPPLE CONVALESCENT HOME	12/31/2005	12/31/2004	12/31/2003
6	1007497730011	NORMANDIE RIDGE	12/31/2005	12/31/2004	12/31/2003
6	0015819780002	OSPREY RIDGE HEALTHCARE AND REHAB CENTER	06/30/2006	06/30/2005	06/30/2004
6	1007507380013	PALMYRA NURSING HOME	12/31/2005	12/31/2004	12/31/2003



6	1007306460006	PRAXIS ALZHEIMER'S FACILITY	12/31/2005	12/31/2004	12/31/2003
6	1007538560006	PRESBYTERIAN LODGE	12/31/2005	12/31/2004	12/31/2003
6	0019761920001	RHEEMS NURSING AND REHABILITATION CENTER	12/31/2005	12/31/2004	12/31/2003
6	1007457470003	SAINT MARY'S AT ASBURY RIDGE	12/31/2005	12/31/2004	12/31/2003
6	0007549400003	SAINT MARY'S VILLA NURSING HOME, INC	12/31/2005	12/31/2004	12/31/2003
6	1007448570003	SARAH A REED RETIREMENT CENTER, THE	06/30/2006	06/30/2005	06/30/2004
6	1007774550001	SARAH A TODD MEMORIAL HOME	12/31/2005	12/31/2004	12/31/2003
6	0007571460001	SMITH HEALTH CARE, LTD	06/30/2006	06/30/2005	06/30/2004
6	1001260410029	SPANG CREST MANOR	12/31/2005	12/31/2004	12/31/2003
6	1007393560002	STONEBRIDGE HEALTH AND REHAB CENTER	12/31/2006	12/31/2005	12/31/2004
6	1007494880012	SWAIM HEALTH CENTER	12/31/2005	12/31/2004	12/31/2003
6	1018125210001	THE MANOR AT ST LUKE VILLAGE	12/31/2004	12/31/2003	12/31/2002
6	1007555290006	THORNWALD HOME	12/31/2005	12/31/2004	12/31/2003
6	1007507380019	TWIN OAKS NURSING HOME	12/31/2005	12/31/2004	12/31/2003
6	0007488530001	UNITED ZION RETIREMENT COMMUNITY	12/31/2005	12/31/2004	12/31/2003
6	1007767250002	VILLAGE AT LUTHER SQUARE	12/31/2005	12/31/2004	12/31/2003
6	0018957820001	VILLAGE VISTA MANOR	12/31/2005	12/31/2004	12/31/2003
6	1007494880018	WESTMINSTER VILLAGE	12/31/2005	12/31/2004	12/31/2003
6	0015198910001	WYOMISSING NURSING AND REHAB CENTER	12/31/2005	12/31/2004	12/31/2003
6	0007564070001	ZERBE SISTERS NURSING CENTER, INC.	06/30/2006	06/30/2005	06/30/2004

PG6	Resident Care Median	Other Resident Rltd Median	Administrative Median
	\$87.36	\$39.12	\$20.25
PG6	Resident Care Price	Other Resident Rltd Price	Administrative Price
	\$102.21	\$43.81	\$21.06

Median	Peer	Current	Current	Most Recent	Second Most Recent	Third Most Recent
Group	Provider Number	Provider Name		Cost Report	Cost Report	Cost Report
				End Date	End Date	End Date
8	0019284080001	ALTOONA CENTER FOR NURSING CARE		12/31/2005	12/31/2004	12/31/2003
8	0007549770001	ARBUTUS PARK MANOR		06/30/2006	06/30/2005	06/30/2004
8	1007296630007	CENTRE CREST HOME		12/31/2005	12/31/2004	12/31/2003
8	0007520410002	CHURCH OF THE BRETHREN HOME		06/30/2006	06/30/2005	06/30/2004
8	0007483430002	GARVEY MANOR		12/31/2005	12/31/2004	12/31/2003
8	1015520930001	GOLDEN LIVINGCENTER-HILLVIEW		12/31/2005	12/31/2004	12/31/2003
8	0015682050002	HOMEWOOD AT MARTINSBURG PA INC		12/31/2005	12/31/2004	12/31/2003
8	1007294850003	LAUREL WOOD CARE CENTER		12/31/2005	12/31/2004	12/31/2003
8	1020609310001	MANORCARE HEALTH SVCS-JERSEY SHORE		12/31/2005	12/31/2004	12/31/2003
8	1020618210001	MANORCARE HEALTH SVCS-WILLIAMSPORT NORTH		12/31/2005	12/31/2004	12/31/2003
8	0015399470002	MEADOW VIEW NURSING CENTER		06/30/2006	06/30/2005	06/30/2004
8	0007472200001	MORRISONS COVE HOME		12/31/2005	12/31/2004	12/31/2003
8	0007509690002	ORCHARD MANOR, INC		06/30/2006	06/30/2005	06/30/2004
8	0011403650001	ROSE VIEW CENTER		06/30/2006	06/30/2005	06/30/2004
8	0007486660002	SAINT PAUL HOMES		12/31/2005	12/31/2004	12/31/2003
8	0007486200001	SIEMONS' LAKEVIEW MANOR ESTATE		06/30/2006	06/30/2005	06/30/2004
8	1007494880015	SYCAMORE MANOR HEALTH CENTER		12/31/2005	12/31/2004	12/31/2003
8	1011880850001	THE HEARTHSIDE, A NURSING AND REHAB		12/31/2004	12/31/2003	12/31/2002
8	1007486780001	VALLEY VIEW HOME		12/31/2005	12/31/2004	12/31/2003
8	0014028520001	VALLEY VIEW NURSING CENTER		12/31/2005	12/31/2004	12/31/2003
8	0017836410002	WHITE CLIFF NURSING HOME		12/31/2005	12/31/2004	12/31/2003
8	0007492980001	WILLIAMSPORT HOME, THE		12/31/2005	12/31/2004	12/31/2003
8	1007513140007	WINDY HILL VILLAGE OF PRESBYTERIAN HOMES		12/31/2005	12/31/2004	12/31/2003

