



Volume 38 (2008)

Pennsylvania Bulletin
Repository

2-16-2008

February 16, 2008 (Pages 857-968)

Pennsylvania Legislative Reference Bureau

Follow this and additional works at: https://digitalcommons.law.villanova.edu/pabulletin_2008

Recommended Citation

Pennsylvania Legislative Reference Bureau, "February 16, 2008 (Pages 857-968)" (2008). *Volume 38 (2008)*. 7.

https://digitalcommons.law.villanova.edu/pabulletin_2008/7

This February is brought to you for free and open access by the Pennsylvania Bulletin Repository at Villanova University Charles Widger School of Law Digital Repository. It has been accepted for inclusion in Volume 38 (2008) by an authorized administrator of Villanova University Charles Widger School of Law Digital Repository.

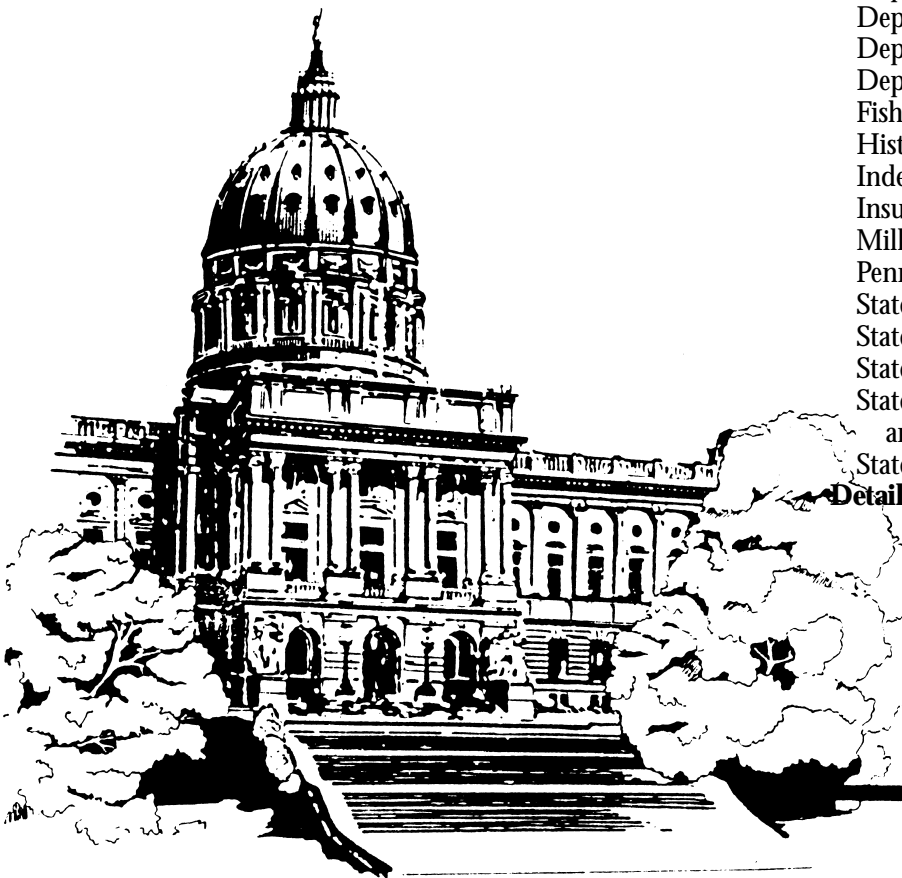
PENNSYLVANIA BULLETIN

Volume 38
Saturday, February 16, 2008 • Harrisburg, PA
Number 7
Pages 857—968

Agencies in this issue

The General Assembly
The Courts
Department of Banking
Department of Conservation and Natural Resources
Department of Education
Department of Environmental Protection
Department of Health
Department of Revenue
Department of State
Department of Transportation
Fish and Boat Commission
Historical and Museum Commission
Independent Regulatory Review Commission
Insurance Department
Milk Marketing Board
Pennsylvania Public Utility Commission
State Board of Barber Examiners
State Board of Cosmetology
State Board of Education
State Board of Vehicle Manufacturers, Dealers and Salespersons
State Conservation Commission

Detailed list of contents appears inside.



PRINTED ON 100% RECYCLED PAPER



**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 399, February 2008

CUT ON DOTTED LINES AND ENCLOSE IN AN ENVELOPE

CHANGE NOTICE

If information on mailing label is incorrect, please make changes in space provided below and mail to:

FRY COMMUNICATIONS, INC.

Attn: *Pennsylvania Bulletin*

800 W. Church Rd.

Mechanicsburg, PA 17055-3198

CUSTOMER NUMBER (6 digit number above name)

NAME OF INDIVIDUAL

OFFICE NAME—TITLE

ADDRESS (Number and Street)

(City)

(State)

(Zip Code)

TYPE OR PRINT LEGIBLY

PENNSYLVANIA



BULLETIN

(ISSN 0162-2137)

published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 647 Main Capitol Building, State & Third Streets, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$82.00 per year, postpaid to points in the United States. Individual copies \$2.50. Checks for subscriptions and individual copies should be made payable to "Fry Communications, Inc." Periodicals postage paid at Harrisburg, Pennsylvania.

Postmaster send address changes to:

FRY COMMUNICATIONS

Attn: *Pennsylvania Bulletin*

800 W. Church Rd.

Mechanicsburg, Pennsylvania 17055-3198

(717) 766-0211 ext. 2340

(800) 334-1429 ext. 2340 (toll free, out-of-State)

(800) 524-3232 ext. 2340 (toll free, in State)

Orders for subscriptions and other circulation matters should be sent to:

Fry Communications, Inc.

Attn: *Pennsylvania Bulletin*

800 W. Church Rd.

Mechanicsburg, PA 17055-3198

Copyright © 2008 Commonwealth of Pennsylvania

Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 W. Church Road, Mechanicsburg, Pennsylvania 17055-3198.

CONTENTS

THE GENERAL ASSEMBLY

Recent actions during the 2008 regular session of the General Assembly	864
--	-----

THE COURTS

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of disbarment (2 documents)	870
Notice of suspension	870

JUDICIAL CONDUCT

Amendment to rule 7 of the rules governing the conduct of members of the court of judicial discipline; doc. no. 1 JD 94	865
---	-----

PHILADELPHIA RULES

Civil procedural rules; amendment of rule 102—definitions; repeal and replacement of rule 131—representation; general court regulation no. 2008-01	868
--	-----

RULES OF CRIMINAL PROCEDURE

Proposed amendments to rules 515, 541, 543, 561 and 589	865
---	-----

EXECUTIVE AGENCIES

DEPARTMENT OF BANKING

Notices

Actions on applications	897
Maximum lawful rate of interest for residential mortgages for the month of March 2008	898

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Notices

Bureau of Forestry; reinstatement of a camping fee ...	898
Conservation and Natural Resources Advisory Council meeting	898

DEPARTMENT OF EDUCATION

Notices

Application of Carnegie Mellon University for approval of amendment of its articles of incorporation	898
--	-----

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

Agriculture Advisory Board; meeting cancellation notice	940
Applications, actions and special notices	899
Bid opportunity (2 documents)	940
Certification Program Advisory Committee; revised meeting schedule for 2008	940
State Board of Certification of Water and Wastewater Systems Operators; revised meeting schedule for 2008	941
Statewide Water Resources Committee; meeting cancellation notice	941

DEPARTMENT OF HEALTH

Notices

Application for exception:	
Carlisle Outpatient Surgery Center	941
Center for Reproductive Surgery, LLC	941
Heritage Valley Surgery Center	942
Muncy Valley Hospital	942
Reading Endoscopy Center, LLC	943
St. Luke's Hospital	943
28 Pa. Code § 569.1	942
York Hospital	943
Equipment to determine blood alcohol content	944
Long-term care nursing facilities; requests for exception	946

DEPARTMENT OF REVENUE

Notices

Pennsylvania Deal Or No Deal™ instant lottery game amended	947
Pennsylvania Money To Burn instant lottery game ...	947
Pennsylvania Red Hot 7's '08 instant lottery game ...	950

DEPARTMENT OF STATE

Notices

Bid opportunities	953
-------------------------	-----

DEPARTMENT OF TRANSPORTATION

Notices

Request for bids	953
------------------------	-----

FISH AND BOAT COMMISSION

Notices

Temporary changes to fishing regulations; special regulations applicable to Lake Erie tributary streams	954
---	-----

HISTORICAL AND MUSEUM COMMISSION

Notices

Approves Pennsylvania Register of Historic Places Policy	954
--	-----

INDEPENDENT REGULATORY REVIEW COMMISSION

Notices

Action taken by the Commission	954
Notice of comments issued	955

INSURANCE DEPARTMENT

Notices

Abington Memorial Hospital; prehearing	959
Allegheny Neurosurgery and Spine Associates; prehearing	960
AmeriHealth HMO; prehearing	960
Butler Petroleum Corporation; prehearing	960
Eric H. Grubb; prehearing	961
William M. Purner, Jr., D. O.; prehearing (2 documents)	961
Pamela Spenser; prehearing	962
William J. Strowhouer, D. O.; prehearing	962
Kerry C. Wiley; prehearing	962
Workers' Compensation Security Fund Assessment; notice no. 2008-04	963

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

MILK MARKETING BOARD

Notices

Hearing and presubmission schedule for all milk marketing areas; 2007 bulk cream disposal..... 963

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notices

Default order..... 963

Delegation of additional authority regarding vehicle age requirements; doc. no. P-00072274 964

Rescission order 964

Service of notice of motor carrier applications..... 965

Telecommunications (2 documents).....965, 966

Tentative order 966

Transfer of property..... 967

STATE BOARD OF BARBER EXAMINERS

Notices

Bureau of Professional and Occupational Affairs v. Josiah Middleton; doc. no. 1266-42-2007..... 967

STATE BOARD OF COSMETOLOGY

Notices

Bureau of Professional and Occupational Affairs v. Carla R. Blake; doc. no. 0956-45-2006 968

STATE BOARD OF EDUCATION

Rules and Regulations

Academic standards and assessment 872

STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

Notices

Bureau of Professional and Occupational Affairs v. Walter J. Boone, Sr.; doc. no. 2547-42-2007 968

STATE CONSERVATION COMMISSION

Statements of Policy

Conservation district fund allocation program—statement of policy 889

READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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

Printing Format

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

Fiscal Notes

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

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

Reproduction, Dissemination or Publication of Information

Third parties may not take information from the *Pennsylvania Code* and *Pennsylvania Bulletin* and reproduce, disseminate or publish such information except as provided by 1 Pa. Code § 3.44. 1 Pa. Code § 3.44 reads as follows:

§ 3.44. General permission to reproduce content of Code and Bulletin.

Information published under this part, which information includes, but is not limited to, cross references, tables of cases, notes of decisions, tables of contents, indexes, source notes, authority notes, numerical lists and codification guides, other than the actual text of rules or regulations may be reproduced only with the written consent of the Bureau. The information which appears on the same leaf with the text of a rule or regulation, however, may be incidentally reproduced in connection with the reproduction of the rule or regulation, if the reproduction is for the private use of a subscriber and not for resale. There are no other restrictions on the reproduction of information published under this part, and the Commonwealth hereby consents to a reproduction.

List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2008.

4 Pa. Code (Administration)		53	435
Adopted Rules		55	435
6	741	57	435
7	474	59	435
		61	435
		63	435
		65	435
Proposed Rules			
241	613, 614		
247	612, 615		
		52 Pa. Code (Public Utilities)	
22 Pa. Code (Education)		Adopted Rules	
Adopted Rules		63	488
4	872		
36	339	Proposed Rules	
338	76	54	776
		62	776
25 Pa. Code (Environmental Protection)		63	758
Adopted Rules		76	776
806	610		
808	610	58 Pa. Code (Recreation)	
		Proposed Rules	
Proposed Rules		461a	343
86	80		
93 (correction)	236, 612	Statements of Policy	
121	229	461b	354
126	229		
		201 Pa. Code (Judicial Administration)	
Statements of Policy		Adopted Rules	
16	258	2	220
83	889	7	220
28 Pa. Code (Health and Safety)		204 Pa. Code (Judicial System General Provisions)	
Adopted Rules		Proposed Rules	
101	573	303	9
117	573		
		207 Pa. Code (Judicial Conduct)	
Proposed Rules		Proposed Rules	
23	750	61	865
27	750		
		231 Pa. Code (Rules of Civil Procedure)	
40 Pa. Code (Liquor)		Proposed Rules	
Proposed Rules		200	337
5	499		
		234 Pa. Code (Rules of Criminal Procedure)	
49 Pa. Code (Professional and Vocational Standards)		Adopted Rules	
Adopted Rules		1	745
47	484		
49	484	Proposed Rules	
		1	61, 865
Proposed Rules			
21	344	237 Pa. Code (Juvenile Rules)	
27	350, 351	Proposed Rules	
		5	63
51 Pa. Code (Public Officers)		11	477
Proposed Rules		13	477
31	435	18	477
33	435		
35	435	249 Pa. Code (Philadelphia Rules)	
37	435	Unclassified	223, 868
39	435		
41	435	252 Pa. Code (Allegheny Rules)	
43	435	Unclassified	64
45	435		
51	435	255 Pa. Code (Local Court Rules)	
		Unclassified	72, 223, 225, 338, 481, 482, 596, 748

THE GENERAL ASSEMBLY

Recent Actions during the 2008 Regular Session of the General Assembly

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

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2008 GENERAL ACTS OF REGULAR SESSION ENACTED—ACTS 001 and 002					
001	Jan 22	HB1795	PN2448	60 days	Staff Sergeant Jeremy R. Horton Memorial Bridge—designation
002	Feb 4	HB1109	PN2984	Immediately	Fish and Boat Code (30 Pa.C.S.)—nonresident, tourist and one-day fishing licenses, issuing agents and licence, permit and issuing agent fees

* denotes an effective date with exceptions

Effective Dates of Statutes

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

Advance Copies of Statutes

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

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

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

[Pa.B. Doc. No. 08-252. Filed for public inspection February 15, 2008, 9:00 a.m.]

THE COURTS

Title 207—JUDICIAL CONDUCT

PART II. CONDUCT STANDARDS

[207 PA. CODE CH. 61]

Amendment to Rule 7 of the Rules Governing the Conduct of Members of The Court of Judicial Discipline; Doc. No. 1 JD 94

Order

And Now, this 4th day of February, 2008, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, having proposed amendments to Rule 7 of the Rules Governing the Conduct of Members of the Court of Judicial Discipline, as more specifically hereinafter set forth, *It Is Hereby Ordered*:

That Court Administrator Wanda W. Sweigart provide for the publication of the Amendment in the *Pennsylvania Bulletin*, and

That interested parties shall submit suggestions, comments, or objections no later than thirty days from the publication of this Order in that Bulletin.

M. KAY DUBREE,
Chair

Annex A

TITLE 207. JUDICIAL CONDUCT

PART II. CONDUCT STANDARDS

CHAPTER 61. RULES GOVERNING THE CONDUCT OF MEMBERS OF THE COURT OF JUDICIAL DISCIPLINE

Rule 7. Political Activity.

* * * * *

C. Non-judicial members of the Court shall not hold office in any political party or political organization during the member's term of service[, **and should refrain from political activity inappropriate to the member's judicial office**].

(1) Non-judicial members should not act [**as leaders**] **in any capacity** in any political organization of [**or make speeches for or endorse**] a candidate for judicial office or judicial appointment.

(2) Non-judicial members should not **publicly endorse** [**solicit or contribute funds for**] a candidate for judicial office **or judicial appointment** and [**nor serve as officers, members or volunteers in the campaign of a candidate for judicial office**] **should not solicit or contribute funds for a candidate for judicial office**.

[Pa.B. Doc. No. 08-253. Filed for public inspection February 15, 2008, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

PART 1. GENERAL

[234 PA. CODE CH. 1]

Proposed Amendments to Rules 515, 541, 543, 561 and 589

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rules 515, 541, 543, 561 and 589, to further emphasize that, after a case has been concluded in the magisterial district court and is forwarded to the court of common pleas, the case shall remain at the court of common pleas. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

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

The text of the proposed changes to Rules 515, 541, 543, 561 and 589 precedes the Report. Additions are shown in bold and are underlined; 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, March 21, 2008.

By the Criminal Procedural Rules Committee

NICHOLAS J. NASTASI,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

PART B(3). Arrest Procedures in Court Cases

Rule 515. Execution of Arrest Warrant.

(A) A warrant of arrest may be executed at any place within the Commonwealth.

(B) A warrant of arrest shall be executed by a police officer.

(C) When the warrant has been issued by a magisterial district judge, and the defendant cannot be found, the case shall remain in the magisterial district, and shall not be forwarded to the court of common pleas for further proceedings.

Comment

* * * * *

Section 8953 of the Judicial Code, 42 Pa.C.S. § 8953, provides for the execution of warrants of arrest beyond the territorial limits of the police officer's primary jurisdiction. See also Commonwealth v. Mason, 507 Pa. 396, 490 A.2d 421 ([Pa.] 1985).

* * * * *

Paragraph (C) abolishes the traditional practice known as "NEI" or "no est inventus" as being no longer necessary.

Official Note: Formerly Rule 124, adopted January 28, 1983, effective July 1, 1983; amended July 12, 1985, effective January 1, 1986; January 1, 1986 effective date extended to July 1, 1986; renumbered Rule 122 and Comment revised August 9, 1994, effective January 1, 1995; renumbered Rule 515 and amended March 1, 2000, effective April 1, 2001; Comment revised May 10, 2002, effective September 1, 2002[.]; amended , 2008, effective , 2008.

* * * * *

Committee Explanatory Reports:

* * * * *

Report explaining the proposed changes adding new paragraph (C) and the Comment revision published at 38 Pa.B. 867 (February 16, 2008).

PART D. Proceedings in Court Cases Before Issuing Authorities

Rule 541. Waiver of Preliminary Hearing.

* * * * *

(C) If the defendant waives the preliminary hearing and consents to be bound over to court, the defendant and defense attorney, if any, shall certify in writing that the issuing authority told the defendant of the right to have a preliminary hearing, and that the defendant voluntarily waives the hearing and consents to be bound over to court.

(D) Once a preliminary hearing is waived and the case bound over to the court of common pleas, the case shall not be remanded to the issuing authority for any reason. If the right to a preliminary hearing is subsequently reinstated, the preliminary hearing shall be held at the court of common pleas.

* * * * *

Official Note: Rule 140A adopted April 26, 1979, effective July 1, 1979; amended November 9, 1984, effective January 2, 1985; renumbered Rule 541 and amended March 1, 2000, effective April 1, 2001[.]; amended , 2008, effective , 2008.

Committee Explanatory Reports:

* * * * *

Report explaining the proposed amendments adding new paragraph (D) concerning reinstatement of a waived preliminary hearing published at 38 Pa.B. 867 (February 16, 2008).

Rule 543. Disposition of Case at Preliminary Hearing.

* * * * *

(F) In any case in which a summary offense is joined with misdemeanor, felony, or murder charges:

* * * * *

(G) Once a case is bound over to the court of common pleas, the case shall not be remanded to the issuing authority for any reason.