PG8	Resident Care Median	Other Resident Rltd Median	Administrative Median
	\$84.74	\$37.95	\$18.33
PG8	Resident Care Price	Other Resident Rltd Price	Administrative Price
	\$99.15	\$42.50	\$19.06

Median	Most Recent	Second Most Recent	Third Most Recent
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Peer Group	Current Provider Number	Current Provider Name	Cost Report End Date	Cost Report End Date	Cost Report End Date
9	0017855390001	CLEPPER MANOR	12/31/2005	12/31/2004	12/31/2003
9	0012990090001	COUNTRYSIDE CONVAL HOME LTD PARTNERSHIP	06/30/2006	06/30/2005	06/30/2004
9	1017505810001	EPWORTH MANOR	12/31/2005	12/31/2004	12/31/2003
9	1015577500001	GOLDEN LIVINGCENTER-HAIDA	12/31/2005	12/31/2004	12/31/2003
9	1015580230001	GOLDEN LIVINGCENTER-MEYERSDALE	12/31/2005	12/31/2004	12/31/2003
9	1015515140001	GOLDEN LIVINGCENTER-RICHLAND	12/31/2005	12/31/2004	12/31/2003
9	1007731330019	GOOD SAMARITAN NSG CARE CTR-JOHNSTOWN	06/30/2006	06/30/2005	06/30/2004
9	1007509430001	GROVE MANOR	06/30/2006	06/30/2005	06/30/2004
9	0008972720001	HOSPITALITY CARE CENTER OF HERMITAGE INC	12/31/2005	12/31/2004	12/31/2003
9	0007473280001	JOHN XXIII HOME	12/31/2005	12/31/2004	12/31/2003
9	0013989000002	LAUREL VIEW VILLAGE	06/30/2006	06/30/2005	06/30/2004
9	1001998070016	LUTHERAN HOME AT HOLLIDAYSBURG, THE	12/31/2005	12/31/2004	12/31/2003
9	1001998070012	LUTHERAN HOME AT JOHNSTOWN, THE	12/31/2005	12/31/2004	12/31/2003
9	1020618860001	MANORCARE HEALTH SVCS-WILLIAMSPORT SOUTH	12/31/2006	12/31/2005	12/31/2004
9	1022367860001	NUGENT CONVALESCENT HOME	12/31/2005	12/31/2004	12/31/2003
9	0007571640001	PRESBYTERIAN HOME OF GREATER JOHNSTOWN	12/31/2005	12/31/2004	12/31/2003
9	1007513140003	PRESBYTERIAN HOMES-PRESBYTERY-HUNTINGDON	12/31/2005	12/31/2004	12/31/2003
9	1001324140008	THE PATRIOT, A CHOICE COMMUNITY	12/31/2005	12/31/2004	12/31/2003
9	0018464740001	TRINITY LIVING CENTER	06/30/2006	06/30/2005	06/30/2004
9	0016782520001	WOODLAND PLACE	12/31/2005	12/31/2004	12/31/2003

PG9	Resident Care Median	Other Resident Rltd Median	Administrative Median
	\$70.75	\$35.42	\$16.32
PG9	Resident Care Price	Other Resident Rltd Price	Administrative Price
	\$82.78	\$39.67	\$16.97

Peer Group	Current Provider Number	Current Provider Name	Most Recent Cost Report End Date	Second Most Recent Cost Report End Date	Third Most Recent Cost Report End Date
11	1013454270001	ASHTON HEALTHCARE	06/30/2005	06/30/2004	06/30/2003
11	1001324140005	BEACON RIDGE, A CHOICE COMMUNITY	12/31/2005	12/31/2004	12/31/2003
11	1000072830011	BRADFORD COUNTY MANOR	12/31/2005	12/31/2004	12/31/2003
11	0019250120001	BRADFORD MANOR	12/31/2006	12/31/2005	12/31/2004
11	1009802000001	BRIGHTEN AT JULIA RIBAUDO	06/30/2006	06/30/2005	12/31/2003
11	0007476400002	BROAD ACRES HEALTH AND REHAB CENTER	12/31/2006	12/31/2005	12/31/2004
11	1007783630003	BROAD MOUNTAIN NURSING AND REHAB CENTER	06/30/2006	06/30/2005	06/30/2004
11	0007457620001	CHRIST THE KING MANOR	06/30/2006	06/30/2005	06/30/2004
11	0007549030002	CLARVIEW NURSING AND REHAB CENTER	12/31/2006	12/31/2005	12/31/2004
11	0007476220002	CRAWFORD COUNTY CARE CENTER	12/31/2005	12/31/2004	12/31/2003
11	0007463490002	DUBOIS NURSING HOME	06/30/2006	06/30/2005	06/30/2004
11	0007474800002	ELK HAVEN NURSING HOME	06/30/2006	06/30/2005	06/30/2004
11	0007554460002	ELLEN MEMORIAL HEALTH CARE CENTER	06/30/2006	06/30/2005	06/30/2004
11	1007641160002	FALLING SPRING NURSING AND REHAB CENTER	12/31/2005	12/31/2004	12/31/2003
11	1022397050001	FOREST CITY NURSING AND REHAB CENTER	06/30/2006	06/30/2005	06/30/2004
11	0007452610001	GOLDEN HILL NURSING HOME, INC	06/30/2006	06/30/2005	06/30/2004
11	1015581300001	GOLDEN LIVINGCENTER-SHIPPENSVILLE	12/31/2005	12/31/2004	12/31/2003
11	1015515970001	GOLDEN LIVINGCENTER-STROUD	12/31/2005	12/31/2004	12/31/2003
11	1015518820001	GOLDEN LIVINGCENTER-WILLIAM PENN	12/31/2005	12/31/2004	12/31/2003
11	1007452550002	GRANDVIEW HEALTH HOMES, INC	06/30/2006	06/30/2005	06/30/2004
11	1007710950002	GREEN ACRES-ADAMS COUNTY NSG & REHAB CTR	12/31/2005	12/31/2004	12/31/2003
11	0007565790003	GREEN HOME, INC, THE	06/30/2006	06/30/2005	06/30/2004
11	0017956510001	HIGHLANDS CARE CENTER, THE	12/31/2005	12/31/2004	12/31/2003
11	1007508450005	HOMETOWN NURSING AND REHAB CENTER	12/31/2006	12/31/2005	12/31/2004
11	0010334630003	JEFFERSON MANOR HEALTH CENTER	06/30/2006	06/30/2005	06/30/2004
11	1007494880006	JULIA POUND CARE CENTER	12/31/2005	12/31/2004	12/31/2003
11	0018363240001	KITTANNING CARE CENTER	12/31/2005	12/31/2004	12/31/2003
11	0008937290001	KRAMM HEALTHCARE CENTER, INC	06/30/2006	06/30/2005	06/30/2004

11	0007472660001	KRAMM NURSING HOME, INC	06/30/2006	06/30/2005	06/30/2004
11	1020644490001	MANORCARE HEALTH SVCS-CHAMBERSBURG	12/31/2005	12/31/2004	12/31/2003
11	1020615090001	MANORCARE HEALTH SVCS-POTTSVILLE	12/31/2005	12/31/2004	12/31/2003
11	1020617050001	MANORCARE HEALTH SVCS-SUNBURY	12/31/2005	12/31/2004	12/31/2003
11	1000074430005	MENNO-HAVEN, INC.	12/31/2005	12/31/2004	12/31/2003
11	1007508450003	MOUNT CARMEL NURSING AND REHAB CENTER	12/31/2006	12/31/2005	12/31/2004
11	1007783630031	MOUNTAIN LAUREL NRC	06/30/2006	06/30/2005	06/30/2004
11	0019751950002	NOTTINGHAM VILLAGE	12/31/2005	12/31/2004	12/31/2002
11	1007777400022	OHESON MANOR	12/31/2005	12/31/2004	12/31/2003
11	1007538560002	OIL CITY PRESBYTERIAN HOME	12/31/2005	12/31/2004	12/31/2003
11	0013013030001	ORWIGSBURG CENTER	06/30/2006	06/30/2005	06/30/2004
11	1018134940001	PENNNKOLL VILLAGE	12/31/2004	12/31/2003	12/31/2002
11	0008619590002	PLEASANT VALLEY MANOR, INC	12/31/2005	12/31/2004	12/31/2003
11	1001571370002	QUINCY RETIREMENT COMMUNITY	12/31/2005	12/31/2004	12/31/2003
11	1000073180006	REST HAVEN	12/31/2005	12/31/2004	12/31/2003
11	1007723880004	RIDGEVIEW ELDER CARE REHAB CENTER	12/31/2005	12/31/2004	12/31/2003
11	1007497730008	RIVERWOODS	12/31/2005	12/31/2004	12/31/2003
11	1001344640003	ROLLING FIELDS, INC	12/31/2005	12/31/2004	12/31/2003
11	0015050630002	ROLLING MEADOWS	06/30/2006	06/30/2005	06/30/2004
11	1001382300004	ROUSE WARREN COUNTY HOME	12/31/2005	12/31/2004	12/31/2003
11	0012057910001	SCHUYLKILL CENTER	06/30/2006	06/30/2005	06/30/2004
11	1012260410001	SENA-KEAN MANOR	12/31/2004	12/31/2003	12/31/2002
11	0017400810001	SETON MANOR INC	06/30/2006	06/30/2005	06/30/2004
11	1007508450001	SHENANDOAH MANOR NURSING CENTER	12/31/2006	12/31/2005	12/31/2004
11	1000014030004	SUGAR CREEK STATION SKILLED NSG & REHAB	12/31/2005	12/31/2004	12/31/2003
11	0009495570004	SUSQUE VIEW HOME, INC	12/31/2005	12/31/2004	12/31/2003
11	0019252000001	SWEDEN VALLEY MANOR	12/31/2006	12/31/2005	12/31/2004
11	1018122360001	THE MANOR AT PENN VILLAGE	12/31/2004	12/31/2003	12/31/2002
11	1007783630011	TREMONT HEALTH AND REHABILITATION CENTER	06/30/2006	06/30/2005	06/30/2004
11	0007565600002	VALLEY VIEW HAVEN, INC	12/31/2005	12/31/2004	12/31/2003
11	0019252370001	WARREN MANOR	12/31/2006	12/31/2005	12/31/2004
11	0014833130001	WAYNE WOODLANDS MANOR	06/30/2006	06/30/2005	06/30/2004
11	0009824080002	WESBURY UNITED METHODIST COMMUNITY	12/31/2005	12/31/2004	12/31/2003
11	1007513140001	WOODLAND RETIREMENT COMMUNITY	12/31/2005	12/31/2004	12/31/2003