* * * * *

Official Note: Original Rule 123, adopted June 30, 1964, effective January 1, 1965, suspended January 31, 1970, effective May 1, 1970. New Rule 123 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 143 September 18, 1973, effective January 1, 1974; amended January 28, 1983, effective July 1, 1983; amended August 9, 1994, effective January 1, 1995; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; renumbered Rule 142 October 8, 1999, effective January 1, 2000; renumbered Rule 543 and amended March 1, 2000, effective April 1, 2001; amended August 24, 2004, effective August 1, 2005; amended December 30, 2005, effective August 1, 2006; amended March 9, 2006, effective September 1, 2006; amended May 1, 2007, effective September 4, 2007, and May 1, 2007 Order amended May 15, 2007[.]; amended , 2008, effective , 2008.

* * * * *

Committee Explanatory Reports:

* * * * *

Report explaining the proposed amendments adding new paragraph (G) prohibiting remands to the issuing authority published at 38 Pa.B. 867 (February 16, 2008).

PART E. Procedures Following a Case Held for Court

Rule 561. Withdrawal of Charges by Attorney for the Commonwealth.

* * * * *

(C) In any case in which all the misdemeanor, felony, and murder charges are withdrawn pursuant to this rule, any remaining summary offenses shall be disposed of in the court of common pleas.

* * * * *

Official Note: Former Rule 224 adopted November 22, 1971, effective immediately; amended February 15, 1974, effective immediately; amended April 26, 1979, effective July 1, 1979; rescinded August 12, 1993, effective September 1, 1993. New Rule 224 adopted August 14, 1995, effective January 1, 1996; renumbered Rule 561 and amended March 1, 2000, effective April 1, 2001[.]; amended , 2008, effective , 2008.

Committee Explanatory Reports

* * * * *

Report explaining the proposed amendments adding new paragraph (C) concerning disposition of summary offenses at the court of common pleas published at 38 Pa.B. 867 (February 16, 2008).

PART F(1). Motion Procedures

Rule 589. Pretrial Disposition of Summary Offenses Joined with Misdemeanor, Felony, or Murder Charges.

* * * * *

(B) In any case in which all the misdemeanor, felony, and murder charges are withdrawn pursuant to Rule 561, any remaining summary offenses shall be disposed of in the court of common pleas.

(C) In no event shall the trial judge remand the summary offense to the issuing authority for disposition.

* * * * *

Official Note: Adopted March 9, 2006, effective September 1, 2006[.]; amended , 2008, effective , 2008.

Committee Explanatory Reports:

* * * * *

Report explaining the proposed amendments to paragraph (B) concerning the disposition of summary offenses at the court of common pleas published at 37 Pa.B. 867 (February 16, 2007).

REPORT

Amendments to Pa.Rs.Crim.P. 515, 541, 543, 561, and 589

Remands of Cases From the Court of Common Pleas

It has been the long-standing general requirement of the Supreme Court as reflected in the Rules of Criminal Procedure that once a summary case moves to the court of common pleas, the case must stay in the court of common pleas and may not be remanded to the issuing authority. This requirement applies both to summary cases on appeal for a trial de novo, Rule 462, and in cases in which the summary offense have been joined with misdemeanor or felony charges, even when only summary charges remain. See, for example, Rules 313, 585, 589 and 622.

As a result of reports of several counties violating these requirements, then-Chief Justice Cappy sent a letter to all President Judges emphasizing this point on September 28, 2006. After the Chief Justice's letter went out, the Committee received several inquiries from different judicial districts seeking clarification on whether certain remand practices violated the prohibition. Several counties raised scenarios in which cases are being remanded in circumstances that potentially were in contravention of Rules 622 and 589.

The Committee reviewed these scenarios and determined that rules changes are needed to make it clear in the rules that remands were improper in the three following situations:

1) The case is forwarded to the court of common pleas under the "NEI" practice. In these cases, the defendant has not been apprehended when the case is forwarded, nor has the defendant had a preliminary hearing. The defendant subsequently is apprehended before the filing of the criminal information occurs pursuant to Rule 565(A). In these situations, the case is remanded to the issuing authority for a preliminary hearing.

2) An originally unrepresented defendant initially waives the right to preliminary hearing and later, pre-

sumably after representation is obtained, requests such a hearing. It appears that these cases are being remanded to the issuing authority to hold the preliminary hearing as a matter of course.

3) In cases in which summary offenses are joined with misdemeanor and felony charges, and, pursuant to Rule 561, the district attorney withdraws all the misdemeanor and/or felony charges prior to the filing of the information, leaving only summary offenses, the district attorney remands the case, without any court involvement, to the issuing authority for disposition of the summary offenses.

While the specifics of each of the proposed rules changes for these scenarios are addressed separately below, the general concept of the changes is that, once a case has been transferred from the issuing authority to the court of common pleas, the cases must remain at the court of common pleas for further proceedings.

There are several reasons for the strong policy against remanding cases. First, there is the question of jurisdiction; once a case has moved from the issuing authority, the power of the issuing authority to hear the case comes into question. Second, any time a case moves from one level of court to another, there will be delays and complications that result from the physical requirements of the transfer.

1. NEI

The first remand situation occurs in cases declared "NEI," where the defendant never had a preliminary hearing, and is then apprehended before the filing of the information occurs pursuant to Rule 565(A).

"NEI," an abbreviation for the phrase "non est inventus," is the procedure used in some counties when a warrant has been issued for the defendant's arrest, the defendant cannot be found, and the case is transferred to the common pleas court for further proceedings. While the terminology is traditional, there is no written authority in the rules or statutes for the practice.

Presently, the practice is used in a limited number of counties to ensure that warrants initially issued by magisterial district judges are placed on law enforcement computer systems such as NCIC and CLEAN. Another reason for its use is to transfer the warrant to a central fugitive unit at the county level.

The Committee is recommending the abolition of the practice of NEI, believing that there is no justification for the transfer of jurisdiction at this stage in the proceedings for essentially administrative law enforcement purposes. Currently, there is nothing to prevent the entry of issuing authority warrants on law enforcement systems such as CLEAN and NCIC except limited manpower. Additionally, with advances in systems technology, issuing authority warrant information will soon be routinely added to these systems via the Magisterial District Justice System feeds to law enforcement networks. Furthermore, there is nothing to prevent a county from adopting a policy of providing all issuing authority warrants to a centralized fugitive unit upon their issuance.

Therefore, the Committee is recommending a new paragraph (C) to Rule 515 that would abolish the practice of transferring "NEI" cases to the court of common pleas

solely on the basis of the defendant being a fugitive. Since these types of cases would no longer be transferred to the court of common pleas, upon apprehension, the case would still be within the jurisdiction of the issuing authority and would not need to be remanded.

2. Remand as Remedy for Waived Preliminary Hearing

The second remand scenario arises when an originally unrepresented defendant initially waives the right to have a preliminary hearing and later, presumably after representation is obtained, requests such a hearing. The Committee received reports that these requests are being granted as a matter of course despite appropriate waiver colloquies having been conducted.

The Committee concluded that there is no need to remand for a preliminary hearing in these situations; rather, if it is determined that the defendant should be granted a preliminary hearing, the preliminary hearing should be held in the court of common pleas. The Committee is therefore proposing an amendment to Rule 541 to state that when the right to a previously waived preliminary hearing is reinstated, the case must remain at the court of common pleas. The Committee also is proposing that a new paragraph be added to Rule 543 to further emphasize the “no remands” policy.

3. Withdrawal of felony/misdemeanor prior to information.

The third circumstance in which cases are being remanded from common pleas to the issuing authority is cases in which the summary offense has been joined with misdemeanor or felony charges, and [when], pursuant to Rule 561, the Commonwealth withdraws all the misdemeanor and/or felony charges, leaving only summary offenses. In some instances, the district attorney “remands” the case, without any court involvement, to the issuing authority for disposition of the summary offenses.

The Committee believes there is no reason why this type of case should be remanded. The Committee reasons that, since the case has gone up as a court case, the case remains a court case, and should be disposed of in common pleas court. The Committee therefore is proposing amendments to Rules 561 and 589 that provide that summary charges must be handled in common pleas court when the attorney for the Commonwealth decides to withdraw all non-summary charges and not to file an information.

[Pa.B. Doc. No. 08-254. Filed for public inspection February 15, 2008, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Civil Procedural Rules; Amendment of Rule 102—Definitions; Repeal and Replacement of Rule 131—Representation; General Court Regulation No. 2008-01

Order

And Now, this 4th day of February, 2008, the Board of Judges of Municipal Court having voted at the Board of Judges’ meeting held on November 30, 2007 to amend and adopt Municipal Court Rule of Civil Procedure 102 and to repeal, replace and adopt Rule of Civil Procedure 131 *It Is Hereby Ordered* that Municipal Court Rules of Civil Procedure 102 and 131 are adopted as follows.

This General Court Regulation is issued in accordance with Pa.R.C.P. 239 and, shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*. As required by Rule 239, the original General Court Regulation shall be filed with the Prothonotary in a Docket maintained for General Court Regulations issued by the President Judge of the Municipal Court of Philadelphia, and copies shall be submitted to the Administrative Office of Pennsylvania Courts for publication on its website, and the Civil Procedural Rules Committee. Copies of the Order shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania, and posted on the website of the First Judicial District: <http://courts.phila.gov>.

By the Court

HON. LOUIS J. PRESENZA,
President Judge

Rule 102. Definitions.

Authorized Representative—An authorized representative is an individual who is an agent of a party, has personal knowledge of the subject matter of litigation, and files a written authorization with the Court prior to the commencement of trial. A written authorization shall be signed by a party and the party’s authorized representative. It shall specify the nature and extent of the authority that the party has given to the authorized representative. A valid written authorization must be filed with the Court before an authorized representative may take any actions on behalf of a party. An approved written authorization form is attached to these rules.

Editor’s note: Amendment adopted by the Board of Judges November 30, 2007, effective 30 days after publication in the *Pennsylvania Bulletin*.

IN THE PHILADELPHIA MUNICIPAL COURT

		NO.	
PLAINTIFF(S)	DEFENDANT(S)		

APPOINTMENT OF AUTHORIZED REPRESENTATIVE FORM (RULES 102 AND 131)

The following section is to be completed by the individual on behalf of the party that is appointing an Authorized Representative:

I, _____, on behalf of _____
Name of Appointing Individual Name of Party

a party in the above-captioned matter, do hereby certify that the party is one of the following: (check one)

[] an individual or sole proprietor; [] a corporation; [] a general partnership; [] a limited partnership; [] a limited liability company; [] a professional association; or [] a business trust.

I further certify that I have authority to execute this form on behalf of the party and that I am: (check one)

[] the individual or sole proprietor that is the party; [] an officer of the corporation that is the party; [] a partner of the general partnership that is the party; [] a general partner of the limited partnership that is the party; [] a manager of the limited liability company that is the party; [] an officer of the board of governors of the professional association that is the party; or [] a trustee of the business trust that is the party.

I hereby authorize _____ to act as an Authorized Representative of the party named above and certify that the Authorized Representative has personal knowledge of the facts and circumstances of the above-captioned matter and is acting as an agent of the party. The nature and extent of the authorized representative's authority is limited to the following: (check as many as are applicable)

[] filing a statement of claim; [] filing a landlord tenant complaint; [] negotiating an amicable resolution of the matter; [] participating at trial by testifying, submitting documents into evidence, asking questions of witnesses and making argument, and [] filing or responding to a petition to open a default judgment.

I hereby verify that the facts set forth above are true and correct to the best of my knowledge, information and belief. I further acknowledge that this verification is made subject to the penalties for making an unsworn falsification to authorities in violation of 18 Pa. C.S. § 4904.

Printed Name: _____

Signature of Appointing Individual

Date: _____

The following section is to be completed by the Authorized Representative:

I, _____, do hereby verify, to the best of my knowledge, information and belief, that I have personal knowledge of the facts and circumstances of the above-captioned matter. I further acknowledge that this verification is made subject to the penalties for making an unsworn falsification to authorities in violation of 18 Pa. C.S. § 4904.

Printed Name: _____

Signature of Authorized Representative

Date: _____

Rule 131. Representation.

a. An individual or sole proprietor may be represented by himself or herself, by an attorney at law, or by an authorized representative.

b. A corporation as defined in Part II of Title 15 of *Pennsylvania Consolidated Statutes* may be represented by an officer, an attorney at law, or by an authorized representative.

c. A general partnership as defined in Part III of Title 15 of *Pennsylvania Consolidated Statutes* may be represented by a partner, an attorney at law, or by an authorized representative. A limited partnership as defined in Part III of Title 15 of *Pennsylvania Consolidated Statutes* may be represented by a general partner, an attorney at law, or by an authorized representative. A limited liability company as defined in Part III of Title 15 of *Pennsylvania Consolidated Statutes* may be represented by a manager, an attorney at law, or by an authorized representative.

d. A professional association as defined in Part IV of Title 15 of *Pennsylvania Consolidated Statutes* may be represented by an officer of its board of governors, an attorney at law, or by an authorized representative.

e. A business trust as defined in Part V of Title 15 of *Pennsylvania Consolidated Statutes* may be represented by a trustee, an attorney at law, or by an authorized representative.

f. If appointed by a party, an authorized representative may take any action up to and until the conclusion of a trial in the Philadelphia Municipal Court that a party may take, including, but not limited to, filing a statement of claim, filing a landlord tenant complaint, testifying, and submitting documents into evidence. A party shall always have the right to file a document limiting or rescinding a person's right to act as an authorized representative.

g. Notwithstanding the above, a party may not use an authorized representative in any action in which the City of Philadelphia is seeking fines, penalties, unpaid taxes, or unpaid water/sewer charges.

Official Note: An authorized representative is defined in Rule 102. The addition of an authorized representative as a person who may be a representative of a party is intended to permit a party to select and appoint an individual who has knowledge of the facts and circumstances of the litigation to appear for that party up through the completion of trial in the Philadelphia Municipal Court. As noted in the definition of an authorized representative, an individual must file an appropriate authorization form prior to the commencement of trial in order to act as an authorized representative. Additionally, the phrase "personal knowledge" is to be interpreted in conformity with the use of that term in Pa.R.E. 602.

This rule is not intended to allow a non-lawyer to establish a business for the purpose of representing others in Court proceedings. The designation of an authorized representative must be made in each case. The Philadelphia Municipal Court will not accept for filing a blanket authorization by which a party seeks to empower an authorized representative to act for the party in all cases that the party may have pending in the Philadelphia Municipal Court.

Editor's note: Original Rule 131 repealed and new rule adopted by the Board of Judges November 30, 2007, effective 30 days after publication in the *Pennsylvania Bulletin*.

[Pa.B. Doc. No. 08-255. Filed for public inspection February 15, 2008, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Marshall Ethan Rosenberg having been excluded from the practice of law before the United States Patent and Trademark Office by Order of United States Administrative Law Judge William B. Moran dated March 7, 2007, the Supreme Court of Pennsylvania Disbarred Marshall Ethan Rosenberg from the practice of law in this Commonwealth, effective March 5, 2008. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 08-256. Filed for public inspection February 15, 2008, 9:00 a.m.]

Notice of Disbarment

Notice is hereby given that John Charles Vassar having been disbarred from the practice of law in the State of New York by Opinion and Order of the Supreme Court of the State of New York, Appellate Division, Second Judicial Department, dated September 24, 2007, the Supreme Court of Pennsylvania Disbarred John Charles Vassar from the practice of law in this Commonwealth, effective March 5, 2008. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 08-257. Filed for public inspection February 15, 2008, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that Victor Mba-Jonas having been indefinitely suspended from the practice of law in the State of Maryland by Opinion and Order of the Court of Appeals of Maryland filed March 20, 2007, the Supreme Court of Pennsylvania issued an Order dated February 4, 2008 suspending Victor Mba-Jonas from the practice of law in this Commonwealth consistent with the Opinion and Order of the Court of Appeals of Maryland.

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. 08-258. Filed for public inspection February 15, 2008, 9:00 a.m.]

RULES AND REGULATIONS

Title 22—EDUCATION

STATE BOARD OF EDUCATION

[22 PA. CODE CH. 4]

Academic Standards and Assessment

The State Board of Education (Board) amends Chapter 4 (relating to academic standards and assessment). Notice of proposed rulemaking was published at 35 Pa.B. 6107 (November 5, 2005) with an invitation to submit written comments.

Chapter 4 sets forth requirements for State academic standards, instruction, assessment, strategic planning and high school graduation requirements in public schools. The overarching purpose of the final-form rulemaking is to align the regulations with State and Federal statutory and regulatory requirements, delete transitional provisions that are no longer needed and to clarify and refine existing Board policy on select issues.

Statutory Authority

The Board takes this action under section 2603-B of the Public School Code of 1949 (code) (24 P. S. § 26-2603-B) and other sections of the code.

Background

Chapter 4 sets forth requirements for State academic standards, State and local assessment systems, strategic planning, world language instruction, high school graduation requirements, HIV/AIDS and other life-threatening and communicable diseases, vocational-technical education and school profiles. The final-form rulemaking updates the regulations to align State assessment policies with those contained in § 403.3 (relating to single accountability system), removes transition provisions designed to smooth changes in State policy under the previous Chapter 5 regulations that were sunset when Chapter 4 was promulgated in January 1999, and clarifies and refines Board policy in a number of other areas.

Summary of Public Comments and Responses to Proposed Rulemaking

The proposed rulemaking was published at 35 Pa.B. 6107. The proposed rulemaking was also available on the Department's website and notice provided to the Board's stakeholder e-mail distribution list. The Board accepted formal written comments during a 30-day public comment period that began upon publication of the proposed rulemaking.

The Board received comments from the House Education Committee; Independent Regulatory Review Commission (IRRC); Education Law Center; Upper Adams School District; Central Columbia School District; Gettysburg Area School District; Littlestown Area School District; Fairfield Area School District; Colonial Intermediate Unit 20; Teresa A. Prato; a joint letter from the Chief School Administrators in Chester County; Lawrence E. Martin, Assistant Executive Director, Bucks County Intermediate Unit; Pennsylvania Association of School Administrators (PASA); Pennsylvania School Boards Association (PSBA); Senator Raphael Musto; Tom Viviano; Karen L. Hoffman; and a joint letter from State education organizations including: PSBA, PASA, Pennsylvania State Education Association, American Federation of Teachers-Pennsylvania and Pennsylvania Association of Vocational

Administrators. In addition, Harbor Creek School District provided comments that addressed several State education policy issues including a few regarding the proposed Chapter 4 regulations.

Following is a summary of the comments and the Board's response to the comments.

§ 4.3. Definitions.

Comment: IRRC and PASA shared concerns about the definitions of "prekindergarten" and "school entity." They noted that when taken together the two definitions will permit cyber charter schools to operate prekindergarten programs. They stated cyber school programs would not be appropriate for young children. IRRC added that the definition of "prekindergarten" includes substantive provisions that are not enforceable. IRRC also expressed concern that, in the definition of "school entity," the phrase "that this chapter applies to school entities only to the extent provided by law" is substantive and unnecessary. IRRC also stated that the definition of "world language" appears relevant only to § 4.25 (relating to languages) and suggested it could be moved to that section. Also, the phrase "in this Commonwealth" is not needed. The Education Law Center suggested that the term "school entity" be used uniformly throughout the regulations.

Response: The Board deleted the substantive provisions from the definitions contained in § 4.3 (relating to definitions). Since November 2005, when the proposed Chapter 4 regulations were published, the Board in December 2006 promulgated final-form prekindergarten regulations, which included a new definition of the term "prekindergarten." Therefore, the definition of the term "prekindergarten" contained in the proposed regulations is withdrawn. In response to the Education Law Center, the terms "school entity," "school district" and "area vocational technical school" have different meanings and are used when appropriate in this final-form rulemaking. Therefore, the term "school entity" is not always appropriate as suggested in the comments by the Education Law Center. As suggested by IRRC, the definition of "world language" is revised and has been moved to § 4.25.

§ 4.4. General policies.

Comment: PSBA suggested that it is unfair to schools that the Department of Education (Department) counts students who are given a religious exemption from taking the Pennsylvania System of School Assessment (PSSA) under § 4.4(d) (relating to general policies) against a school's performance when it determines adequate yearly progress. PSBA does not oppose the religious exemption but urges the Board to request the Department to seek a change in policy from the Federal Department of Education.

Response: The Board found that fewer than 500 of the nearly 1 million students who are required to take the PSSA each year are given exemptions under this provision. This is not a significant issue. However, the Board will urge the Department to explore ways to address this matter with the Federal Department of Education.

§ 4.13. Strategic plans.

Comment: IRRC suggested the regulation should provide guidance as to when and where strategic plans must be filed. IRRC also expressed concern about the provision that makes the strategic plan an extension of the regula-

tion and stated this provision is not clear and is unnecessary. IRRC also stated the requirement that the plan can only be changed by the strategic planning committee conflicts with the descriptions in existing subsections (d) and (e).

Comment: The Education Law Center suggested adding “and shall describe how students with disabilities shall be admitted to and supported in its programs” to subsection (b).

Comment: The Harbor Creek School District (District) expressed concerns about the strategic planning committee being required to revise the strategic plan. The District believed this provision challenges the authority of the locally elected school board and the process by which members of the planning committee are selected. The District supported the inclusion of technical school and other certificates.

Comment: PASA expressed concerns the proposed regulation makes the plan more operational than strategic. It also believed the new requirements are unrealistic and burdensome. They require the plan to report in considerable detail what the school entity is doing to educate students rather than on what the entity anticipates doing. PASA also shared concerns about the proposed language that would make the strategic plan an extension of the regulation. PASA also expressed concerns about the requirement that the strategic planning committee approve all amendments to the plan. It also opposes the provision that holds commissioned officers accountable for implementation of the strategic plan.

Comment: PSBA believed the provision that requires strategic plans to be updated as necessary each year is redundant and should be deleted. PSBA also expressed concerns about the proposed regulation that would make the strategic plan an extension of the regulation and the strategic planning committee must approve all changes to the plan. They expressed concerns about the 16 elements required in a strategic plan, as it believes many of the provisions are similar and can be combined. PSBA also has concerns regarding the clarity of the requirement that school entities coordinate with other programs and about the membership requirements for strategic planning committees.

Response: The Board has withdrawn its proposed changes to § 4.13 and will consider updating the strategic planning requirements in the future. This includes issues raised by the Education Law Center. The Board did remove the transition provision contained in § 4.83 regarding the submission and effective dates of strategic plans. To fill the gap established by this deletion, the Board has inserted new language in § 4.13(a) and (b) that requires the Department to notify each school entity by letter at least 1 year in advance of the due date for submission of the plan to the Department. Revisions were also made to subsections (c) and (e) to clarify which school entities must post the strategic plan on the entity web site at least 28 days in advance of the board meeting for public review.

§ 4.21. Elementary education: primary and intermediate levels.

Comment: IRRC questioned provisions in § 4.13(e)(6) and (8), regarding basic movement skills and concepts and principles and strategies of movement. Also, they questioned how they differ?

Response: Both terms are used in the academic standards for Health, Safety and Physical Fitness, which was promulgated through regulation as Appendix D to Chap-

ter 4 in January 2003. The term “principles and strategies of movement” is contained in the title of standard 10.5. The term “basic movement skills and concepts” is used in standard 10.5.3.A. and 10.5.6.A. The Board believes consistent use of these terms of art in the standards and regulations is necessary and appropriate.

§ 4.24. High school graduation requirements.

Comment: PSBA supported the existing language but suggested deleting the transition provisions that are past their effective date.

Response: The Board deleted the transition provisions.

§ 4.25. Languages.

Comment: The House Education Committee recommended the Board consider adding a requirement that would require demonstration of proficiency in a world language by all students. The Committee also suggested the Board consider whether students with disabilities should be required to take a language. Senator Musto questioned whether the requirement that schools offer instruction in at least two world languages, while not requiring that students take world language courses, would create impossible personnel decisions for school districts, as they must have teachers available to teach courses for which students may not enroll. Senator Musto also questioned whether data proves there is a shortage of world language teachers and questions how the Board will resolve the conflict with the Department’s Project 720 initiative, which encourages world language instruction. Finally, Senator Musto questioned how the Board’s position can be rectified with the Administration’s insistence this Commonwealth produce students and workers prepared to join the global economy. PSBA expressed support of the Board position that instruction in two languages be provided with no mandate for students to take the courses.

Response: Since 1966, Board regulations have required school districts to offer world language instruction in at least two languages, with one offered in a 4-year and the other a 2-year sequence. Chapter 4, as currently constructed, would make proficiency in a world language mandatory for every student once the Board issues academic standards for world languages. The Board has reviewed and debated this issue for nearly a decade. The Board held a forum on world languages in 2002 to fully explore the advantages and challenges that the mandate would present. The Board highly values the study of world languages and strongly encourages schools to offer a comprehensive program of world language study and students to enroll in world language study. Nearly 1/2 of this Commonwealth’s secondary students are enrolled in world language instruction. Nearly 76% of college bound students take 2 or more years of world language instruction.

However, two serious barriers exist over which the Board has no authority. They are the issues of cost and supply of qualified world language teachers. The Board calculated that a world language mandate would require school entities to hire at least an additional 2,700 world language teachers at an additional annual cost to taxpayers of at least \$114.5 million. However, even if funding were available a ready supply of highly qualified and certified teachers is not. On average, approximately 300 world language teachers are certified each year by the Department. This includes graduates of Pennsylvania’s teacher preparation programs, teachers transferring from out-of-State and through the issuance of intern certificates. World language teachers must be “highly qualified”

under the Federal No Child Left Behind Act of 2001 meaning they must have a bachelor's degree in the language they teach or pass a rigorous State exam. Given the large number of students already participating in world language instruction together with the challenges of cost and limited teacher supply necessary to provide instruction if mandated, the Board has determined it best to maintain the current requirements with the added provision that the Department establish standards for world language instruction.

Comment: IIRC suggested the regulation should include a cross-reference to the world language standards, or identify where the world language standards issued by the Department can be found.

Response: The Board added language that requires the Department to post the standards for world languages on the Department's web site.

§ 4.29. *HIV/AIDS and other life-threatening and communicable diseases.*

Comment: IIRC stated the Board's recommended use by school entities of guidelines from the Centers for Disease Control is not enforceable. IIRC suggested the Board should either make this a requirement or delete it.

Response: The Board has withdrawn its proposed revisions to this section. The current regulation will remain in force while the Board continues to review this issue.

§ 4.31. *Vocational-technical education.*

Comment: Education Law Center—In subsection (a), the Education Law Center suggested adding language that students with disabilities are entitled to services and accommodations necessary to help them succeed. It also suggested adding that accommodations should be provided to students needing them when taking occupational competency assessments. The Education Law Center also suggested adding language that would prohibit vocational programs from using industry skill standards as the basis for excluding a student with a disability from enrollment on the grounds the student cannot meet the standards if the student can benefit from enrollment in the program with reasonable supports.

Response: The Board revised § 4.31(a) (relating to vocational-technical education) to address accommodation issues raised by the Education Law Center with regard to that section. However, the Board does not believe it is appropriate to enroll students in vocational programs in which a student, even with appropriate support, will not be able to meet industry standards or qualify for industry certification in those occupations when the certification is a vital consideration for employment. Enrolling students who do not have the ability to perform the essential functions necessary to obtain National certification, even with reasonable accommodation, is inappropriate and unfair to the students, providing them with false expectations.

4.33. *Advisory committees.*

Comment: Education Law Center—The Education Law Center recommended that subsection (c) include language that at least one member of each occupational advisory committee include a special education director from one of the school entities served by the AVTS. It also suggested adding a requirement that each committee address how the occupational program can be adapted to meet the needs of students with disabilities.

Response: The Board believes it should not specify the individual membership requirements of the occupational

advisory committees as suggested. In addition, even if a special education director were added to the committee, that person would not necessarily have the knowledge and skills needed to determine how best to adapt the program to meet the needs of students with disabilities.

4.51. *State assessment system.*

Comment: PSBA recommended the specified grade levels be revised to reflect actual current practice.

Comment: IIRC referred to a commentator who suggested the proposed grade levels specified in subsections (b) and (d) are inconsistent with actual practice. IIRC recommended the Board review the grade levels and update them as necessary.

Response: The Board updated the grade levels to reflect actual practice.

4.52. *Local assessment system.*

The Board received more comments regarding this section than any other. Based on these comments, it is clear to the Board that many schools are ignoring the current regulation regarding State high school graduation requirements and are strongly opposed to its enforcement. The current regulation contained in § 4.24 (relating to high school graduation requirements) requires all students, with the exception of certain students with disabilities, as a condition of graduating, to demonstrate proficiency in reading, writing and mathematics on either the PSSA or local assessments aligned with State academic standards at the proficient level established for the PSSA. This means the level of rigor used on local assessments must be equivalent to that established for the PSSA. Under this policy, if a district chooses to use its local assessment, the burden is already on the local school district to align its assessment with the State standards and PSSA proficiency levels. The Board believes that far too many students continue to be awarded high school diplomas without possessing essential reading, writing and mathematics skills necessary for entry level employment or postsecondary enrollment without remediation. This practice shortchanges students and the economic future of this Commonwealth.

Following the summary of comments as follows, the Board provides a statement regarding the proposed regulation and State high school graduation requirements.

Comments:

House Education Committee—The Committee posed a number of questions regarding: allowing the Secretary to require proficiency on the PSSA as a graduation requirement when there is a discrepancy between graduation rates and proficiency rates on the PSSA; the validity of the correlation between local assessments and State assessments, as local assessments use a variety of measures in contrast to a single test in three subject areas; the discrepancy threshold to be used by the Secretary to initiate action; the capacity of the Department to provide assistance to school districts to make their local assessments comparable to the PSSA; and, a threshold as to when a district would be permitted to return to use of its local assessment. The Committee also expresses concerns about the intrusion on Pennsylvania's historic principle of local board control over graduation requirements and concern over the fiscal impact and capacity of the Department to fulfill its obligations under the regulation. The Committee suggested that the PSSA might not be the best means of determining proficiency of State standards.

IIRC claimed the description in the Preamble considerably understates the change in requirements. IIRC

stated that it finds the proposed regulation to add significant changes in requirements and enforcement provisions to local assessment systems and claimed the proposed rulemaking does not contain sufficient information to fully evaluate its requirements and impact. IIRC claimed the regulation imposes new requirements for school entities to monitor, analyze and report on the progress of their students. IIRC questioned whether the regulation would make the PSSA essentially a high school exit exam, whether the PSSA is a valid indicator of proficiency, particularly in special education and English language learner programs. IIRC questioned how the Board will evaluate the PSSA and why is it a valid standard. IIRC also raised several issues regarding clarity or the proposed regulation.

Joint Letter from State Education Groups—The groups opposed the proposed changes because they claim the language is vague, subjective, punitive and counterproductive. They claimed this proposal is one step away from establishing the PSSA as Pennsylvania's mandatory high school exit exam. The groups hold that graduation requirements should remain a local determination; the alignment between local assessments and the academic standards should be the key issue, rather than alignment of local assessments with the PSSA; the sole use of PSSA provides a single snapshot of a student's knowledge of the standards, and the use of a variety of assessments provides a holistic approach that more accurately measures student's abilities. The groups suggested a conflict with § 4.4 that permits a parent to have his child excused from taking the PSSA and questions how the comparability between the PSSA and local assessments will be determined, particularly if multiple assessments are used. The groups questioned what percentage of students will be used to determine when a significant disparity exists; questioned why it is assumed that the PSSA is the only correct way to measure achievement of the standards; expressed concern that significant numbers of African-American students with disabilities and English language learners would not be able to graduate; and stated concerns about the timelines for reporting by school entities and a lack of an appeals process. The groups questioned why there is no provision for the Department to provide technical assistance to school entities to develop local assessments that meet State requirements; and they share concerns about the withholding of State funds by the Secretary of Education.

Central Columbia School District—supported the proposed regulations, with the exception of changes in § 4.52(c) (relating to local assessment system), and believed that the PSSA, as a one-time snapshot assessment, is less valid than local assessments given over the course of a student's high school enrollment.

Harbor Creek School District—The District challenged the premise of the regulation that students who do not pass the PSSA can be attributed to a softer local assessment. The District recommended removing the penalty, and suggests the Department should use an auditing process that would determine whether the local assessments are aligned with the PSSA.

Gettysburg Area School District, Littlestown Area School District, Conewago Valley School District, Fairfield Area School District and Upper Adams School District—The five school districts submitted identical letters. The districts stated the use of single assessments to determine success of the entire secondary education is a disservice to students who have varying needs including English language learners and students with disabilities.

It added the use of a single assessment is contrary to treating students as individuals and discourages students from completing school. The districts suggested allowing school districts to continue to control how best to educate all students in ways that meets their needs and utilize the high quality methods of certifying that students have met the requirements for graduation established by the local school board.

Colonial Intermediate Unit 20 (IU)—The IU claimed that the NCLB requirements make the proposed regulations unnecessary, as NCLB imposes serious sanctions for not meeting adequate yearly progress targets. It argued that use of the PSSA as a graduation test ignores the additional year of instruction and knowledge and skills gained in 12th grade. It claimed that the proposal is contrary to assessment requirements in Chapter 4 that provide for multiple assessment strategies. The IU raised concern about the impact on students with disabilities and English language learners and about the fairness on schools with high transitory populations. It also commented that the proposed regulation places a burden on school districts to prove that local assessments are comparable to the PSSA, which presents an unfunded mandate on school districts.

Teresa A. Prato, teacher at Bucks County Technical High School—Teresa Prato raised concerns about the validity of the PSSA, its use as a graduation test and limitations as a single assessment tool.

Chief School Administrators, Chester County—The Chester County administrators shared concerns about the validity of the PSSA as a graduation test; suggested that multiple and varied measures should be used to assess student learning; a need for timely feedback and the length of time needed to score and report PSSA results is problematic; and, suggested that standardized tests historically discriminate against poor and minority children. The school administrators also requested the Department to provide training, technical assistance and support to develop valid, reliable items for local assessments.

Lawrence E. Martin, Bucks County Intermediate Unit—Lawrence Martin claimed that the PSSA was designed to compare schools, not to provide estimates of proficiency for individual students. He also claimed that the PSSA is more like a norm referenced, rather than criterion referenced assessment. He believed that the proposal dishonors the hard work being done in Pennsylvania's high schools and claimed that the policy would result in unintended consequences, including increased dropout rates, teaching to the test and reduction in use of authentic assessment.

PASA shared its concern that the regulation substantially changes the purpose of the PSSA and the consequences of performance on it from a high-stakes accountability system for schools to a high stakes test for individual students. It suggested that the PSSA was not validated as a high school exit exam and the cut scores were not set for this purpose. It also shares concerns that the PSSA is not a fair or accurate measure of some students' knowledge and skills, particularly those who have disabilities and English language learners. PASA believed that the regulation would push school entities to use PSSA proficiency as the only measure of proficiency. It believed that the regulation would provide the Secretary with too much unguided discretion and that it does not address how a school entity found out of compliance can return to or remain in compliance.

PSBA—As reflected in the joint letter submitted with other State education organizations, PSBA urged the Board to delete the proposed revisions to paragraphs (2), (3) and (4).

Senator Musto—The legislator expressed concerns about whether data supports the use of the PSSA as an evaluation tool and predictor of student success which would justify its use for all purposes assigned to it to the exclusion of local assessment tools.

Tom Viviano—Expressed concerns about the impact of the proposed regulation on special needs students. Tom Viviano suggested it would be more appropriate to measure the rate of improvement combined with industry related exams taken at completion of technical education. Tom Viviano expressed a fear that students who otherwise would not drop out will now be put in a difficult position given the proposed requirements.

Karen L. Hoffman—Shared concerns about proposed use of proficiency on the PSSA as a requirement for high school graduation.

Response: The Board has a long history of establishing State requirements for high school graduation. For example, in 1963 the Board required students to successfully complete 13 credit units of study in grades 10–12 to graduate. Of the 13 credits, at least 3 had to be in English, 1 in mathematics, 1 in science, 2 in social studies and 1 in health and physical education. One credit or course equaled a minimum of 120 hours of classroom instruction. Over the next 3 decades, the Board raised these requirements to the level of requiring students to complete 21 credits in grades 9–12 effective with the class of 1989.

In 1993, the Board eliminated academic credits as a State requirement for high school graduation. It replaced completion of specified course work or seat time with 56 student learning outcomes. The student learning outcomes described what students were to know and be able to do and eliminated seat time as a proxy measure of student learning. The regulations charged school districts with developing assessment systems that would determine whether students met the student learning outcomes. The regulations also established a State assessment system designed to assess the performance of each public school.

In 1999, the Board continued its movement away from using seat time as a proxy measurement of student achievement by issuing Chapter 4, the regulations now in effect. Chapter 4 replaced the 56 student learning outcomes with 13 sets of State academic standards, which provide a much clearer and detailed description of what students were expected to know and be able to do. Another significant revision contained in Chapter 4 involved the PSSA. Chapter 4 directed the PSSA to be aligned with the State academic standards and to be redesigned so it measured both school and individual student achievement of the State academic standards.

Chapter 4 also made significant changes to the State high school graduation requirements. Section 4.24 requires school districts to include in their graduation policies:

- Course completion and grades.
- Completion of a culminating project.
- Results of local assessments aligned with the academic standards.

Also, beginning in 2002-03, the Board required students to demonstrate proficiency in reading, writing and math-

ematics on either the PSSA or local assessment aligned with State academic standards and State assessment at the proficient level or above to graduate.

The Board believes its intent was clear in that, beginning in 2002-03, students shall demonstrate proficiency in reading, writing and math based on the State academic standards and at the proficiency levels established for the PSSA. After several years' administration of the PSSA, analysis of data, visits to schools and discussions with school board members, school administrators, teachers, parents and students, it is clear that many school districts are ignoring the requirement that the local assessments be aligned with State standards and the proficiency levels be aligned to that of the PSSA. The Board, through the proposed changes to Chapter 4, attempted to clarify the existing policy regarding the alignment of local assessments with State standards and proficiency levels.