PG11	Resident Care Median	Other Resident Rltd Median	Administrative Median
	\$76.37	\$35.20	\$17.08
PG11	Resident Care Price	Other Resident Rltd Price	Administrative Price
	\$89.35	\$39.42	\$17.76

Median	Peer	Current	Current	Most Recent	Second Most Recent	Third Most Recent
Group	Provider Number	Provider Name		Cost Report	Cost Report	Cost Report
				End Date	End Date	End Date
12	1007392020002	ARMSTRONG COUNTY HEALTH CENTER		12/31/2005	12/31/2004	12/31/2003
12	0018493040001	AVALON NURSING CENTER		06/30/2006	06/30/2005	06/30/2004
12	0011692000001	BRADFORD ECUMENICAL HOME, INC		12/31/2005	12/31/2004	12/31/2003
12	0017013880001	BROOKLINE MANOR AND REHABILITATIVE SRVCS		12/31/2005	12/31/2004	12/31/2003
12	0019759180001	BROOKMONT HEALTHCARE CENTER LLC		12/31/2005	12/31/2004	06/30/2003
12	1007777400014	BUFFALO VALLEY LUTHERAN VILLAGE		12/31/2005	12/31/2004	12/31/2003
12	1007509430003	CARING PLACE, THE		06/30/2006	06/30/2005	06/30/2004
12	0018001800001	CARLETON SENIOR CARE AND REHAB CENTER		12/31/2005	12/31/2004	12/31/2003
12	1007463790005	COMMUNITIES AT INDIAN HAVEN		12/31/2005	12/31/2004	12/31/2003
12	1010588030001	DARWAY ELDER CARE REHABILITATION CENTER		12/31/2005	06/30/2004	06/30/2003
12	1020573280001	DONAHOE MANOR		06/30/2006	06/30/2005	06/30/2004
12	0007552300003	DR ARTHUR CLIFTON MCKINLEY HEALTH CENTER		06/30/2006	06/30/2005	06/30/2004
12	1012046610001	EDISON MANOR NURSING AND REHAB CENTER		06/30/2004	06/30/2003	06/30/2002
12	1007303790003	EMMANUEL CENTER FOR NURSING AND REHAB		12/31/2005	12/31/2004	12/31/2003
12	1007564000009	FRIENDLY NURSING HOME - PITMAN		06/30/2006	06/30/2005	06/30/2004
12	1019223180001	GETTYSBURG CENTER		12/31/2005	12/31/2004	12/31/2003

12	1001664120003	GETTYSBURG LUTHERAN NURSING REHAB	12/31/2005	12/31/2004	12/31/2003
12	1015488040001	GOLDEN LIVINGCENTER-CAMBRIDGE SPRINGS	12/31/2005	12/31/2004	12/31/2003
12	1015489850001	GOLDEN LIVINGCENTER-CLARION	12/31/2005	12/31/2004	12/31/2003
12	1015528160001	GOLDEN LIVINGCENTER-GETTYSBURG	12/31/2005	12/31/2004	12/31/2003
12	1015495990001	GOLDEN LIVINGCENTER-KINZUA	12/31/2005	12/31/2004	12/31/2003
12	1015585330001	GOLDEN LIVINGCENTER-MANSION	12/31/2005	12/31/2004	12/31/2003
12	1015497400001	GOLDEN LIVINGCENTER-MEADVILLE	12/31/2005	12/31/2004	12/31/2003
12	1015513180001	GOLDEN LIVINGCENTER-OIL CITY	12/31/2005	12/31/2004	12/31/2003
12	1015581860001	GOLDEN LIVINGCENTER-TITUSVILLE	12/31/2005	12/31/2004	12/31/2003
12	1015518000001	GOLDEN LIVINGCENTER-WAYNESBURG	12/31/2005	12/31/2004	12/31/2003
12	1015585060001	GOLDEN LIVINGCENTER-YORK TERRACE	12/31/2005	12/31/2004	12/31/2003
12	0007521030001	GUY AND MARY FELT MANOR, INC	06/30/2006	06/30/2005	06/30/2004
12	0007510350001	HAVEN CONVALESCENT HOME, INC	12/31/2005	12/31/2004	12/31/2003
12	1019567910001	HIGHLAND VIEW CARE CENTER	06/30/2006	06/30/2005	06/30/2004
12	1021564980001	HILLSDALE NURSING AND REHABILITATION CTR	12/31/2005	12/31/2004	12/31/2003
12	1007564000003	HUNTINGDON NURSING AND REHAB CENTER	06/30/2006	06/30/2005	06/30/2004
12	0016889000001	JAMESON CARE CENTER	12/31/2005	12/31/2004	12/31/2003
12	0018001700001	LAKEVIEW SENIOR CARE AND LIVING CENTER	12/31/2005	12/31/2004	12/31/2003
12	0018055600001	LAUREL CARE NURSING AND REHAB CENTER	12/31/2005	12/31/2004	12/31/2003
12	1018114080001	LOCUST GROVE RETIREMENT VILLAGE	12/31/2004	12/31/2003	12/31/2002
12	1003684090004	LUTHERAN HOME AT KANE, THE	12/31/2005	12/31/2004	12/31/2003
12	0007565600004	MALTA HOME	12/31/2005	12/31/2004	12/31/2003
12	0018036820001	MEADOW VIEW SENIOR LIVING CENTER	12/31/2005	12/31/2004	12/31/2003
12	0015009510001	MENNO-HAVEN PENN HALL, INC	12/31/2005	12/31/2004	12/31/2003
12	0018037080003	MULBERRY SQUARE	12/31/2005	12/31/2004	12/31/2003
12	1007300740008	OVERLOOK MEDICAL CLINIC INC	12/31/2005	12/31/2004	12/31/2003
12	1007507650046	PAVILION AT BRMC	06/30/2006	06/30/2005	06/30/2004
12	1019367250001	ROLLING HILLS MANOR	06/30/2005	06/30/2004	06/30/2003
12	0007572260001	SAYRE HOUSE, INC	06/30/2006	06/30/2005	06/30/2004
12	0007560310006	SCENERY HILL MANOR	12/31/2005	12/31/2004	12/31/2003
12	0014732730001	SHENANGO PRESBYTERIAN HOME	12/31/2006	12/31/2005	12/31/2004
12	0007552210001	SHOOK HOME, THE	12/31/2005	12/31/2004	12/31/2003
12	1007300740012	SILVER OAKS NURSING CENTER	12/31/2005	12/31/2004	12/31/2003
12	0010929740001	SNYDER MEMORIAL HEALTH CARE CENTER	12/31/2005	12/31/2004	12/31/2003
12	0009668070001	SUGAR CREEK REST	06/30/2006	06/30/2005	06/30/2004
12	0018861660001	TRINITY MISSION HEALTH AND REHAB	12/31/2005	12/31/2004	12/31/2003
12	1007513140009	WESTMINSTER WOODS AT HUNTINGDON	12/31/2005	12/31/2004	12/31/2003
12	1009812160001	ZENDT HOME, THE	06/30/2006	06/30/2004	06/30/2003

PG12	Resident Care Median	Other Resident Rltd Median	Administrative Median
	\$74.83	\$34.42	\$16.43
PG12	Resident Care Price	Other Resident Rltd Price	Administrative Price
	\$87.55	\$38.55	\$17.09

Median	Peer	Current	Current	Most Recent	Second Most Recent	Third Most Recent
Group	Provider Number	Provider Name		Cost Report	Cost Report	Cost Report
				End Date	End Date	End Date
13	1016341800001	ARISTACARE AT MEADOW SPRINGS		06/30/2006	06/30/2005	12/31/2003
13	0018745120001	FOX SUBACUTE AT CLARA BURKE		12/31/2005	12/31/2004	12/31/2003
13	0016133920001	FOX SUBACUTE CENTER		12/31/2005	12/31/2004	12/31/2003
13	1007608230006	GOOD SHEPHERD HOME RAKER CENTER		06/30/2006	06/30/2005	06/30/2004
13	0017915090001	GOOD SHEPHERD HOME-BETHLEHEM		06/30/2006	06/30/2005	06/30/2004
13	1007494050001	INGLIS HOUSE		06/30/2006	06/30/2005	06/30/2004
13	0008790130001	MARGARET E. MOUL HOME		06/30/2006	06/30/2005	06/30/2004

PG13	Resident Care Median	Other Resident Rltd Median	Administrative Median
	\$135.91	\$67.31	\$48.50
PG13	Resident Care Price	Other Resident Rltd Price	Administrative Price
	\$159.01	\$75.39	\$50.44

Median Peer	Current	Current	Most Recent Cost Report	Second Most Recent Cost Report	Third Most Recent Cost Report
Group	Provider Number	Provider Name	End Date	End Date	End Date
14	1007276220011	BARNES-KASSON COUNTY HOSPITAL SNF	06/30/2006	06/30/2005	06/30/2004
14	1007562590011	BERWICK RETIREMENT VILLAGE NRSNG CTR I	06/30/2006	06/30/2005	06/30/2004
14	1007644390010	BUCKTAIL MEDICAL CENTER	06/30/2006	06/30/2005	06/30/2004
14	1000011270027	CHARLES COLE MEMORIAL HOSPITAL ECF	06/30/2006	06/30/2005	06/30/2004
14	1007427630004	FULTON COUNTY MEDICAL CENTER LTCU	06/30/2006	06/30/2005	06/30/2004
14	1007550910008	LOCK HAVEN HOSPITAL E.C.U.	06/30/2006	06/30/2005	06/30/2004
14	1007713260009	MEMORIAL HOSPITAL INC SNU	06/30/2006	06/30/2005	06/30/2004
14	1007771410012	MOSES TAYLOR HOSPITAL S.N.F.	06/30/2006	06/30/2005	06/30/2004
14	1007607800001	MUNCY VALLEY HOSPITAL SNU	06/30/2006	06/30/2005	06/30/2004
14	1007292600009	PINECREST MANOR	06/30/2006	06/30/2005	06/30/2004
14	1015736560001	SAINT CATHERINE HEALTHCARE CENTER	06/30/2005	06/30/2004	06/30/2003
14	1002086660015	SOMERSET HOSPITAL CENTER FOR HEALTH	06/30/2006	06/30/2005	06/30/2004
14	1007454700003	ST LUKE'S MINERS MEMORIAL GERIATRIC CTR	06/30/2006	06/30/2005	06/30/2004
14	1004958310017	SUMMIT AT BLUE MOUNTAIN NURSING & REHAB	06/30/2006	06/30/2005	06/30/2004
14	1014236120001	SUNBURY COMMUNITY HOSPITAL SNF	06/30/2005	06/30/2004	06/30/2003
14	1007544140074	WILLOWCREST	06/30/2006	06/30/2005	06/30/2004

PG14	Resident Care Median	Other Resident Rltd Median	Administrative Median
	\$98.51	\$52.62	\$22.58
PG14	Resident Care Price	Other Resident Rltd Price	Administrative Price
	\$115.26	\$58.93	\$23.48

[Pa.B. Doc. No. 09-856. Filed for public inspection May 8, 2009, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Triploid Grass Carp Permit Application