Many comments received by the Board raised questions about the validity of the PSSA. In 2004, the Board released the results of an independent validity study that demonstrated the PSSA to be a fair, reliable, unbiased and rigorous assessment that produces comparable results to Nationally administered assessments, including the Scholastic Aptitude Test, Metropolitan Achievement Test, CTB Terra Nova, Stanford Achievement Test, New Standards Reference Exam, California Achievement Test and Northwest Evaluation Association assessment. The Board also conducted a supplemental study that compared the PSSA and the freshman college placement exams from three large Pennsylvania postsecondary institutions. Again the PSSA proved itself against the three first-year college placement tests. The results show the PSSA to be as good a predictor of first year college performance as the Scholastic Aptitude Test and the three university placement tests. These reports are available on the Board web pages on the Department web site (www.pde.state.pa.us).

In September 2005, Governor Rendell appointed members to a Commission on College and Career Success. With the establishment of the Commission, the Board deferred further action on its proposed Chapter 4 regulations pending completion of the work by the Commission. The Commission was charged to:

- Define "college and career ready" in mathematics, English and science.
- Examine and make specific recommendations for better alignment of academic standards and assessments across the secondary and postsecondary educational sectors as well as industry in this Commonwealth.
- Encourage local school districts to adopt a core high school curriculum for all this Commonwealth's students.
- Present to the Governor a legislative and regulatory package that would address the needs outlined in their findings.
- Investigate policies and programs that ensure a higher number of prepared students enter and remain in our colleges and universities.

The Commission provided its report to the Governor in December 2006. Like the Board, the Commission expressed concerns about the performance of high schools. To quote from the Commission's report:

[I]n Pennsylvania, as in other states, increased standards have not yielded consistent results at the high school level. Student achievement has clearly improved at the elementary and middle-school level; but these improvements have not translated into across-

the-board increases in high school performance. Approximately one quarter of our students do not graduate from high school on time; and of those that do, less than half enroll in college upon graduation. Only 37% make it to their sophomore year and less than one-third graduate from college on time. In short, Pennsylvania's educational pipeline is leaking with no low skill jobs paying reasonable wage to catch those students who do not make it through.

Given the findings and recommendations of the Commission, the Board has decided to withdraw its proposed changes to § 4.52(c).

The Board will address high school graduation requirements in a separate regulatory package to be developed and submitted to public review and comment in the near future.

4.61. School profiles.

Comment: IRRC referred to the vague reference to Federal or State law and suggested that citations to the applicable laws should be added.

Response: A reference to the State statutory requirement is added. The State statute incorporates the Federal requirements.

General comments:

Comment: PSBA raised concerns about inconsistencies between this draft and proposed early childhood regulations, including the definitions of prekindergarten, elementary education programs including prekindergarten, strategic planning requirements for parent and community involvement and composition of strategic planning committee.

Response: The prekindergarten regulations were promulgated as final-form regulations in December 2006. Wherever inconsistencies between the two sets of proposed regulations exist, the Board is retaining the language used in the prekindergarten regulations.

Fiscal Impact and Paperwork Requirements

Because this final-form rulemaking largely reflects changes in Federal and State statutes and regulations and current policies and practice, costs associated with compliance with the final-form rulemaking should be negligible. The final-form rulemaking is aligned with current statutory provisions and Department practice.

The elimination of the mandate that every student be proficient in the yet to be promulgated world language academic standards will save local taxpayers more than \$114 million in staffing costs. It will also save the additional costs of recruitment, training and support of new teachers and for additional classroom space, instructional materials, language laboratory expenses and associated instructional costs. School entities will need to align world language instruction with Department issued world language standards. This can be done as part of their regular process of periodic curriculum review so there should not be any additional costs associated with implementation of this requirement.

Effective Date

This final-form rulemaking is effective upon publication in the *Pennsylvania Bulletin*.

Sunset Date

In accordance with its policy and practice, the Board will review the effectiveness of Chapter 4 after 4 years. Therefore, no sunset date is necessary.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 26, 2005, the Board submitted a copy of the notice of proposed rulemaking, published at 35 Pa.B. 6107, to IRRC and the Chairpersons of the House and Senate Committees on Education 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 the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on January 9, 2008, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on January 10, 2008, and approved the final-form rulemaking.

Contact Person

The official responsible for information on this final-form rulemaking is Jim Buckheit, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-3787 or TDD (717) 787-7367.

Findings

The Board finds that:

(1) Public notice of the intention to adopt this final-form 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 the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

(3) The final-form rulemaking is necessary and appropriate for the administration of the code.

Order

The Board, acting under authorizing statute, orders that:

(a) The regulations of the Board, 22 Pa. Code Chapter 4, are amended by amending §§ 4.3, 4.4, 4.11—4.13, 4.21—4.25, 4.27, 4.29, 4.31, 4.33, 4.51, 4.52, 4.61, 4.81 and 4.82 and by deleting § 4.83 to read as set forth in Annex A.

(b) The Executive Director will 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 Executive Director of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order is effective upon final-form publication in the *Pennsylvania Bulletin*.

JIM BUCKHEIT,
Executive Director

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 38 Pa.B. 562 (January 26, 2008).)

Fiscal Note: 6-295 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 22. EDUCATION

PART I. STATE BOARD OF EDUCATION

Subchapter A. MISCELLANEOUS PROVISIONS

CHAPTER 4. ACADEMIC STANDARDS AND ASSESSMENT

GENERAL PROVISIONS

§ 4.3. Definitions.

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

AVTS—Area vocational-technical school—A public school that provides vocational-technical education to secondary school students, out-of-school youth and adults in a geographical area comprised and operated by one or more school districts and established under sections 1840—1853 of the School Code (24 P. S. §§ 18-1840—18-1853).

Academic standard—What a student should know and be able to do at a specified grade level.

Assessment—A valid and reliable measurement of student performance on a set of academic standards in a subject area that captures student understanding of the set as a whole and the central concepts, knowledge and skills of each content area.

Apprenticeship program—A competency-based program that coordinates and integrates classroom instruction with a structured work-based employment experience designed for students.

Board—The State Board of Education established by sections 2601-B—2606-B of the School Code (24 P. S. §§ 26-2601-B—26-2606-B).

Cooperative vocational-technical education—A planned method of instruction developed through a signed cooperative arrangement among school representatives, students, parents and employers in the community to provide students with an opportunity to alternate in-school academic and vocational-technical instruction in entry-level paid employment in an occupational field, in which the student's total occupational work experience is planned, coordinated and supervised by the school in close cooperation with the employer.

Curriculum—A series of planned instruction aligned with the academic standards in each subject that is coordinated and articulated and implemented in a manner designed to result in the achievement at the proficient level by all students.

Department—The Department of Education of the Commonwealth.

ESOL—English to speakers of other languages.

Employment area—A geographic area where vocational-technical education program completers are most likely to be employed.

Individuals with Disabilities Education Act—20 U.S.C.A. §§ 1400—1482.

Intermediate unit—A regional educational service agency established under sections 951—974 of the School Code (24 P. S. §§ 9-951—9-974), which provides educational services to participating school districts as part of the public school system of this Commonwealth.

PSSA—Pennsylvania System of School Assessment.

Parent or guardian—A person legally responsible for a student's care.

Planned instruction—Instruction offered by a school entity based upon a written plan to enable students to achieve the academic standards under § 4.12 (relating to academic standards) and additional academic standards determined in strategic plans under § 4.13 (relating to strategic plans).

Prekindergarten—A program operated by a school district or by a community agency under contract from a school district that is open to children who are at least 3 years of age and completed prior to the school district's entry age for kindergarten.

School Code—The Public School Code of 1949 (24 P. S. §§ 1-101—27-2702).

School entity—A local public education provider (for example, public school district, charter school, cyber charter school, AVTS or intermediate unit).

Secretary—The Secretary of Education of the Commonwealth.

School organization—The organization of a school district's programs into kindergarten, primary, intermediate level, middle level and high school programs, including programs operated at AVTSs.

Strategic plan—A comprehensive plan for education developed under § 4.13.

Tech-prep program—A combined secondary and postsecondary program which leads to an associate degree or certificate and employment by providing technical preparation in engineering technology, applied science, mechanical, industrial or practical art or trade, agriculture, health or business, including development of competence in mathematics, science and communications through a sequential course of study.

Vocational-technical education—Programs under public supervision and control which provide an organized process of learning experiences designed to develop integrated academic and occupational skills, knowledge, attitudes, work habits and leadership ability for entry into and advancement within various levels of employment in occupational areas of agriculture, business, marketing and distribution, health, home economics and trade and industry and for participation in postsecondary education and training.

§ 4.4. General policies.

(a) It is the policy of the Board that the local curriculum be designed by school entities to achieve the academic standards under § 4.12 (relating to academic standards) and additional academic standards designated in strategic plans under § 4.13 (relating to strategic plans).

(b) It is the policy of the Board that local school entities have the greatest possible flexibility in curriculum planning consistent with providing quality education and in compliance with the School Code, including requirements for courses to be taught (24 P. S. §§ 15-1501 and 16-1605); subjects to be taught in the English language (24 P. S. § 15-1511); courses adapted to the age, development and needs of the pupils (24 P. S. § 15-1512); minimum school year of 180 days and minimum of 900 hours of instruction at the elementary level and 990 hours of instruction at the secondary level (24 P. S. §§ 15-1501 and 15-1504); employment of sufficient numbers of qualified professional employees (24 P. S. § 11-

1106) and superintendents to enforce the curriculum requirements of State law (24 P. S. § 10-1005); and this part.

(c) Access to educational programs shall be provided without discrimination on the basis of a student's race, sex, color, religion, disability, sexual orientation or national origin.

(d) School entities shall adopt policies to assure that parents or guardians have the following:

(1) Access to information about the curriculum, including academic standards to be achieved, instructional materials and assessment techniques.

(2) A process for the review of instructional materials.

(3) The right to have their children excused from specific instruction that conflicts with their religious beliefs, upon receipt by the school entity of a written request from the parents or guardians.

(4) The right of the parent or guardian to review the State assessments in the school entity, at least 2 weeks prior to their administration, during convenient hours for parents and guardians. Necessary security requirements to maintain the validity of the assessment shall be taken in accordance with the State assessment administration instructions.

(5) If upon inspection of State assessments parents or guardians find the assessments in conflict with their religious belief and wish their students to be excused from the assessment, the right of the parents or guardians will not be denied upon written request to the applicable school district superintendent, charter school chief executive officer or AVTS director.

(6) Opportunity for involvement in the strategic planning process under § 4.13.

(7) The right to have their children excluded from research studies or surveys conducted by entities other than a school entity unless prior written consent has been obtained.

ACADEMIC STANDARDS AND PLANNING

§ 4.11. Purpose of public education.

(a) This section and §§ 4.12 and 4.13 (relating to academic standards; and strategic plans planning) describe the purpose of public education, the academic standards, their relationship with one another and strategic plans.

(b) Public education prepares students for adult life by attending to their intellectual and developmental needs and challenging them to achieve at their highest level possible. In conjunction with families and other community institutions, public education prepares students to become self-directed, life-long learners and responsible, involved citizens.

(c) Together with parents, families and community institutions, public education provides opportunities for students to:

- (1) Acquire knowledge and skills.
- (2) Develop integrity.
- (3) Process information.
- (4) Think critically.
- (5) Work independently.
- (6) Collaborate with others.
- (7) Adapt to change.

(d) The academic standards describe the knowledge and skills which students will be expected to demonstrate before graduating from a public school.

(e) Achievement of high academic standards in public education is dependent upon the quality of instruction in schools and student effort supported by the involvement of family and community.

(f) Assessment in public education is designed to determine student attainment of State and local academic standards.

(g) Public schools provide instruction throughout the curriculum so that students may develop knowledge and skills in the following areas:

- (1) Reading, writing, speaking and listening.
- (2) Mathematics.
- (3) Science and technology.
- (4) Environment and ecology.
- (5) Social studies (civics and government, geography, economics and history).
- (6) Arts and humanities.
- (7) Career education and work.
- (8) Health, safety and physical education.
- (9) Family and consumer science.

(h) Public education provides planned instruction to enable students to attain academic standards under § 4.12. Planned instruction consists of at least the following elements:

- (1) Objectives of a planned course, instructional unit or interdisciplinary studies to be achieved by all students.
- (2) Content, including materials and activities, and estimated instructional time to be devoted to achieving the academic standards. Courses, instructional units or interdisciplinary studies of varying lengths of time may be taught.

(3) The relationship between the objectives of a planned course, instructional unit or interdisciplinary studies and academic standards specified under § 4.12 and to those determined in the school district's (including charter schools) or AVTS's strategic plan under § 4.13.

(4) Procedures for measurement of the objectives of a planned course, instructional unit or interdisciplinary studies.

§ 4.12. Academic standards.

(a) School entities may develop, expand or improve existing academic standards in the following content areas:

(1) *Science and technology.* Study of the natural world and facts, principles, theories and laws in the areas of biology, chemistry, physics and earth sciences. Technology is the application of science to enable societal development, including food and fiber production, manufacturing, building, transportation and communication. Science and technology share the use of the senses, science processes, inquiry, investigation, analysis and problem solving strategies.

(2) *Environment and ecology.* Understanding the components of ecological systems and their interrelationships with social systems and technologies. These components incorporate the disciplines of resource management, agricultural diversity, government and the impact of human actions on natural systems. This interaction leads to the

study of watersheds, threatened and endangered species, pest management and the development of laws and regulations.

(3) *Social studies.*

(i) *History.* Study of the record of human experience including important events; interactions of culture, race and ideas; the nature of prejudice; change and continuity in political systems; effects of technology; importance of global-international perspectives; and the integration of geography, economics and civics studies on major developments in the history of the Commonwealth, the United States and the world.

(ii) *Geography.* Study of relationships among people, places and environments, of geographic tools and methods, characteristics of place, concept of region and physical processes.

(iii) *Civics and government.* Study of United States constitutional democracy, its values and principles, study of the Constitution of the Commonwealth and government including the study of principles, operations and documents of government, the rights and responsibilities of citizenship, how governments work and international relations.

(iv) *Economics.* Study of how individuals and societies choose to use resources to produce, distribute and consume goods and services. Knowledge of how economies work, economic reasoning and basic economic concepts, economic decision making, economic systems, the Commonwealth and the United States economy and international trade.

(4) *Arts and humanities.* Study of dance, theatre, music, visual arts, language and literature including forms of expression, historical and cultural context, critical and aesthetic judgment and production, performance or exhibition of work.

(5) *Career education and work.* Understanding career options in relationship to individual interests, aptitudes and skills including the relationship between changes in society, technology, government and economy and their effect on individuals and careers. Development of knowledge and skill in job-seeking and job-retaining skills and, for students completing vocational-technical programs, the skills to succeed in the occupation for which they are prepared.

(6) *Health, safety and physical education.* Study of concepts and skills which affect personal, family and community health and safety, nutrition, physical fitness, movement concepts and strategies, safety in physical activity settings, and leadership and cooperation in physical activities.

(7) *Family and consumer science.* Understanding the role of consumers as a foundation for managing available resources to provide for personal and family needs and to provide basic knowledge of child health and child care skills.

(8) *Reading, writing, speaking and listening.*

(i) *Reading.* The application of phonemic awareness, phonics and word study, vocabulary, fluency and text comprehension in reading critically across subject areas; the interpretation and analysis of literary expression with analysis of the origins and structures of the English language and learning how to search a variety of texts to conduct research.

(ii) *Writing.* Narrative, informational and persuasive formal writing for an audience, including spelling and

editing skills; and informal writing to capture and organize information for individual use.

(iii) *Speaking and listening.* Participation in conversation and formal speaking presentations.

(9) *Mathematics.* The understanding of fundamental ideas and the development of proficient mathematical skills in numbers, computation, measurement, statistics and data analysis, probability and predictions, algebra and functions, geometry, trigonometry and concepts of calculus. Using this content, students will learn to think, reason and communicate mathematically.

(b) In designing educational programs, school entities shall provide for the attainment of the academic standards under subsections (a) and (c) and any additional academic standards that they describe in their strategic plans under § 4.13(c) (relating to strategic plans). Attaining the academic standards in this section requires students to demonstrate the acquisition and application of knowledge.

(c) School entities shall prepare students to attain academic standards in mathematics, reading, writing, speaking and listening as contained in Appendix A and incorporated here by reference and additional standards as may be adopted by the Board and promulgated as amendments to this chapter.

(d) A school entity's curriculum shall be designed to provide students with planned instruction needed to attain these academic standards.

(e) School entities shall apply academic standards for students in all areas described under subsections (a) and (c). The local assessment plan under § 4.52 (relating to local assessment system) must include a description of how the academic standards will be measured and how information from the assessments is used to assist students having difficulty meeting the academic standards.

(f) School entities shall assess the attainment of academic standards developed under subsections (a) and (c) and any other academic standards that they develop and describe in their strategic plans under § 4.52(c) for purposes of high school graduation and strategies for assisting students to attain them. Plans for assessment developed by school entities must take into account that academic standards in subsections (a) and (c) may be attained by students in various ways and shall be assessed in various ways. Children with disabilities may attain the academic standards by completion of their individualized education programs under the Individuals with Disabilities Education Act and this part.

(g) In planning any revision of the academic standards in subsection (a) content areas, the Secretary will consult with educators, business and community leaders and parents.

(h) School entities are responsible under subsections (a), (c) and (g), and § 4.13(c)(5) for assessing individual student attainment of academic standards and for assisting those students having difficulty attaining them. Upon request by a school entity, the Department will provide the requestor with technical assistance in the development of academic standards and assessments that are sufficient to assure that students are making progress toward the attainment of standards required for high school graduation under subsection (f) and those identified in the strategic plan under § 4.13(c)(3).

(i) Every 3 years, the Board will review the State academic standards and State assessments under this

section to determine if they are appropriate, clear, specific and challenging, and will make revisions as necessary by revising this chapter.

§ 4.13. Strategic plans.

(a) Every school district (including a charter school) shall develop and file with the Department a strategic plan once every 6 years and review that plan for revision at the mid-point according to an implementation schedule developed by the Department. The Department will notify each school district, by letter, of the due date for submission of the school district's plan to the Department at least 1 calendar year prior to its due date. A school district plan must incorporate appropriate components of the plan submitted under subsection (b) by an AVTS in which the district participates. In the development of a strategic plan, a school district (including a charter school) will, upon request, receive technical assistance from the Department

(b) Every AVTS, in conjunction with and with the approval of the majority of its participating school districts, shall develop and file with the Department a strategic plan once every 6 years and review that plan at the mid-point according to an implementation schedule developed by the Department. The Department will notify each AVTS, by letter, of the due date for submission of the AVT's plan to the Department at least 1 calendar year prior to its due date. The strategic plan must incorporate appropriate components of the strategic plan submitted under subsection (a) by participating districts. In the development of the strategic plan, an AVTS will, upon request, receive technical assistance from the Department.

(c) The strategic plan must be based upon an analysis of internal and external needs, leading to the specifications of priorities for action and action plans. The requirement in subsections (a) and (b) to develop plans every 6 years and revisions every 3 years does not limit a school district's (including charter schools) or AVTS's ability to conduct a continuous strategic planning process. The plan must include the following components in addition to others the school district (including charter schools) or AVTS determines to include:

- (1) A mission statement.
- (2) A listing of the school district's (including charter schools) or AVTS's educational and organizational goals as they relate to student achievement and high school graduation requirements.
- (3) A description of academic standards for student achievement which must be consistent with those under § 4.12 (relating to academic standards).
- (4) The planned instruction to be offered and the instructional and assessment practices to be used to strive for the academic goals and attain academic standards under paragraph (3) and the high school graduation requirements under § 4.24 (relating to high school graduation requirements).
- (5) An assessment plan under § 4.52 (relating to local assessment system) to determine the degree to which students are achieving academic standards under paragraph (3) including descriptions of methods and measures used to determine achievement, how information from the assessments shall be used to assist students who have not demonstrated attainment of the academic standards at a proficient level or higher and how information from the assessments shall be made available to the public.

(6) A plan for improving students' achievement, including specific, measurable goals for student growth and plans (including those listed in this section) that are designed to attain students' achievement goals. Achievement goals must demonstrate a connection to the academic standards under § 4.12 including, but not limited to, annual improvement goals for student scores on State and local assessments.

(7) The professional development plan under section 1205.1 of the School Code (24 P.S. § 12-1205.1) and § 49.17 (relating to continuing professional development) and the induction plan under § 49.16 (relating to approval of induction plans).

(8) A description of the school district's (including charter schools) or AVTS's organization and organizational goals and their relationship to differing student needs within the school district's (including charter schools) or AVTS's goals under paragraph (2) and the attainment of academic standards under paragraph (3).

(9) A description of the professional personnel, school library, classroom and other resources the school district (including charter schools) or AVTS plans to devote to the attainment of academic standards.

(10) A brief description of the process used to develop the strategic plan, including a list of persons involved in its development.

(11) A plan for additional instructional opportunities for students not achieving at the proficient level including identification procedures, alternate instructional strategies, monitoring of assessment procedures and opportunities for extended learning time.

(d) Strategic plans, the 6-year plan, mid-term review report, annual updates and other revisions to the plan, shall be developed through active participation by parents, students, school directors, teachers, school administrators, other school personnel and business and community representatives. Teacher representatives shall be chosen by teachers and administrative representatives shall be chosen by the administrative personnel; and school director representatives shall be chosen by the board of the school district or AVTS.

(e) Prior to its approval by the board of directors, the strategic plan and revisions of it shall be made available for public inspection in the school district's or AVTS's offices, on the school district's or AVTS's web site and nearest public library until the next regularly scheduled board meeting or a minimum of 28 days whichever comes first. The plan shall be filed with the Department after it is recommended by the school superintendent of record or chief executive officer and is approved by the school district's or AVTS's board of directors or charter school's board of trustees. If the board of directors or trustees alters the proposed strategic plan developed under subsection (d), it shall consult with the committee which developed it to reach the greatest possible consensus prior to its submission and include any minority report which is developed.

(f) A locally approved strategic plan shall remain in effect until it is superseded by a locally approved revision or a new strategic plan developed under this section.

CURRICULUM AND INSTRUCTION

§ 4.21. Elementary education: primary and intermediate levels.

(a) The primary program shall ordinarily be completed by children who are approximately 8 years of age. School

districts shall provide opportunities for individualized rates of learning and social and emotional development that reflect differing rates of development and learning styles of young children.

(b) Curriculum and instruction in the primary program must be standards-based and focus on introducing young children to formal education, developing an awareness of the self in relation to others and the environment, and developing skills of communication, thinking and learning. Literacy skills, including phonemic awareness, phonological awareness, fluency, vocabulary and comprehension and developmental writing will begin in prekindergarten and kindergarten, if offered, and developed appropriately for the primary grade level.

(c) The intermediate level program shall ordinarily be completed by children who are approximately 11 years of age.

(d) Standards-based curriculum and instruction in the intermediate level must enable all students to reach the proficient level on the local assessment system and the Statewide assessment system. Academic standards will guide the focus on learning specific subject matter content.

(e) Planned instruction aligned with academic standards in the following areas shall be provided to every student every year in the primary program. Planned instruction may be provided as separate course or other interdisciplinary activity.

(1) Language arts, integrating reading, writing, phonics, spelling, listening, speaking, literature and grammar, and information management, including library skills.

(2) Mathematics, including problem-solving and computation skills.

(3) Science and technology education, involving active learning experiences for students.

(4) Environment and ecology education, involving active learning experiences for students.

(5) Social studies (civics and government, economics, geography and history).

(6) Health, safety and physical education, including instruction in concepts and skills which affect personal, family and community health and safety, nutrition, the prevention of alcohol, chemical and tobacco abuse, knowledge and practice of lifetime physical activities, personal fitness, basic movement skills and concepts, motor skill development, principles and strategies of movement, and safety practices in physical activity settings.

(7) The arts, including active learning experiences in art, music, dance and theatre.

(f) Planned instruction in the following areas shall be provided to every student every year in the intermediate level program. Planned instruction may be provided as a separate course or as an instructional unit within another course or other interdisciplinary instructional activity:

(1) Language arts, integrating reading, writing, spelling, listening, speaking, literature and grammar.

(2) Mathematics, including problem-solving and computation skills.

(3) Science and technology, including instruction about agriculture and agricultural science.

(4) Environment and ecology, including instruction about agriculture and agricultural science.

(5) Social studies (civics and government, economics, geography and history).

(6) The arts, including art, music, dance and theatre.

(7) Understanding and use of library and other information sources.

(8) Health, safety and physical education, including instruction in concepts and skills which affect personal, family and community health and safety, nutrition, the prevention of alcohol, chemical and tobacco abuse, knowledge and practice of lifetime physical activities, personal fitness, basic movement skills and concepts, motor skill development, principles and strategies of movement and safety practices in physical activity settings.

(g) Planned instruction aligned with academic standards in the following areas shall be provided to every student at least once by the end of elementary school. Planned instruction may be provided as a separate course or as an instructional unit within another course or other interdisciplinary instructional activity. See section 1511 of the School Code (24 P. S. § 15-1511).

(1) History of the United States.

(2) History of the Commonwealth.

(3) Geography.

(4) Civics.

(h) This section does not preclude the teaching of other planned instruction designed to achieve a school entity's mission, goals and academic standards.

(i) School districts, including charter schools, shall determine the most appropriate way to operate their primary and intermediate level elementary programs to achieve the purposes under subsections (b) and (d) and the mission, goals and academic standards in their strategic plans under § 4.13 (relating to strategic plans).

(j) Students who have not achieved proficiency in reading and mathematics during their primary grades (K—3), as determined by the school entity, shall be afforded additional instructional opportunities through a grade-level learning plan developed by the school entity. The plan will assist the student in acquiring the knowledge and skills necessary to achieve at the proficient level. Assessments to measure proficiency shall be described in the local assessment system under § 4.52 (relating to local assessment system).

(k) Students who have not achieved proficiency in reading and mathematics by the end of grade 5 as determined on State assessments under § 4.51 (relating to State assessment system) shall be afforded instructional opportunities to develop knowledge and skills necessary to achieve the proficient level.

§ 4.22. Middle level education.

(a) The middle level planned instruction aligned with academic standards serves children who are approximately 11—14 years of age. School entities may modify the grouping of students based upon student needs identified in their strategic plans under § 4.13 (relating to strategic plans).

(b) Curriculum and instruction in the middle level program must be standards-based and focus on mastery of academic subjects, the development of critical and creative thinking, information literacy, good health and encourage active participation in the school and community.

(c) Planned instruction aligned with academic standards in the following areas shall be provided to every student in the middle level program. Planned instruction may be provided as a separate course or as an instructional unit within a course or other interdisciplinary instructional activity:

(1) Language arts, integrating reading, writing, listening, speaking, literature and grammar.

(2) Mathematics, including mathematical reasoning, algebra and problem-solving.

(3) Science and technology, which involves active learning experiences and which may include laboratory experiments and instruction in agriculture and agricultural science.

(4) Social studies (civics and government, economics, geography and history, including the history and cultures of the United States, the Commonwealth, and the world).

(5) Environment and ecology, including social, political and economic aspects of ecology, and instruction in agriculture and agricultural science.

(6) Information skills, including access to traditional and electronic information sources, computer use and research.

(7) Health, safety and physical education, including instruction in concepts and skills which affect personal, family and community health and safety, nutrition, physical fitness, movement concepts, motor skill development, safety in physical activity settings, and the prevention of alcohol, chemical and tobacco abuse.

(8) The arts, including art, music, dance and theatre.

(9) Career education, including exposure to various career options and the educational preparation necessary to achieve those options.

(10) Technology education, emphasizing practical application of academic skills and problem-solving experiences facilitated by technology.

(11) Family and consumer science, including principles of consumer behavior and basic knowledge of child health and child care skills.

(d) This section does not preclude the teaching of other planned instruction designed to achieve a school entity's academic standards.

(e) School entities shall determine the most appropriate way to operate their middle level programs to achieve the purposes under subsection (b) and the academic standards in their strategic plans under § 4.13.

§ 4.23. High school education.

(a) Instruction in the high school program must focus on the development of abilities needed to succeed in work and advanced education through planned instruction.

(b) Curriculum and instruction in the high school must be standards-based and provide all students opportunities to develop the skills of analysis, synthesis, evaluation and problem-solving and information literacy.

(c) Planned instruction aligned with academic standards in the following areas shall be provided to every student in the high school program. Planned instruction may be provided as a separate course or as an instructional unit within a course or other interdisciplinary instructional activity:

(1) Language arts, integrating reading, writing, listening, speaking, literature and grammar.

(2) Mathematics, including problem-solving, mathematical reasoning, algebra, geometry and concepts of calculus.

(3) Science and technology, including participation in hands-on experiments and at least one laboratory science chosen from life sciences, earth and space sciences, chemical sciences, physical sciences and agricultural sciences.

(4) Social studies (civics and government, economics, geography and history, including the history and cultures of the United States, the Commonwealth and the world).

(5) Environment and ecology, including scientific, social, political and economic aspects of ecology.

(6) The arts, including art, music, dance, theatre and humanities.

(7) Use of applications of microcomputers and software, including word processing, database, spreadsheets and telecommunications; and information skills, including access to traditional and electronic information sources, computer use and research.

(8) Health, safety and physical education, including instruction in concepts and skills which affect personal, family and community health and safety, nutrition, physical fitness, movement concepts, motor skill development, safety in physical activity settings, and the prevention of alcohol, chemical and tobacco abuse.

(9) Family and consumer science, including principles of consumer behavior and basic knowledge of child health, child care and early literacy skill development.

(d) The following planned instruction shall be made available to every student in the high school program:

(1) Vocational-technical education under §§ 4.3 and 4.31—4.35 (relating to definitions; and vocational-technical education).

(2) Business education, including courses to assist students in developing business and information technology skills.

(3) World languages under § 4.25 (relating to languages).

(4) Technology education, incorporating technological problem-solving and the impacts of technology on individuals and society.

(e) College-level advanced placement courses may be offered as planned instruction in the high school curriculum.

(f) This section does not preclude the teaching of other planned instruction designed to achieve a school district's, including a charter school's, academic standards.

(g) School districts, including a charter school, shall determine the most appropriate way to operate their high school programs to achieve the purposes under subsection (a) and the academic standards in their strategic plans under § 4.13 (relating to strategic plans).

§ 4.24. High school graduation requirements.

(a) Each school district, including a charter school, shall specify requirements for graduation in the strategic plan under § 4.13 (relating to strategic plans). Requirements must include course completion and grades, completion of a culminating project and results of local assessments aligned with the academic standards. Students shall demonstrate proficiency in reading, writing and mathematics on either the State assessments administered in grade 11 or 12 or local assessment aligned with

academic standards and State assessments under § 4.52 (relating to local assessment system) at the proficient level or better to graduate. The purpose of the culminating project is to assure that students are able to apply, analyze, synthesize and evaluate information and communicate significant knowledge and understanding.

(b) Beginning in the 2002-2003 school year, students who attain a score at the proficient level on any State assessed discipline administered in grade 10, 11 or 12 shall be granted a Pennsylvania Certificate of Proficiency for that discipline. Students with disabilities who meet the required proficiency level on State assessments with appropriate accommodations shall be granted a Pennsylvania Certificate of Proficiency.

(c) Beginning in the 2002-2003 school year, students who attain a score at the advanced level of proficiency on any State assessed discipline administered in grade 10, 11 or 12 shall be granted a Pennsylvania Certificate of Distinction for that discipline. Students with disabilities who meet the required proficiency level on State assessments with appropriate accommodations shall be granted a Pennsylvania Certificate of Distinction.

(d) Each school district, including a charter school, shall describe in its strategic plan under § 4.13 how its planned instruction is designed to prepare students to meet the requirements of subsection (a).

(e) Children with disabilities who satisfactorily complete a special education program developed by an Individualized Education Program team under the Individuals with Disabilities Education Act and this part shall be granted and issued a regular high school diploma by the school district of residence. This subsection applies if the special education program of a child with a disability does not otherwise meet all requirements of this chapter. Children with disabilities who meet the required proficiency level on State assessments shall be granted the appropriate Certificate of Proficiency or Distinction.

(f) The Department will develop Pennsylvania Certificates of Proficiency and Distinction for each of the State assessed disciplines. The Department will distribute the certificates to each school district in sufficient quantity for the school district to issue to its students who have earned the Certificates. School districts shall enter student names on the appropriate certificate as described in subsections (b) and (c) and present the certificates to the student.

(g) The Department will develop, or cause to be developed, Certificates of Proficiency to acknowledge and recognize those students who attain a level of at least proficient in all State assessed disciplines. The certificates will be distinctive and differentiated from the certificates described in subsection (f). The certificates shall be awarded to students as appropriate in lieu of those prescribed in subsection (b).

(h) The Department will develop, or cause to be developed, Certificates of Distinction so as to acknowledge and recognize those students who attain a score at the advanced level of proficiency in all State assessed disciplines. The certificates will be distinctive and differentiated from the certificates described in subsection (f). The certificates shall be awarded to students as appropriate in lieu of those prescribed in subsection (c).

(i) Beginning in the 2003-04 school year, PSSA scores in each assessed discipline shall be included on student transcripts and may be released only with the permission of the student and parent or guardian, or the student only if the student is 18 years of age or older.

(j) This section does not allow for the release of individual student PSSA scores to the Department or other Commonwealth entities in accordance with § 4.51(c) (relating to State assessment system).

§ 4.25. Languages.

(a) World language programs must prepare students to be proficient in meeting the World Language Standards issued by the Department and available on its web site. Every school district shall provide planned instruction in at least two languages in addition to English, at least one of which shall be a modern language, and at least one of which shall be offered in a minimum 4-year sequence in the secondary program (middle level and high school).

(b) World language planned instruction under subsection (a) may be offered beginning at any grade level, including the elementary grades.

(c) World Language Standards issued by the Department will address the ability of students to communicate in a language other than English, including the ability to understand and interpret written and spoken language on a variety of topics and to develop knowledge and understanding of other cultures.

(d) As used in this section, the term "world language" means the study of the language, cultures, traditions and histories of different communities of people who communicate in languages other than English. American sign language is a world language.

§ 4.27. Physical education and athletics.

(a) Physical education shall be taught as required under §§ 4.21(e)(5) and (f)(8), 4.22(c)(7) and 4.23(c)(9) (relating to elementary education: primary and intermediate levels; middle level education; and high school education).

(b) The physical education program must be adapted for students who are medically unable to participate in the regular physical education program.

(c) The physical education program shall provide co-educational instruction, except that separation by sex may be permitted in courses involving contact sports. Separation by sex may not be used to exclude students of either sex from participating in any physical education instruction.

(d) In addition to physical education instruction under subsections (a)—(c), students of both sexes shall have equal access in interscholastic and intramural athletic programs to all of the following:

- (1) School facilities.
- (2) Coaching and instruction.
- (3) Scheduling of practice time and games.
- (4) Number of activities at each level of competition.
- (5) Equipment, supplies and services.
- (6) Funding appropriate to the sport.

(e) School districts may sponsor coeducational teams in interscholastic and intramural sports programs.

(f) Interscholastic and intramural teams playing contact sports may be separated by sex, but this subsection may not be used to exclude students of either sex from participating in a sport.

§ 4.29. HIV/AIDS and other life-threatening and communicable diseases.

(a) Instruction regarding prevention of human immunodeficiency virus (HIV) infection/acquired im-

munodeficiency syndrome (AIDS) and other life-threatening and communicable diseases shall be given for primary, intermediate, middle school and high school education and shall follow the requirements of subsections (b) and (c).

(b) Educational materials and instruction shall be determined by the local school district and be appropriate to the age group being taught. The program of instruction must include information about the nature of the diseases, treatments and cures, methods of transmission and how infection can be prevented. The school district may omit instruction in the elementary grades on transmission of disease through sexual activity. Programs discussing transmission through sexual activity must stress that abstinence from sexual activity is the only completely reliable means of preventing sexual transmission. Programs must stress that avoidance of illegal drug use is the only completely reliable means of preventing transmission of disease through shared drug paraphernalia.

(c) A school entity shall excuse a pupil from HIV/AIDS instruction when the instruction conflicts with the religious beliefs or principles of the pupil or parent or guardian of the pupil and when excusal is requested in writing. Prior to the commencement of instruction, a school district shall publicize that detailed curriculum outlines and curricular materials used in conjunction with the instruction are available to parents and guardians during normal school hours or at teacher-parent conferences. Curricular materials, if practical, shall be made available by the school entity for home instructional use by a parent or guardian if the student has been excused from the school entity's HIV/AIDS instruction.

VOCATIONAL-TECHNICAL EDUCATION

§ 4.31. Vocational-technical education.

(a) Vocational-technical education courses shall be developed in the planned instruction format and be accessible to all high school students attending those grades in which vocational-technical education courses are offered. All students and their parents or guardians shall be informed of the students' rights to participate in vocational-technical education programs and courses and that students with disabilities enrolled in the programs are entitled to services under Chapter 14 (relating to special education services and programs). Students who complete approved vocational-technical education programs shall have their occupational competency assessed by completion of the appropriate assessment under the Pennsylvania Skills Certificate Program or by completion of another occupational competency assessment approved by the Department. A student with a disability shall be provided appropriate accommodations when provided for in the student's individualized education program. Students shall also demonstrate proficiency in meeting academic standards as required under § 4.24(a) (relating to high school graduation requirements), including § 4.12(f) (relating to academic standards) and § 4.24(e) for students with disabilities with an individualized education program.

(b) Vocational-technical education courses may be taught at AVTSs or other high schools.

(c) Vocational-technical education programs must consist of a series of planned academic and vocational-technical education courses that are articulated with one another so that knowledge and skills are taught in a systematic manner. When appropriate, vocational-technical education programs must adopt, in program areas for which they are available, industry recognized

skills standards and may also include cooperative vocational-technical education and participation in vocational student organizations to develop leadership skills.

(d) Vocational-technical education courses must include content based upon occupational analysis, clearly stated performance objectives deemed critical to successful employment and assessment of student competencies based upon performance standards. In listing planned instruction in its strategic plan under § 4.13 (relating to strategic plans), a school district or AVTS shall indicate which courses meet the requirements of this section.