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

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

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

<i>Applicant</i>	<i>Water</i>	<i>Location of Water</i>	<i>Description of Water</i>	<i>Nature of Vegetation to be Controlled</i>
Big Bass Lake Community Association	Big Bass Lake	Clifton Township Lackawanna County	74.68 acre lake which discharges into Tamarack Creek, and then into the Lehigh River	<i>Cabomba caroliniana</i>

<i>Applicant</i>	<i>Water</i>	<i>Location of Water</i>	<i>Description of Water</i>	<i>Nature of Vegetation to be Controlled</i>
Wildwood Rod and Gun Club	Wildwood Lake	Lake Township Wayne County	92 acre lake which discharges into Roamingwood Lake, and then into Ariel Creek	<i>Elodea canadensis</i> <i>Myriophyllum</i> spp. <i>Ceratophyllum demersum</i> <i>Utricularia</i> spp. <i>Najas</i> spp.

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

[Pa.B. Doc. No. 09-857. Filed for public inspection May 8, 2009, 9:00 a.m.]

### 2009 Classification of Wild Trout Streams; Additions and Adjustments to List

The Fish and Boat Commission (Commission) has approved additions and adjustments to its list of wild trout streams as published in 39 Pa.B. 1366 (March 14, 2009) with the exception of the removal of Little Piney Creek, Somerset County. The Commission did not approve the removal of this stream from its list of wild trout streams at this time.

Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Commission to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams. The Commission's Fisheries Management Division maintains the complete list of wild trout streams, and it is available on the Commission's web site at [http://sites.state.pa.us/PA\\_Exec/Fish\\_Boat/trout\\_repro.htm](http://sites.state.pa.us/PA_Exec/Fish_Boat/trout_repro.htm).

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

[Pa.B. Doc. No. 09-858. Filed for public inspection May 8, 2009, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, April 23, 2009, and announced the following:

#### *Action Taken—Regulations Approved:*

Pennsylvania Public Utility Commission #57-255: Retail Electricity Choice Activity Reports (adds 52 Pa. Code Chapter 54, Subchapter H)

County Probation and Parole Officers' Firearms Education and Training Commission #41-18: County Probation and Parole Officers' Firearm Education and Training Commission (establishes 37 Pa. Code Chapter 79)

### Approval Order

Public Meeting held  
April 23, 2009

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; George D. Bedwick; Karen A. Miller; John F. Mizner, Esq., by Phone

*Pennsylvania Public Utility Commission—Retail Electricity Choice Activity Reports; Regulation No. 57-255 (#2648)*

On October 18, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking adds 52 Pa. Code Chapter 54, Subchapter H. The proposed regulation was published in the November 3, 2007 *Pennsylvania Bulletin* with a 60-day public comment period. The final-form regulation was submitted to the Commission on March 12, 2009.

This regulation establishes requirements for Electric Distribution Companies and Electric Generation Suppliers to report sales activity information.

We have determined this regulation is consistent with the statutory authority of the PUC (66 Pa.C.S. §§ 501, 2804(12) and 2811(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

### Approval Order

Public Meeting held  
April 23, 2009

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; George D. Bedwick; Karen A. Miller; John F. Mizner, Esq., by Phone

*County Probation and Parole Officers' Firearms Education and Training Commission—County Probation and Parole Officers' Firearms Education and Training Commission; Regulation No. 41-18 (#2576)*

On October 11, 2006, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the County Probation and Parole Officers' Firearms Education and Training Commission (FETC). This rulemaking establishes 37 Pa. Code Chapter 79. The proposed regulation was published in the October 28,

2006 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on November 14, 2008, and resubmitted on February 12, 2009, after the conclusion of *sine die* adjournment. On March 16, 2009, the Commission received a request from the FETC to toll consideration of this final-form regulation to consider revisions for clarity. On April 6, 2009, the FETC submitted its revisions to the final-form regulation to the Commission.

The regulation establishes firearm education and training required for county probation and parole officers to be certified to carry firearms in the performance of their duties, implementing the directives of Act 158 of 1994.

We have determined this regulation is consistent with the statutory authority of the FETC (61 P. S. § 332.5) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 09-859. Filed for public inspection May 8, 2009, 9:00 a.m.]

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, 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](http://www.irrc.state.pa.us).

#### *Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
125-93	Pennsylvania Gaming Control Board Rules of Practice and Procedures	4/22/09	5/21/09
125-86	Pennsylvania Gaming Control Board Slot Machine Licensing	4/22/09	5/21/09
125-94	Pennsylvania Gaming Control Board Slot Machine Master Lists	4/22/09	6/11/09

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 09-860. Filed for public inspection May 8, 2009, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Approval to Acquire Control of Pennsylvania Domiciled Insurance Subsidiaries of American International Group, Inc.

Farmers Group, Inc., Farmers Insurance Exchange, Fire Insurance Exchange and Truck Insurance Exchange have filed an application to acquire control of the following Pennsylvania domiciled property and casualty insurers: AIG Centennial Insurance Company, AIG Preferred Insurance Company, AIG Premier Insurance Company, AIG Indemnity Insurance Company and New Hampshire Indemnity Company. The initial filing was received on April 29, 2009, and was made in accordance with requirements set forth under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413).

Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 15 days from the date of publication of this notice in the *Pennsylvania Bulletin*. 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 Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, [cbybee@state.pa.us](mailto:cbybee@state.pa.us).

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-861. Filed for public inspection May 8, 2009, 9:00 a.m.]

### Geisinger Quality Options Individual PPO—Medically Underwritten; Rate Filing

On April 27, 2009, Geisinger Quality Options submitted a filing requesting approval to increase the individual direct pay rates by 10.4%. This filing will affect approximately 3,156 contracts and will produce additional income of about \$600,000 annually. The requested effective date of the change is July 1, 2009.