(e) The record of a student enrolled in a vocational-technical education program must include the student's educational and occupational objectives and the results of the assessment of student competencies under subsection (d).

(f) Safety education, consisting of safety practices, accident prevention, occupational health habits and environmental concerns shall be integrated into the instruction and practices in vocational-technical education programs.

(g) School districts and AVTSs administering vocational-technical education programs shall develop written policies regarding admissions. Course announcements, guidance materials and other communications must convey the philosophy of equal access to students considering enrolling in AVTSs and include a description of admissions policies. The policies must assure that when admissions to AVTSs must be limited, the admissions shall be on a nondiscriminatory basis.

§ 4.33. Advisory committees.

(a) A school district or AVTS administering or planning to administer vocational-technical education programs shall appoint a local advisory committee. Membership on the committee shall consist of business and industry representatives, public sector employers, agriculture, labor organizations, community organizations, postsecondary education institutions and the general public. The appointed advisory committee shall meet at least once each year and give advice to the board and the administration concerning the program of the school, including its general philosophy, academic and other standards, strategic plans, course offerings, support services, safety requirements and the skill needs of employers. An advisory committee may serve multiple institutions where employment areas overlap.

(b) An administrative committee, composed of chief school administrators representing participating school districts, shall be included in the organization of each AVTS. The committee shall play an integral part in the development of the AVTS strategic plan under § 4.13 (relating to strategic plans) and advise the AVTS board and the administration concerning the educational program and policies of the school.

(c) An occupational advisory committee shall be established for each vocational-technical education program or cluster of related programs offered by a school district or AVTS. The committee shall be appointed by the board of directors, and a majority of the members of the committee shall be employees and employers in the occupation for which training is provided. The committee shall meet at least twice each year to advise the board, administration and staff on curriculum, equipment, instructional materials, safety requirement, program evaluation and other related matters and to verify that the programs meet industry standards and, if appropriate, licensing board criteria and that they prepare students with occupation related competencies.

ASSESSMENT**§ 4.51. State assessment system.**

(a) The State assessment system shall be designed to serve the following purposes:

(1) Provide students, parents, educators and citizens with an understanding of student and school performance consistent with the No Child Left Behind Act of 2001 the act of January 8, 2002 (Pub. L. No. 107-110, 115 Stat. 1425).

(2) Determine the degree to which school programs enable students to attain proficiency of academic standards under § 4.12 (relating to academic standards).

(3) Provide results to school entities for consideration in the development of strategic plans under § 4.13 (relating to strategic plans).

(4) Provide information to State policymakers including the General Assembly and the Board on how effective schools are in promoting and demonstrating student proficiency of academic standards.

(5) Provide information to the general public on school performance.

(6) Provide results to school entities based upon the aggregate performance of all students, for students with an Individualized Education Program (IEP) and for those without an IEP.

(b) State assessment instruments administered in reading, writing and mathematics in grades 5, 8 and 11 will be standards-based and criterion referenced and include essay or open-ended response items in addition to other item formats. The proportion of type of items will vary by grade level. Neither State assessments nor academic standards under § 4.12 may require students to hold or express particular attitudes, values or beliefs. The Department will make samples of assessment questions, instrument formats, and scoring guides available to the public after each administration of State assessments. The criteria for judging performance on State assessments are as follows:

(1) Performance on State reading assessments shall be demonstrated by students' responses to comprehension questions about age-appropriate reading passages and by their written responses to in-depth comprehension questions about the passages.

(2) Performance on State mathematics assessments shall be demonstrated by students' responses to questions about grade-appropriate content and by the quality of their responses to questions that require a written solution to a problem.

(3) Performance on State writing assessments shall be demonstrated by the quality of students' written compositions on a variety of topics and modes of writing.

(4) Levels of proficiency shall be advanced, proficient, basic and below basic. In consultation with educators, students, parents and citizens, the Department will develop and recommend to the Board for its approval specific criteria for advanced, proficient, basic and below basic levels of performance.

(c) The Department will develop or cause to be developed State assessments based on academic standards in mathematics, reading and writing under § 4.12 and contained in Appendix A. In developing assessments, the Department will consult with educators, students, parents and citizens regarding the specific methods of assessment. To ensure that information regarding student per-

formance is available to parents and teachers, State assessments developed under this section shall include student names. Individual test results shall be used in planning instruction only by parents, teachers, administrators and guidance counselors with a need to know based upon local board policy on testing and in reporting academic progress. The Department or other Commonwealth entities are prohibited from collecting individual student test scores, and may only collect aggregate test scores by school and district.

(d) The State assessments shall be administered annually and include assessments of the State academic standards in mathematics and reading at grades 3—8 and 11; in writing at grades 5, 8 and 11; and in science at grades 4, 8 and 11.

(e) Students not achieving at the proficient level in the administration of State assessments in grade 11 shall be provided one additional opportunity in grade 12 to demonstrate a proficient level on State assessments.

(f) The Board will authorize the expansion of the State assessment system through a revision of this chapter.

(g) The Department will implement provisions for security of the State assessment system, including the following provisions:

(1) Action by a professional employee or commissioned officer that is willfully designed to divulge test questions, falsify student scores or in some other fashion compromise the integrity of the State assessment system as determined by the school entity shall be subject to disciplinary action under the Professional Educator Discipline Act (24 P. S. §§ 2070.1a—2070.18a).

(2) Cheating by students or employees other than those covered in paragraph (1) shall be subject to disciplinary action by the school district.

(3) Cheating or breaches of assessment security shall be reported to the Secretary as soon as detected.

(h) The Secretary has the authority to establish guidelines for the administration of the State assessment system.

(i) The Secretary will report each September to the Board and the General Assembly information and pertinent data relating to the State assessment system. The Secretary will also provide each school entity information and pertinent data for the school entity and its students.

(j) Children with disabilities and children with limited English proficiency shall be included in the State assessment system as required by Federal law, with appropriate accommodations, when necessary. As appropriate, the Commonwealth will develop guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in the State assessment as determined by each child's Individualized Education Program team under the Individuals with Disabilities Education Act and this part.

§ 4.52. Local assessment system.

(a) Each school entity shall design an assessment system to do the following:

(1) Determine the degree to which students are achieving academic standards under §§ 4.12 and 4.13(c)(3) (relating to academic standards; and strategic plans). The school entity shall provide assistance to students not attaining academic standards at the proficient level or better and the assistance to be provided shall be indicated in the strategic plan under § 4.13.

(2) Use assessment results to improve curriculum and instructional practices, to guide instructional strategies and to develop future strategic plans under § 4.13.

(3) Provide information requested by the Department regarding the achievement of academic standards, which does not include student names, identification numbers or individually identifiable information.

(4) Provide summary information including results of assessments under this section to the general public regarding the achievement of students, which does not include student names, identification numbers or individually identifiable information.

(b) The local assessment system shall be implemented no later than 1 year after its strategic plan or revision is approved by the board of school directors under § 4.13.

(c) The local assessment system shall be described in the school entity's strategic plan under § 4.13(c)(5).

(d) The local assessment system shall be described in the district's (including a charter school's) or AVTS's strategic plan under § 4.13(c)(5), including industry certifications earned by vocational-technical students, Pennsylvania skill certificates earned by vocational technical education students, and projects completed by vocational-technical education students which demonstrate their occupational competency.

(e) The local assessment system shall be designed to include a variety of assessment strategies which may include the following:

- (1) Written work by students.
- (2) Scientific experiments conducted by students.
- (3) Works of art or musical, theatrical or dance performances by students.
- (4) Other demonstrations, performances, products or projects by students related to specific academic standards.
- (5) Examinations developed by teachers to assess specific academic standards.
- (6) Nationally-available achievement tests.
- (7) Diagnostic assessments.
- (8) Evaluations of portfolios of student work related to achievement of academic standards.
- (9) Other measures as appropriate, which may include standardized tests.

(f) Individual test information shall be maintained in a student's educational record in a manner consistent with section 438 of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C.A § 1232g) and 34 CFR Part 99 (relating to family educational rights and privacy).

(g) Children with disabilities shall be included in the local assessment system, with appropriate accommodations, when necessary. As appropriate, the school district, including charter schools, or AVTS shall develop guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in the local assessment as determined by each child's Individualized Education Program team under the Individuals with Disabilities Education Act and this part.

SCHOOL PROFILES

§ 4.61. School profiles.

(a) School profiles developed by the Secretary will include information as required under section 220 of the School Code (24 P. S. § 2-220).

(b) In compiling school profiles under this chapter, the Department will provide school entities interpretive information to assist in using the profiles for strategic planning under § 4.13 (relating to strategic plans).

(c) The Secretary will prescribe procedures for reporting State assessment data to schools and communities.

(d) The Secretary will make available to the public, and report to the public with the same frequency and in the same detail as for children who are nondisabled, all data as required under the Individuals with Disabilities Education Act.

ENFORCEMENT AND IMPLEMENTATION

§ 4.81. Allegations of deficiencies.

(a) The Secretary will receive and investigate allegations of curriculum deficiencies from professional employees, commissioned officers, parents of students or other residents of a school entity.

(b) The Secretary will notify the school entity's superintendent or chief executive of allegations and may require the superintendent or chief executive to submit one or more of the following:

- (1) Relevant descriptions of planned instruction.
- (2) A series of written articulated courses of instructional units.
- (3) Relevant student assessment information.
- (4) Information on staff assignments.
- (5) Other information pertinent to investigating a specific allegation.

(c) If the Secretary determines that a curriculum deficiency exists, the school entity shall be required to submit to the Secretary for approval a plan to correct the deficiency.

(d) Within 1 year of the implementation of a corrective action plan under subsection (c), the Secretary will review the actions taken to correct the deficiency. If the deficiency remains uncorrected, the Secretary will send a formal notice of deficiency to the governing board of the school entity, and the notice shall be announced at the meeting of the school entity's governing board immediately following its receipt.

(e) If the school entity does not take appropriate actions to correct the deficiency after the notice of deficiency is announced, the Secretary will take action under State law.

§ 4.82. Exceptions.

(a) The Secretary may grant exceptions to specific provisions of this chapter when it is necessary to adapt them to the curriculum needs of individual school entities or to facilitate transition to the revised provisions of this chapter. Specific exception may be made for school entities that develop or implement academic standards that are comparable to or exceed those found in § 4.12 (relating to academic standards). Exceptions may be granted under the following conditions:

- (1) The request for an exception must be in writing and include relevant information supporting the need for the exception.
- (2) The exception will be valid for a limited term not to exceed 2 years.
- (3) The request shall be made prior to initiating the action requiring approval and shall have the prior approval of the board of school directors.

(b) The Secretary will report annually to the Board on the nature and status of requests for exceptions under this section.

§ 4.83. (Reserved).

[Pa.B. Doc. No. 08-259. Filed for public inspection February 15, 2008, 9:00 a.m.]

STATEMENTS OF POLICY

Title 25—ENVIRONMENTAL PROTECTION

STATE CONSERVATION COMMISSION

[25 PA. CODE CH. 83]

Conservation District Fund Allocation Program— Statement of Policy

The State Conservation Commission (Commission) is amending Chapter 83, Subchapter B (relating to conservation district fund allocation program—statement of policy).

A. *Effective Date*

This amended statement of policy will be effective upon publication in the *Pennsylvania Bulletin*.

B. *Contact Persons*

For further information contact Karl G. Brown, Executive Secretary, State Conservation Commission, 2301 N. Cameron Street, Room 407, Harrisburg, PA 17110, (717) 787-8821. This statement of policy is available electronically through the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us.

C. *Statutory Authority*

This statement of policy is amended under the Conservation District Law (law) (3 P.S. §§ 849–864) and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20) which grants the Commission the power and duty to formulate, adopt and promulgate rules and regulations for the proper performance of the work of the Commission.

D. *Background and Summary*

In July 2006, Senate Bill 1224 (Act 110) was signed into law creating authorization for a new Conservation District Fund (fund). This legislation amended the existing law and directed the Commission, in cooperation with the Department and the Pennsylvania Department of Agriculture (PDA), to create a new special nonlapsing fund. Under this legislation, the Commission was specifically authorized to establish procedures for advanced payments to county conservation districts and to provide funding for activities necessary to meet the requirements of the law.

The Commission's Conservation District Fund Allocation Program—Statement of Policy (CDFAP SOP) guides the distribution of specific funds from the Department and PDA for transfer to county conservation districts. It is the vehicle through which the Commission disburses funds to districts for conservation district manager's cost share, technical assistance cost share, administrative assistance and other special project funds.

The Commission amended its CDFAP SOP to incorporate changes necessary to implement the provisions of the fund legislation. In amending the CDFAP SOP, the

Commission included all involved stakeholders: the Department, the PDA, the Commission and the Conservation District Managers Advisory Committee (CDMAC), which represented the county conservation districts. The CDMAC consists of a conservation district manager representative and an alternate, selected by their peers, from each of the seven conservation district regions. The proposal was published at 37 Pa.B. 2609 (June 9, 2007), with provision for a 30-day public comment period that closed on July 9, 2007.

E. *Summary of Comments and Responses on the Proposed Amendments*

No public comments were received during the public comment period; however, based on the administrative experience of the Commission as well as discussion with county conservation districts, modifications were made to the CDFAP SOP, which were agreed to by the Commission at its July 17, 2007, meeting. A summary of those modifications, which were made to assure clarity, consistency with the law, and to assist PDA in making allocations for advance payments, are as follows:

§ 83.31(c)—Deleted the word “program.”

§ 83.31(e)(4)—Replaced “agencies” with “organization” and the definition “cooperating organization” in § 83.32.

§ 83.32—Added the definition “associate director.”

§ 83.32—Added “or educational” to the definition of “conservation district technician and engineer” to better define the position's role in the district.

§ 83.32—Added the definition “fiscal year” for clarification.

§ 83.33(d)(1)—Added “and associate director.”

§ 83.33(d)(5)—Added this paragraph regarding Commission reimbursement of conservation district staff mileage and travel expenses for official administrative activities.

§ 83.33(e)—Replaced “contract” with “other program agreement.”

§ 83.36(a)(3)—Added “up to caps that may be established by the Commission.”

§ 83.36(a)(4) and (5)—These two paragraphs were added based on good financial practices and recommendations from the Comptroller's Office when providing advance payments.

§ 83.71(b)—Replaced “agency” with “organization.”

KATHLEEN A. MCGINTY,
Secretary

(Editor's Note: 25 Pa. Code is amended by amending §§ 83.31, 83.32, 83.41—83.46, 83.51—83.56, 83.61—83.65, 83.71—83.75 and 83.81 and 83.82; by adding §§ 83.33—83.39 and 83.73a; and by deleting § 83.66 to read as set forth in Annex A.)

Fiscal Note: 7-SOP-513. No fiscal impact; (8) recommends adoption.

Annex

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subchapter C. PROTECTION OF NATURAL RESOURCES

ARTICLE I. LAND RESOURCES

CHAPTER 83. STATE CONSERVATION COMMISSION

Subchapter B. CONSERVATION DISTRICT FUND ALLOCATION PROGRAM—STATEMENT OF POLICY

GENERAL PROVISIONS

§ 83.31. Purpose.

(a) The act provides for the General Assembly of the Commonwealth to appropriate moneys into a special fund known as the Conservation District Fund for allocation to local conservation districts. Funds allocated to conservation districts from this fund shall be used for activities necessary to meet the requirements of the act and costs associated with implementing programs delegated, contracted or approved by the Commission.

(b) It is the intention of the Commission to provide conservation districts with funds to be used for the employment of conservation district managers for the districts, to provide administrative funding assistance to districts, to finance Commission mandated or authorized activities, and to provide financial assistance for technical staff and programs of districts under the act, if the district complies with the terms and conditions of this chapter.

(c) The Commission will annually allocate the available funding to one or more of the program elements identified in this subchapter and will provide for the fair and equitable distribution of the funds to districts. Total funding available for allocation to one or more of the program elements will be determined by the Commission in consultation with the PDA, the Department and other funding sources on an annual basis as funding is available.

(1) The Commission will have the authority to reallocate district funding based on actual and anticipated district costs.

(2) The Commission will provide advanced payments for conservation districts consistent with the authority of the act and this subchapter.

(d) State funds allocated to districts under this program will be utilized solely for employing conservation district managers, conservation district management staff, conservation district technicians and engineers and to finance administrative expenses related to program elements and special project expenses of this subchapter approved by the Commission.

(e) The following program elements may be funded under the Conservation District Fund Allocation Program:

(1) *Conservation District Management Cost Share Program.* The purpose of the Conservation District Management Cost Share Program is to provide cost share assistance to conservation districts for their employment of a conservation district manager or other management staff to provide overall administration of the district's programs.

(2) *Administrative Assistance Funding Program.* The purpose of the Administrative Assistance Funding Program is to provide financial assistance for administrative purposes to conservation districts. The funds shall be used to help defray district administrative expenses related to actions required or authorized by the act or an action of the Commission and enhance the conservation district's ability to provide administrative support to other program areas where the conservation district has accepted administrative responsibilities. Activities include general administrative support for conservation districts programs and administrative support of other programs supported by other funding sources and approved by the Commission.

(3) *Technical Assistance Cost Share Program.* The purpose of the Technical Assistance Cost Share Program is to provide cost share assistance to districts for their employment of technical staff to carry out district functions that require specialized training or abilities. Funding under this program shall be utilized to support positions at conservation districts employed to carry out responsibilities under the Erosion and Sediment Control Program; the National Pollutant Discharge Elimination System Permitting Program; and the Agricultural Conservation Technical Assistance Program. Funding may also be utilized for other technical related program and staff positions determined necessary and approved by the Commission.

(4) *Special Project Funding Program.* The purpose of the Special Projects Funding Program is to provide State, Federal or private funds to districts or cooperating organizations in return for proper execution of special programs or projects approved by the Commission.

(5) *Others.* Other programs as approved by the Commission.

§ 83.32. Definitions.

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

Act—The Conservation District Law (3 P. S. §§ 849—864).

Agricultural Area Security Law (3 P. S. §§ 901—915)—This act creates a State agricultural conservation easement purchase program for the purchase of conservation easements on eligible farms administered by the PDA and local county farmland preservation boards assisted by county conservation districts.

Agricultural Conservation Technical Assistance Program—A cost share program to support the employment and training of agricultural conservation technicians and engineers serving as a resource and technical advisor providing increased levels of direct technical services and assistance to production agriculture cooperators and other landowners. Technical assistance and services may include assessing natural resource problems and developing, updating or implementing conservation plans and other natural resource plans such as nutrient management, integrated pest management and pasture, crop and forest management plans for delegated or other technical assistance activities of a program assumed by the conservation district. Training opportunities include, but are not limited to, the Agricultural Technical Boot Camp Training Program.

Associate director—A person appointed by the conservation district board consistent with section 6(2) of the act (3 P. S. § 854(2)).

Commission—The State Conservation Commission created by the act.

Conservation district manager—A person employed by the district to perform those duties determined by the district, if those duties comply with this subchapter.

Conservation district management staff—A person employed by the district other than the conservation district manager to perform those duties determined by the district as providing overall administration of district programs that comply with this subchapter.

Conservation district technician and engineer—A person employed by the district to perform those technical or educational duties determined by the district or the Commission that are of a specialized nature and require a specific educational background or specialized training.

Cooperating organization—An organization approved by the Commission to assist in carrying out the act.

Department—The Department of Environmental Protection of the Commonwealth.

Directors—The district's board of directors as defined in the act.

District—A conservation district as defined in the act.

Erosion and Sediment Control Program—A State program to help provide for the conservation of soil, water and related resources and for the control and prevention of soil erosion and preservation of natural resources established under the erosion control rules and regulations in Chapter 102 (relating to erosion and sediment control) adopted under the authority of The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

Fiscal year—The State fiscal year being July 1 through June 30.

National Pollutant Discharge Elimination System Permitting Program—A Federal discharge permitting program established under section 402 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1342).

PDA—Pennsylvania Department of Agriculture—The Department of Agriculture of the Commonwealth.

Special project—A specific program or planned undertaking approved by the Commission.

§ 83.33. Eligible expenses.

(a) The Commission will determine the nature, extent and eligibility of expenses to be funded.

(b) When the Commission funds a staff position under this subchapter, the total cost of employment for those staff positions shall include salary and salary-related expenses provided by the conservation district, such as Social Security, workers' compensation, unemployment compensation, liability insurance, disability insurance, medical/life insurance, Medicare, hospitalization, dental plan, vision plan, other health plans, retirement, professional fees, separation costs and other expenses the Commission determines to be appropriate.

(c) The following are not salary-related expenses: travel, lodging, vehicle insurance and office rent.

(d) When the Commission provides funds to a district for the purpose of supporting general administrative activities of districts and fulfilling requirements of the act and this subchapter, eligible costs include:

(1) Director and associate director mileage and travel expenses to district meetings or other official business.

(2) Publishing the annual report, bonding, liability or errors and omissions insurance.

(3) Postage, legal fees and audit fees.

(4) Expenses related to keeping full and accurate district records.

(e) The Commission may approve and reimburse staff mileage and travel expenses for official administrative activities as approved by the district board of directors when the Commission has determined adequate funding is available.

(f) When the Commission, agency or other funding source provides funding to a conservation district for a program approved by the Commission, the agency or other funding source shall define program activities and acceptable expenses through a delegation agreement, other program agreement or criteria established within the specific guidelines of the funding source.

(g) Other eligible expenses will be determined by the Commission.

(h) Salary and salary-related expenses for specific programs delegated or contracted to the district by the Commonwealth will be eligible expenses when the Commission specifically approves payment.

§ 83.34. Application procedures.

(a) An application for funding, in a format approved by the Commission, shall be completed by the district for any staff position, project or activity authorized by the Commission and this subchapter.

(b) The application for funding shall be signed by the chairperson or a designee and submitted to the Commission within the time frames established by the Commission.

(c) When an application for funding is submitted for a staff position, a copy of the job description for each staff position shall be included in each application for funding.

(d) When multicounty proposals for staff positions or programs authorized by the Commission or this subchapter are the most feasible and cost-effective manner for delivering program objectives or services, the Commission may authorize two or more conservation districts to apply for funding. Applications must include letters of intent from all cooperating districts, signed by the chairperson or a designee of that cooperating district, indicating that each cooperating conservation district board took official action to support the proposed application and the date of that action.

(e) In prioritizing and selecting applications to be funded under the Technical Assistance Cost Share Program element, the Commission may consider the district's application consistency with goals and other relevant information established in program guidelines.

(f) Upon Commission approval of an application, the district will be notified of the amount available for funding.

§ 83.35. Procedures for allocating funds.

(a) The district shall submit documentation of the eligible staff position's salary and salary-related costs for the actual and anticipated calendar periods on forms approved by the Commission.

(b) The State or Federal government may provide funds to the district for activities devoted to a program of the State or Federal government in addition to the funding provided by the Commission through this pro-

gram. A district may not receive State or Federal funds, the combination of which exceeds 100% of the cost of administering a program.

(c) If extenuating circumstances regarding the allocation warrant special consideration, the Commission will have the discretion to adjust the allocation provided to a particular district.

(d) Funds provided will be available on a fiscal year basis for costs incurred for the positions at the beginning of the fiscal year or from the time the district fills the position during that fiscal year.

(e) The Commission may exercise its judgment in approving applications for funding and in determining the distribution of these funds.

(f) The Commission may impose restrictions or special conditions upon the issuance of these funds.

(g) The Commission will have sole authority to determine the level of funding that individual conservation districts are eligible to receive under any element of this program.

§ 83.36. Procedures for advance payments.

For purposes of disbursing funds to conservation districts, the Commission may process an advanced payment as follows:

(1) When an application for funding of a staff position has been approved by the Commission, the Commission may advance up to 25% of the approved application amount. Subsequent payment to the district will be made on an "actual cash expended" basis not to exceed approved funding caps for the positions. The district shall request reimbursement of the remaining allocation amount on forms approved by the Commission in accordance with §§ 83.37 and 83.38 (relating to reimbursement requirements and procedures; and reporting requirements).

(2) When annual funding for administrative assistance for general conservation district program administration has been approved by the Commission, a district shall receive an initial grant, the amount to be determined by the Commission, if funding is available for the fiscal year and the requirements of § 83.55(a) and (b) (relating to reporting procedures) for administrative assistance are met. Additional administrative funds may be granted to districts if they become available, provided the requirements of § 83.55(a) and (b) are met.

(3) When annual funding for administrative assistance for other program elements under this subchapter include eligible expenses for both staff positions and administrative activities and have been approved by the Commission, the Commission may advance funding consistent with paragraphs (1) and (2) up to caps that may be established by the Commission.

(4) Upon receipt of advance payment funds, the district shall promptly deposit these funds in an interest bearing account in a bank or other financial institution insured by the FDIC, FSLIC or equivalent insurer. The advance payment funds and any interest earned thereon shall be expended by the district to fulfill the objectives of the approved program element for which the advance payment was received.

(5) For each program element when advance payment funds are received, the district shall keep a separate accounting of the advance payments and the interest earned thereon.

§ 83.37. Reimbursement requirements and procedures.

(a) The following reports and documents shall be provided to the Commission or its designee on or before the dates listed. Other reports required by the Commission and this subchapter shall be provided on or before dates established by the Commission.

<i>Report/Document</i>	<i>Due Date</i>
Team Sheets	January 31
Annual Report	March 31
Budget (current calendar year)	March 31
Financial Statement (previous calendar year)	March 31
Financial Audit Report	October 1
Quarterly Reports (program elements and special projects)	January 15, April 15, July 15, October 15

(b) The Commission or its designee may not process a district's claim for reimbursement until that district's required reports and documents related to a Conservation District Fund Allocation Program element or an approved special project are received by the Commission.

(c) Final payment for activities conducted under program elements or approved special projects under this subchapter will not be provided to a district until all program elements or special project activities have been completed as described in the program guidelines or the special project work plan and the required reports have been submitted to the Commission in a manner consistent with § 83.38 (relating to reporting requirements).

(d) When a conservation district receives funding under this subchapter and is unable to meet a reporting deadline as noted in subsection (a), the conservation district may request an extension to that deadline as outlined in Commission policy.

(e) Funding claims will be reviewed and forwarded by the Commission or its designee to the comptroller for payment within 15 working days after an acceptable claim and the required reports are received in the Commission or designee's office.

§ 83.38. Reporting requirements.

(a) A district having staff positions or special projects approved for funding by the Commission shall file quarterly claims indicating applicable cost of employment or costs of the special project for the period.

(b) Claims shall be filed no later than 15 days after the close of the quarter. Quarters end on September 30, December 31, March 31 and June 30.

(c) At the same time, the district shall submit a quarterly report of activities for the program element or special project.

(1) Quarterly reports for cost share program elements must include a report of activities and accomplishments that have resulted from the employment of the conservation district manager, technician or engineers or the monthly board meeting minutes for the quarter if they include activities and accomplishments of the conservation district manager, technicians or engineers.

(2) Quarterly reports for special projects must include a report indicating the status of the project or accomplishments consistent with the project work plan.

(d) When available, the district shall use the Conservation District E-commerce System for submission of forms and reports required by the Commission or delegated and contracted programs to the greatest extent possible.

(e) If a position is employed by more than one district, the host district shall maintain records and file reports for the position.

(f) Quarterly claims and activity reports shall be submitted in a manner and on forms approved by the Commission.

§ 83.39. Record retention requirements.

(a) The district shall maintain in its file a record of the activities of all positions (district manager, technicians and engineers) and special projects funded under this subchapter.

(b) A conservation district receiving funds under any program element under this subchapter shall maintain in accordance with generally accepted accounting principles the books, records, receipts, financial statements and other documents pertaining to any program element or special project under this program. These records shall be retained a minimum of 3 years, commencing at the end of the fiscal year of funding. The records shall be made available to the Commission, PDA and the Department or their agents upon request.

CONSERVATION DISTRICT MANAGEMENT COST SHARE PROGRAM

§ 83.41. General requirements.

(a) This program is known as the Conservation District Management Cost Share Program.

(b) The conservation district manager or other management staff position shall be the employee of the district and not the employee of the Commonwealth. A person serving as a conservation district manager or in another management staff position may not serve in a clerical capacity with the district unless the Commission gives special approval.

(c) The Commission will pay no more than 50% of the total cost of employment for a conservation district manager or other management position even when employed by more than one district. The maximum amount that a district can be reimbursed for the fiscal year per management staff position will be set annually by the Commission.

(d) No more than one conservation district management staff position per district may be cost shared unless the Commission determines that adequate funds are available.

(e) The Commission will have the authority to adjust the conservation district management annual cost share for unforeseen circumstances.

§ 83.42. Application procedures.

Application for funding for this program element shall be completed in a manner consistent with § 83.34 (relating to application procedures).

§ 83.43. Reporting requirements.

Reporting requirements for this program element shall be completed in a manner consistent with § 83.38 (relating to reporting requirements).

§ 83.44. Reimbursement procedures.

Reimbursement procedures for this program element shall be completed in a manner consistent with § 83.37 (relating to reimbursement requirements and procedures).

§ 83.45. Procedures for allocating funds.

The conservation district management staff position's actual salary and salary-related costs for the new July 1 through December 31 calendar period and anticipated salary and salary-related costs for the new January 1 through June 30 calendar period shall be the basis for computing the new fiscal year allocation.

§ 83.46. Record retention requirements.

Record retention requirements for this program element shall be completed in a manner consistent with § 83.39 (relating to record retention requirements).

ADMINISTRATIVE ASSISTANCE FUNDING PROGRAM

§ 83.51. General requirements and eligibility.

(a) This program is known as the Administrative Assistance Funding Program.

(b) Funds made available to this program shall be utilized to help defray costs directly related to the following:

(1) Administration of general district programs, fulfillment of requirements of the act and this subchapter. Eligible costs are those costs contained in § 83.33(d)—(f) (relating to eligible expenses).

(2) Administrative or other expenses approved by the Commission and incurred by conservation districts when the conservation districts have agreed to provide administrative support to the county agricultural land preservation board for duties carried out by the board under the Agricultural Area Security Law.

(3) Administrative or other expenses approved by the Commission and incurred by conservation districts when the conservation district accepts administrative responsibility and activities of other county, State or Federal programs. Eligible costs are those costs contained in § 83.33(f).

§ 83.52. Procedures for allocating funds.

(a) A district shall annually receive funds in a manner consistent with § 83.35 (relating to procedures for allocating funds), the amount to be determined by the Commission, if funding is available for the fiscal year and the requirements of § 83.55(a) and (b) (relating to reporting procedures) are met.

(b) Additional administrative funds may be granted to districts if they become available, provided the requirements of § 83.55(a) and (b) are met.

(c) Contingent on the availability of funds, the Commission, at its discretion, also has the option to reimburse conservation districts for:

(1) Extraordinary travel and administrative expenses in excess of the initial administrative assistance grant.

(2) Additional eligible expenses in providing administrative support, or other services to a county, State or Federal program when the conservation district accepts administrative responsibility and program implementation activities.

(3) The Commission may also reimburse a district for the travel expenses of a district director, associate director or staff person to attend a meeting or conference at the request of the Commission.

§ 83.53. Application procedures for reimbursement.

Application for funding shall be completed for this program element in a manner consistent with § 83.34 (relating to application procedures).

§ 83.54. Reimbursement procedures.

(a) When extraordinary travel and administrative expenses in excess of the initial grant are to be reimbursed, a reimbursement claim form shall be submitted by districts to the Commission semiannually indicating costs to be reimbursed for the period. The claims shall be filed no later than 15 days after December 31 and June 30.

(b) The Commission may reimburse all or a portion of the reimbursable expenses submitted by districts.

(c) Reimbursement claims shall be made by conservation districts, and processed by the Commission, consistent with the reimbursement procedures contained in § 83.37 (relating to reimbursement requirements and procedures).

§ 83.55. Reporting procedures.

(a) Within 15 days following the end of the fiscal year on June 30, each participating district shall file an "Administrative Assistance Program Financial Statement" noting how the general administrative funds were utilized.

(b) A district shall, by October 1, submit a financial audit for the previous calendar year unless an extension of time is requested by the district and approved by the Commission. The standards and guidelines for the financial audit and extension of time request will be established by the Commission.

(c) A conservation district accepting funds for administrative activities of programs other than general conservation district programs or fulfillment of requirements of the act and this subchapter shall provide a quarterly report of activities and accomplishments that have resulted from the expenditure of these funds as required by the Commission or guidelines established for that program.

§ 83.56. Special requirements.

General administrative funds not used for the purposes authorized by the Commission shall be reconciled and deducted from the following year's grant to that district.

TECHNICAL ASSISTANCE COST SHARE PROGRAM

§ 83.61. General requirements.

(a) This program is known as the Technical Assistance Cost Share Program.

(b) Funds allocated to districts under this program shall be utilized solely for employing conservation district technicians or engineers to provide technical assistance and services assumed by the district including, but not limited to, the following:

(1) The Erosion and Sediment Control Program and the National Pollutant Discharge Elimination System Permitting Program as specified in the delegation agreement with the Department. The percentage of cost share for conservation district technicians performing duties under Erosion and Sediment Control Program shall be at the following rates, based on the level of responsibilities:

- (i) Level I—35%
- (ii) Level II—50%
- (iii) Level III—65%

(2) The Agricultural Conservation Technical Assistance Program established in program guidelines and approved by the Commission.

(i) Cost share provided for agricultural conservation technicians and engineers shall be at a rate of 50% of the total cost of employment, up to caps established by the Commission for entry, working and master-level positions established in the Agricultural Conservation Technical Assistance Program guidelines.

(ii) For purposes of the Agricultural Conservation Technical Assistance Program, the balance of the funds shall be from non-State sources, except as are provided to conservation districts under the Nutrient Management Act Program, the Biosolids Program and the Easement Program and may be utilized for the purpose of matching funds. Other State and Federal funds, as approved by the Commission on a case-by-case basis, may also be authorized for purposes of matching funds.

(3) Other program areas established in Technical Assistance Cost Share Program elements under this subchapter.

(i) Cost share shall be provided for technical staff positions performing duties under the approved program area approved by the Commission at a rate established by the Commission.

(ii) The conservation district technician or engineer funded under the Technical Assistance Cost Share Program is the employee of the district and not the employee of the Commonwealth. A person serving as a conservation district technician or engineer shall receive general supervision from a district director or an employee of the district designated by the board of directors.

(iii) The Commission will pay no more than the established cost share rate of the total cost of employment for the conservation district technician or engineer even when employed by more than one district.

(iv) The Commission, as funds are available, has the authority to increase a district technician's cost share allocation and reimburse the district up to an additional 10% for each conservation district technician, or engineer, in supplemental increments of up to 10%, if the following conditions in clauses (A) and (B) are met by a district employee. Caps for supplemental funding increases will be established by the Commission.

(A) For a conservation district technician under the Erosion and Sediment Control Program who has achieved certification as an erosion and sediment control technician, level 2, by the National Institute for Certification in Engineering Technologies or certified by the International Erosion Control Association as a Certified Professional in Erosion and Sediment Control and other professional certification programs recognized by the Commission or is a professional engineer with a minimum of 2 years experience in erosion and sediment control.

(B) For an agricultural conservation technician or engineer who has obtained and maintained certain Natural Resources Conservation Service Engineering Job Approval Ratings, professional certifications or specified training as prescribed by the Commission; or is a registered engineer with a minimum of 2 years experience in the design and installation of agricultural conservation best management practices.

(v) The Commission may determine the number of technicians or engineers to be cost shared per district contingent on the availability of funds.

(A) The cost share rate for additional conservation district erosion and sediment control technicians shall be

based on the level of responsibility assumed by the district in the Erosion and Sediment Control Program as specified in the delegation agreement with the Department.

(B) The cost share rates for additional agricultural conservation technicians or engineers within a single county will be established at the sole discretion of the Commission.

(vi) The Commission has the authority to reduce the cost share rate for additional conservation district technicians or engineers where more than one technician or engineer is cost shared in the conservation district.

(vii) If an evaluation of the district's performance reveals that a district is not performing satisfactorily at the authorized level, the Commission has the authority to reduce the allocation or the level of cost share for the technicians, or both.

§ 83.62. Application procedures.

Application for funding for this program element shall be completed in a manner consistent with § 83.34 (relating to application procedures).

§ 83.63. Reporting requirements.

Reporting requirements for this program element shall be completed in a manner consistent with § 83.38 (relating to reporting requirements).

§ 83.64. Procedures for allocating funds.

(a) For Technical Assistance funding, the technician's or engineer's actual salary and salary-related costs for the new July 1 through December 31 calendar period and anticipated salary and salary-related costs for the new January 1 through June 30 calendar period shall be the basis for computing the new fiscal year allocation.

(b) The Commission will determine, on the basis of criteria established by the Commission, which technical personnel will receive cost share.

(c) The allocation may be prorated if sufficient funds are not available to provide the desired rate of cost share for the approved technicians or engineers.

§ 83.65. Reimbursement procedures.

Reimbursement requirements and procedures for this program element shall be completed in a manner consistent with § 83.37 (relating to reimbursement requirements and procedures).

§ 83.66. (Reserved).

SPECIAL PROJECTS FUNDING PROGRAM

§ 83.71. General requirements.

(a) The Commission may allocate to districts, State, Federal or other funds, as available, to reimburse districts for a portion of their costs to carry out special projects approved by the Commission. These projects shall be limited to a reasonable period of time for the accomplishment of project objectives but State funding will not be assured for longer than 1 State fiscal year. Eligible projects will be determined on individual merit by the Commission based on criteria established within the specific guidelines of the funding source.

(b) The Commission may authorize special project grants to any district or cooperating organization for purposes consistent with this subchapter and the act.

§ 83.72. Application procedures.

(a) Districts may apply for available funds. The Commission will establish a deadline for the filing of the

applications. Applications must be in writing and be made on forms prescribed, prepared and furnished by the Commission. Applications must set forth the information and be accompanied by the data that is necessary for the Commission to determine the applicant's eligibility to be considered for a special project.