This filing also requests a 2-year rate guarantee option for new subscribers selecting either PPO Plan Nos. 6 and 7 or the Advantage Plan.

Unless formal administrative action is taken prior to July 22, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Office.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square,

Harrisburg, PA 17120, csandersjo@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 09-862. Filed for public inspection May 8, 2009, 9:00 a.m.]

### **Highmark Blue Cross Blue Shield (Western Region); CompleteCare Program; Rate Filing**

By filing No. 1A-CCP-09-HBCBS, Highmark, Inc., d/b/a Highmark Blue Cross Blue Shield, requests approval to increase the premium rates for its CompleteCare Program. The filing requests an average increase of 7.9% or \$23.51 per contract per month. This filing will affect approximately 25,700 contracts and will produce additional income of about \$7.2 million annually. The requested effective date of the change is October 1, 2009.

Unless formal administrative action is taken prior to July 23, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Regional Office in Harrisburg.

Interested parties are invited to submit written or email comments, suggestions or objections to Rashmi Mathur, Pennsylvania Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [mathur@state.pa.us](mailto:mathur@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 09-863. Filed for public inspection May 8, 2009, 9:00 a.m.]

### **Highmark Blue Cross Blue Shield (Western Region); Medically Underwritten Direct Pay PPO Plan and High Deductible PPO Health Plan; Rate Filing**

By filing No. 1A-MUPPO and HDHP-09-HBCBS, Highmark, Inc., d/b/a Highmark Blue Cross Blue Shield, requests approval to adjust rates for its medically underwritten Direct Pay PPO Plan and Direct Pay PPO High Deductible Health Plans in the Western Pennsylvania Region. The filing requests an average increase of 2.9% or \$7.05 per contract per month. This filing will affect approximately 15,700 contractholders and will produce additional income of about \$1.3 million annually. The requested effective date of the change is October 1, 2009.

Unless formal administrative action is taken prior to July 23, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

.state.pa.us. To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Regional Office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [rmathur@state.pa.us](mailto:rmathur@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Insurance Department

[Pa.B. Doc. No. 09-864. Filed for public inspection May 8, 2009, 9:00 a.m.]

### **Highmark Blue Shield (Central Region); Medically Underwritten Direct Pay PPO Plan; Rate Filing**

By filing No. 1A-BSMUPPO-09-HBS, Highmark, Inc., d/b/a Highmark Blue Shield, requests approval to adjust rates for its Medically Underwritten Direct Pay PPO Plan in the Central Pennsylvania Region. The filing requests an average rate change of 16.9% or \$50.02 per contract per month. This filing will affect approximately 10,000 contractholders and will produce additional income of about \$6 million annually. The requested effective date of the change is October 1, 2009.

Unless formal administrative action is taken prior to July 23, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Regional Office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [rmathur@state.pa.us](mailto:rmathur@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 09-865. Filed for public inspection May 8, 2009, 9:00 a.m.]

### **Keystone Health Plan West; Individual Blue HMO—Medically Underwritten and Guaranteed Issue; Rate Filing**

By filing No. 1A-DPHMO-09-KHPW, Keystone Health Plan West HMO requests approval to increase the individual direct pay rates by 20.2%. This filing will affect approximately 9,700 contracts and will produce additional income of about \$9.12 million annually. The requested effective date of the change is October 1, 2009.



This filing also requests the addition of an age band. The 25 and younger age band will be replaced by an age band of 0 to 18 and an age band of 19 to 24.

Unless formal administrative action is taken prior to July 22, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Office.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [csandersjo@state.pa.us](mailto:csandersjo@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 09-866. Filed for public inspection May 8, 2009, 9:00 a.m.]

Unless formal administrative action is taken prior to July 23, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at [www.ins.state.pa.us](http://www.ins.state.pa.us). Scroll down the home page and click on "Consumer Information" located on the left side. Next scroll down to "General Information," located in the middle of the page and click on "Notices." The pdf copy of this filing is located at the link "Filing.pdf" following the name of the filing.

Interested parties are invited to submit written comments, suggestions or objections to James Lavery, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlavery@state.pa.us](mailto:jlavery@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 09-867. Filed for public inspection May 8, 2009, 9:00 a.m.]

### Transamerica Life Insurance Company; Rate Increase Filing for Several LTC Forms; Rate Filing

Transamerica Life is requesting the following rate increase pattern: (a) 0% for all policies with benefit periods of less than 6 years; (b) 15% for the base plan for policies with benefit periods of 6 years and greater with no inflation rider; (c) 15% for the base plan and 29.7% for the inflation rider for policies with benefit periods of 6 years and greater with a simple inflation rider; and (d) 15% for the base plan and 36.6% for the inflation rider for policies with benefit periods of 6 years and greater with a compound inflation rider.

The following forms, all issued by Transamerica Life, will be affected: IP-70-PA-494, IP-71-PA-494, FP-70-PA-494, FP-71-PA-494, 6222 (PA) 289 As LTC; LTC 2 (PA) 1290, LTC 3 (PA) 1091, LTC 3 (PA) 1091 (GR194), LTC 3 (PA) 1091 (GR195), LTC 3 (PA) 1091 (REV195), LTC 5 TQ NH (PA) 1096, LTC 5 TQ COM (PA) 1096, LTC 5 TQ NH (PA-FP) 1096 and LTC 5 TQ COM (PA-FP) 1096.

The following forms, all issued by Life Investors Insurance Company of America, will be affected: GCPLUS 1290 (PA), GCPLUS 2 1290 (PA), GCPRO (PA) 193, GCPRO (PA-FR) 193, GCPRO (PA) 995, GCPRO (PA-FR) 995, GCPRO-II (PA) 794, GCPRO-II (PA-FR) 794, GCPRO-II (PA) 995, GCPRO-II (PA-FR) 995, KLTC 1 (PA) 490, LI-LTTC (PA) 192, LI-LTTC (PA) 195, LI-LTTC (PA-FR) 195, LI-LTTC TQ (PA) 898, LI-LTTC TQ (PA-FR) 898, GP001 796 (GC001 NH (PA) 796, GC001 LTC (PA) 796 and GC001 HHC (PA) 796.

The following forms, all issued by Transamerica Occidental Life Insurance Company, will be affected: 1-812 44-190, 1-820 44-991, 1-822 44-991, LTC-104-194-PA, LTC-105-194-PA, LTC-106-194-PA, LTC 124-197-PA, LTC 224-197-PA, LTC 125-197-PA, LTC 225-197-PA, LTC 126-197-PA, LTC 226-197-PA, LTC 304-198-PA and LTC 305-198-PA.

A total of 1,193 Pennsylvania policyholders will be affected by this rate adjustment.

## PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

### Wireless E-911 State Plan; Comment Period

Under section 2 of the Public Safety Emergency Telephone Act (35 P.S. § 7021.2), the Pennsylvania Emergency Management Agency (Agency) gives notice that the Statewide Wireless E-911 Plan (E-911 Plan) providing for all aspects of the development, implementation, operation and maintenance of a Statewide integrated wireless E-911 system in accordance with the FCC E-911 Order has been amended and is available for public notice and opportunity to comment.

The E-911 Plan is on file with the Agency. Persons may receive a copy of the E-911 Plan by requesting a copy from the Pennsylvania Emergency Management Agency, Bureau of 9-1-1 Programs, 2605 Interstate Drive, Harrisburg, PA 17110, (717) 651-2001, fax (717) 651-2040 or [rwentzel@state.pa.us](mailto:rwentzel@state.pa.us).

Persons who wish to comment may do so by sending a letter by mail, e-mail or facsimile to the address listed previously.

Comments received by the Agency within 30 days after the date of publication of this notice will be reviewed by the Agency before it decides whether to approve or disapprove the E-911 Plan.

ROBERT P. FRENCH,  
Director

[Pa.B. Doc. No. 09-868. Filed for public inspection May 8, 2009, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by May 26, 2009. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

### Application of the following for approval to begin operating as *common carriers* for transportation of persons as described under the application.

**A-2009-2103305. Alvin Powell, t/a AP Taxi** (1350 Penn Avenue, Scranton, Lackawanna County, PA 18509)—persons, upon call or demand, in the Counties of Lackawanna, Luzerne and Monroe.

### 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 each application.

**A-2009-2102692. J & D's, Inc.** (35 School Bus Lane, Lewistown, Mifflin County, PA 17044)—a corporation of the Commonwealth for amendment—persons in paratransit service from points in the Counties of Centre, Huntingdon, Juniata, Mifflin and Snyder: *So As To Permit* the transportation of persons in paratransit service, from points in the Counties of Montour, Northumberland, Perry and Union.

**A-2009-2102750. Buffalo Township Emergency Medical Services (EMS), Inc.** (663 Ekastown Road, Sarver, Butler County, PA 16055)—a corporation of the Commonwealth for amendment to its common carrier certificate—persons in paratransit service from portions of Butler County: *So As To Permit* the transportation of persons in paratransit service, from all points in Butler County. *Attorney:* William A. Gray, 310 Grant Street, Suite 2310, Pittsburgh, PA 15219.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-869. Filed for public inspection May 8, 2009, 9:00 a.m.]

## Telecommunications

**A-2009-2103527. Bentleyville Telephone Company, d/b/a FairPoint Communications, Inc. and Sprint Spectrum, LP, d/b/a Sprint PCS; Nextel Communications of the Mid-Atlantic, Inc.; Nextel of New York, Inc.; Nextel West Corp.; NPCR, Inc.** Joint petition of Bentleyville Telephone Company, d/b/a FairPoint Commu-

nications, Inc. and Sprint Spectrum, LP, d/b/a Sprint PCS; Nextel Communications of the Mid-Atlantic, Inc.; Nextel of New York, Inc.; Nextel West Corp.; NPCR, Inc. for approval of a wireless interconnection and reciprocal compensation agreement under section 252(e) of the Telecommunications Act of 1996.

Bentleyville Telephone Company, d/b/a FairPoint Communications, Inc. and Sprint Spectrum, LP, d/b/a Sprint PCS; Nextel Communications of the Mid-Atlantic, Inc.; Nextel of New York, Inc.; Nextel West Corp.; NPCR, Inc., by its counsel, filed on April 27, 2009, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a wireless interconnection and reciprocal compensation agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Bentleyville Telephone Company, d/b/a FairPoint Communications, Inc. and Sprint Spectrum, LP d/b/a Sprint PCS; Nextel Communications of the Mid-Atlantic, Inc.; Nextel of New York, Inc.; Nextel West Corp.; NPCR, Inc. Joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-870. Filed for public inspection May 8, 2009, 9:00 a.m.]

## Telecommunications

**A-2009-2103547. Verizon Pennsylvania, Inc. and Selectel, Inc.** Joint petition of Verizon Pennsylvania, Inc. and Selectel, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Selectel, Inc., by its counsel, filed on April 27, 2009, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of Verizon Pennsylvania, Inc. and Selectel, Inc., joint petition are on file with Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-871. Filed for public inspection May 8, 2009, 9:00 a.m.]