(b) Project proposals shall be submitted to the Commission in a format provided by the Commission that describes the purpose, schedule and scope of activities, expected results, and projected completion dates, required personnel, special services, physical resources and estimated costs for the completion of the project and the district's financial resources to cost share the project.

(c) Applications will be reviewed by the Commission and preliminarily ranked based on guidelines adopted by the Commission. Additional information may be required of districts submitting projects regarding the intent and purpose of the project.

§ 83.73. Procedures for allocating funds.

(a) The Commission will approve the amount of funds available for special projects.

(b) Projects containing objectives that are consistent with the current priorities of the Commission may receive higher priority for funding and may be cost shared at a higher rate.

(c) The Commission will approve special projects for funding. Districts will be notified immediately following approval or denial by the Commission.

(d) It is the goal of the Commission to require a project sponsor to provide a portion of the funding for special projects. The Commission may require the project sponsor to provide matching funds or in-kind services, at the Commission's discretion. The Commission is authorized to provide up to 100% cost share for special projects.

(e) Funds may be reallocated at any time in the event a project cannot be completed or is abandoned for any reason.

§ 83.73a. Reporting requirements.

Reporting requirements for this program element shall be completed in a manner consistent with § 83.38(b), (c)(2) and (f) (relating to reporting requirements).

§ 83.74. Reimbursement procedures.

(a) Reimbursement requirement and procedures for this program element shall be completed in a manner consistent with § 83.37(b) and (c) (relating to reimbursement requirements and procedures).

(b) Administrative expenses of the district such as district employees' salaries which are defrayed through this subchapter, routine office rental or other routine overhead costs will not be reimbursable. Payment of these items is not includable in claims submitted to the Commission.

§ 83.75. Special requirements.

After receiving initial approval, districts shall provide additional information required by the Commission.

FORFEITURE AND SPECIAL PROVISIONS

§ 83.81. Forfeiture.

(a) The Commission will reallocate funds previously approved by the Commission for a district, if that district fails to comply with this subchapter and other practices and procedures established by the Commission.

(b) A recipient of Conservation District Funding Allocation Program funds that fails to abide by §§ 83.71—83.82 (relating to special projects funding program), shall be in default. In the event of a default, the Commission may cancel the special project agreement and reallocate the special project funds previously approved by the Commission.

§ 83.82. Special provisions.

The Commission may delegate authority to the PDA, the Department or other Commonwealth agency staff to act on its behalf.

[Pa.B. Doc. No. 08-260. Filed for public inspection February 15, 2008, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending February 5, 2008.

BANKING INSTITUTIONS

Interim Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-4-2008	Embassy Interim Bank Bethlehem Northampton County	Bethlehem	Filed
Incorporation of an interim bank in conjunction with the reorganization of Embassy Bank for the Lehigh Valley, Bethlehem, into a bank holding company form of business whereby Embassy Bank for the Lehigh Valley will become the wholly-owned subsidiary of Embassy Bancorp, Inc., a new holding company in formation.			

Section 112 Applications

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
2-1-2008	Boston Private Financial Holdings, Inc., Boston, MA, to acquire 80.1% of Davidson Trust Company, Devon, PA	Boston, MA	Effective

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-29-2008	Stonebridge Bank Exton Chester County	721 Skippack Pike Blue Bell Montgomery County	Opened
1-30-2008	Susquehanna Bank PA Lititz Lancaster County	4185 West Market Street York York County	Filed
2-1-2008	Bucks County Bank Doylestown Bucks County	7203 New Falls Road Levittown Bucks County	Filed
2-1-2008	Susquehanna Bank DV Bryn Mawr Montgomery County	76 East Lancaster Avenue Ardmore Montgomery County	Filed
2-4-2008	MoreBank Philadelphia Philadelphia County	1222 North Welsh Road North Wales Montgomery County	Approved

Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
2-5-2008	First Star Savings Bank Bethlehem Northampton County	Amendment to Article I of the Articles of Conversion provides for a change of the name of the institution from "First Star Savings Bank" to "First Star Bank."	Approved and Effective

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

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

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 08-261. Filed for public inspection February 15, 2008, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of March 2008

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

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as the principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 4.05 to which was added 2.50 percentage points for a total of 6.55 that by law is rounded off to the nearest quarter at 6 1/2%

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 08-262. Filed for public inspection February 15, 2008, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Bureau of Forestry; Reinstitution of a Camping Fee

Under the authority of the Conservation and Natural Resources Act (71 P. S. § 1340.314), the Department of Conservation and Natural Resources gives notice of a reinstitution in the daily fee for camping permits issued by the Bureau of Forestry at Asaph and County Bridge campgrounds, Tioga State Forest. The new fee, which will go into effect on Tuesday, April 1, 2008, is \$10.

Inquiries may be directed to Matt Beaver, Recreation Section, Operations and Recreation Division, Bureau of Forestry, P. O. Box 8552, Harrisburg, PA 17105-8552, (717) 783-7941, fax (717) 783-5109, mbeaver@state.pa.us. Persons with a disability may use the AT&T Relay Service at (800) 654-5984 (TDD).

MICHAEL DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 08-263. Filed for public inspection February 15, 2008, 9:00 a.m.]

Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural

Resources will hold a meeting on Wednesday, February 27, 2008, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Kurt Leitholf at (717) 705-0031.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Joan Dupes directly at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 08-264. Filed for public inspection February 15, 2008, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application of Carnegie Mellon University for Approval of Amendment of its Articles of Incorporation

Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6504(a) (relating to fundamental changes), the Department of Education (Department) will consider the application of Carnegie Mellon University for a Certificate of Authority approving the amendment to its Articles of Incorporation. The university wishes to clarify the voting powers of the president of Carnegie Mellon University by means of the president's ex officio membership on the audit committee of the university Board of Trustees. This would be accomplished by amending Article 7(c).

In accordance with 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department will act upon the application without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Carol Gisselquist, Higher Education Specialist (717) 787-4448, 333 Market Street, Harrisburg, PA 17126-0333 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Carol Gisselquist (717) 787-4448 to discuss how the Department may best accommodate their needs.

GERALD L. ZAHORCHAK, D. Ed.,
Secretary

[Pa.B. Doc. No. 08-265. Filed for public inspection February 15, 2008, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0063657 (Minor Sewage)	Wyoming Area School District (Sarah J. Dymond Elementary School) 20 Memorial Street Exeter, PA 18643	Luzerne County Exeter Township	UNT to Sutton Creek 4G	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.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0061468	Liberty Mobile Home Park R. R. 5 Box 54 Montrose, PA 18801-9318	Liberty Township Susquehanna Township	UNT to Snake Creek 4E	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 & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0033065 (SEW) Transfer	Vanderhomes, LLC Palm City MHP 2379 Brandt Road Annville, PA 17003	Lebanon County South Annville Township	Killinger Creek 7D	Y
PA0055352 (SEW)	Berks Properties Woodland MHP 3613 Seisholtzville Road Hereford, PA 18056	Berks County Hereford Township	Perkiomen Creek 3E	Y
PA0084107 (IW)	Cycle Chem, Inc. 550 Industrial Drive Lewisberry, PA 17339-9537	York County Fairview Township	UNT Fishing Creek 7E	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0209511 (Municipal)	Sullivan Township Mainsburg WWTP P. O. Box 84 Mainsburg, PA 16932	Tioga County Sullivan Township	Corey Creek SWP 4A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0102245	Highway 322 Realty Company P. O. Box 1030 Franklin, PA 16323	Cranberry Township Venango County	UNT to the Allegheny River 16-G	Y
PA0037915	Fish and Boat Commission Benner Spring Fish Research Station 1735 Shiloh Road State College, PA 16801-8495	Tionesta Township Forest County	Allegheny River 16-F	Y
PA0222909	Kinzua Warren County Joint Authority 119 Mead Boulevard Clarendon, PA 16313	Mead Township Warren County	Allegheny River 16-B	Y

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

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

Application No. PA 0020851, Sewage, **Hyndman Borough Municipal Authority**, P. O. Box 445, Hyndman, PA 15545. This facility is located in Hyndman Borough, **Bedford County**.

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

The receiving stream, Wills Creek, is in Watershed 13-A, and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Hagerstown, MD is located on the Potomac River, approximately 90 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.365 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
Total Residual Chlorine	0.5		1.64
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform		200/100 ml as a Geometric Average	
(5-1 to 9-30)		2,000/100 ml as a Geometric Average	
(10-1 to 4-30)			

Chesapeake Bay Requirements

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

* The permit contains conditions which authorize the permittee to apply nutrient reduction credits, to meet the Net Total Nitrogen and Net Total Phosphorus effluent limits, under the Department of Environmental Protection's (Department) Trading of Nutrient and Sediment Reduction Credits Policy and Guidelines (392-0900-001, December 30, 2006). The conditions include the requirement to report application of these credits in supplemental DMRs submitted to the Department.

* Net Total Nitrogen and Net Total Phosphorus limits compliance date will begin on October 1, 2010. Since these reporting requirements are annual loads, reporting on compliance with the annual limitations will be required on the Supplemental Discharge Monitoring Report—Annual Nutrient Summary by November 28, 2011. The facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until October 1, 2010.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

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

The EPA waiver is not in effect.

Application No. PA 008633, Sewage, **Lower Paxton Township Authority**, 425 Prince Street, Harrisburg, PA 17109. This facility is located in South Hanover Township, **Dauphin County**.

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

The receiving stream, Beaver Creek, is in Watershed 7-D, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Middletown Borough is located on the Swatara Creek, approximately 10 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 2.5 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	15	24	30
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	3.0		6.0
(11-1 to 4-30)	7.4		14.8
Total Phosphorus	2.0		4.0
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform		200/100 ml as a Geometric Average	
(5-1 to 9-30)		2,000/100 ml as a Geometric Average	
(10-1 to 4-30)			

NOTICES

Chesapeake Bay Requirements

	Concentration (mg/l)		Mass (lbs)
	Monthly Average	Monthly	Annual
Ammonia-N	Report	Report	Report**
Kjeldahl-N	Report	Report	XXX
Nitrate-Nitrite as N	Report	Report	XXX
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen	XXX	Report	45,662*
Net Total Phosphorus	XXX	Report	6,088*

* The permit contains conditions which authorize the permittee to apply nutrient reduction credits, to meet the Net Total Nitrogen and Net Total Phosphorus effluent limits, under the Department of Environmental Protection's (Department) Trading of Nutrient and Sediment Reduction Credits Policy and Guidelines (392-0900-001, December 30, 2006). The conditions include the requirement to report application of these credits in supplemental DMRs submitted to the Department.

* Net Total Nitrogen and Net Total Phosphorus limits compliance date will begin on October 1, 2010. Since these reporting requirements are annual loads, reporting on compliance with the annual limitations will be required on the Supplemental Discharge Monitoring Report—Annual Nutrient Summary by November 28, 2011. The facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until October 1, 2010.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

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

Conduct Whole Effluent Toxicity Requirements

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

The EPA waiver is not in effect.

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

PA0102326, Sewage. **State Regional Correction Center at Mercer**, 801 Butler Pike, Mercer, PA 16137. This proposed facility is located in Findley Township, **Mercer County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Beaver Falls Municipal Authority is located on the Beaver River and is approximately 33 miles below point of discharge.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.160 mgd.

Parameters	Loadings		Concentrations		Instantaneous Maximum (mg/l)
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	
Flow (mgd)	XX	XX			
CBOD ₅	31.3		25		50
Total Suspended Solids	37.5		30		60
NH ₃ -N					
(5-1 to 10-31)	22.5		18		36
(11-1 to 4-30)	31.3		26		50
Fecal Coliform					
(5-1 to 9-30)		200/100 ml as a Geometric Average			
(10-1 to 4-30)		2,000/100 ml as a Geometric Average			
Total Residual Chlorine			0.5		1.6
pH		6.0 to 9.0 Standard Units at all times			

XX—Monitor and report on monthly DMRs.

The EPA waiver is in effect.

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

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

WQM Permit No. 1407409, Sewerage 4952, **Bellefonte Borough**, 236 West Lamb Street, Bellefonte, PA 16823. This proposed facility is located in Spring Township, **Centre County**.

Description of Proposed Action/Activity: The applicant proposes to renovate their sewage plant and improve nutrient treatment.

WQM Permit No. 1708401, Sewerage, SIC 4952, **Woodland Bigler Area Authority**, P. O. Box 27, Woodland, PA 16881. This proposed facility is located in Bradford Township, **Clearfield County**.

Description of Proposed Action/Activity: The applicant proposes the installation of five ultrasonic wave transducers in their wastewater treatment lagoons. The transducers will be used to limit algal growth within the lagoons.

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

WQM Permit No. 3285201-A2, Industrial Waste, **EME Homer City Generation LP**, 1750 Power Plant Road, Homer City, PA 15748-8009. This existing facility is located in Center and Black Lick Townships, **Indiana County**.

Description of Proposed Action/Activity: Application for plant upgrade.

WQM Permit No. WQG026118, Sewerage, **Lower Ten Mile Joint Sewer Authority**, 144 Chartiers Road, Jefferson, PA 15344. This proposed facility is located in East Bethlehem Township, **Washington County**.

Description of Proposed Action/Activity: Application for the construction and operation of sewer extension.

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

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10Q0363R	Stuart Krawitz K & M Associates P. O. Box 332 Trexlerstown, PA 18087	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF

Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, (570) 629-3060.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024508001	Steve Parisi P. O. Box 655 Brodheads ville, PA 18322	Monroe	Polk Township	Pohopoco Creek HQ-CWF Middle Creek CWF
PAS10S119	Alpine Rose Resorts, Inc. 4626 Kathi Drive Bethlehem, PA 18017-8701	Monroe	Eldred Township	Aquashicola Creek HQ-CWF Exceptional Value Wetlands-Exceptional Value Waters EV

Wayne County Conservation District: Agricultural Service Center, 470 Sunrise Avenue, Honesdale, PA 18431, (570) 253-0930.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026408001	Rite Aid Corp. Mark Paradise 875 Kings Highway Suite 201 Woodbury, NJ 08096	Wayne	Salem Township	Moss Hollow Creek HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026407006	Amarbir Singh Liberty Petroleum Distributors P. O. Box 239 Harford, PA 18823	Wayne	Coolbaugh Township Monroe County and Lehigh Township Wayne County	UNT to Lehigh River HQ-CWF

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

Beaver County Conservation District, 156 Cowpath Road, Aliquippa, PA 15001, (724) 378-1701.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050408001	Paul Portugallo 120 Brian Drive Beaver, PA 15009	Beaver	Darlington Township	Dilworth Run HQ-CWF

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

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

CAFO Notices of Intent Received

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

PAG128303, CAFO, Valley View Downs LP. Intersection of Routes 422 and 551, Mahoning Township, Lawrence County.

Description of Size and Scope of Proposed Operation/Activity: The facility includes a horse race track, gaming facility, an office building, horse stables, paddock, blacksmith shop and a manure storage facility. Wastewater from inside the stables will be discharged to a Publicly-Owned Treatment Plant. No land application of manure will occur onsite and all manure will be hauled offsite. A nutrient management plan has been submitted for the handling of manure onsite. Precipitation coming in contact with the stables and other areas accessible to the horses will be directed to a wastewater filter strips and an infiltration basin. The best management practices for the track include a vegetated filter strip and infiltration basins.

The receiving streams are Marshall Run and a UNT to Slippery Rock Creek, is in the Shenango River watershed and are classified for: WWF; MF.

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

PUBLIC WATER SUPPLY (PWS) PERMIT

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

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice.

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

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

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

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Application No. 3908502, Public Water Supply.

Applicant	Nestle Waters North America, Inc.
	Upper Macungie Township Lehigh County

Responsible Official David Thorpe, Plant Manager
Nestle Waters North America,
Inc.
405 Nestle Way
Breinigsville, PA

Type of Facility Bottling Plant

Consulting Engineer Edward E. Davis, P. E.
Forino Company, LP
555 Mountain Home Road
Sinking Spring, PA

Application Received Date January 23, 2008

Description of Action The addition of bottling lines 14
and 15 to the Nestle NPL East
Plant.

Application No. 3908501, Public Water Supply.

Applicant **Walnutport Authority**
Lehigh Township
Northampton County

Responsible Official Michael Newhart, Manager
Walnutport Authority
417 Newhart Avenue
Walnutport, PA 18088-1633
(610) 767-7887

Type of Facility Community Water System

Consulting Engineer Amy L. Kunkel, P. E.
Spotts, Stevens & McCoy, Inc.
2005 City Line Road
Bethlehem, PA 18017
(610) 849-9700

Application Received Date January 15, 2008

Description of Action Application for construction of
diatomaceous earth filtration
units to treat source waters from
both the Heimbach wells and the
Fisher Springs.

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

Permit No. 3606518, Public Water Supply.

Applicant **Tucquan Park Family Campground**

Municipality Martic Township

County **Lancaster**

Responsible Official Tucquan Park Family
Campground, Owner
917 River Road
Holtwood, PA 17532

Type of Facility Public Water Supply

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

Application Withdrawn: January 30, 2008

Description of Action Installation of an anion exchange
system to remove elevated levels
of nitrates in the source water.

Permit No. 3608501, Public Water Supply.

Applicant **Conestoga MHP, Inc.**

Municipality Conestoga Township

County **Lancaster**

Responsible Official Conestoga MHP, Inc.
President
110 Sandstone Drive
Willow Street, PA 17584

Type of Facility Public Water Supply

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

Application Received: January 11, 2008

Description of Action Installation of a new storage
tank and booster pumping
system.

Permit No. 2808502, Public Water Supply.

Applicant **Edenville Water Association, Inc.**

Municipality St. Thomas Township

County **Franklin**

Responsible Official Edenville Water Association, Inc.
President
9932 Circle Drive
St. Thomas, PA 17252

Type of Facility Public Water Supply

Consulting Engineer Lance S. Kegerreis, P. E.
Dennis E. Black Engineering
Inc.
2400 Philadelphia Avenue
Chambersburg, PA 17201

Application Received: January 16, 2008

Description of Action Treatment Facility Modifications

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

Application No. 5908501—Construction, Public Water Supply.

Applicant **Somers Lane Mobile Home Park**

Township or Borough Lawrence Township

County **Tioga**

Responsible Official Charles Wilcox, Jr.
Somers Lane Mobile Home Park
R. R. 1
Box 5000
Lawrenceville, PA 16929

Type of Facility Public Water
Supply—Construction

Consulting Engineer Gregory Cummings
Larson Design Group
34 Denison Parkway
West Corning, NY 14830

Application Received: January 4, 2008

Description of Action Provide equipment for arsenic removal in addition to reducing existing levels of iron and manganese.

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

Permit No. 6307502, Public Water Supply.

Applicant **Tri County Joint Municipal Authority**
P. O. Box 758
Fredericktown, PA 15333

Township or Borough Centerville Borough

Responsible Official Jeffrey Kovach, General Manager
Tri County Joint Municipal Authority
P. O. Box 758
Fredericktown, PA 15333

Type of Facility Water treatment plant

Consulting Engineer Chester Engineers
260 Airside Drive
Moon Township, PA 15108

Application Received Date December 21, 2007

Description of Action Replacement of the Denbeau Heights booster pump station.

Permit No. 3008501, Public Water Supply.

Applicant **Dunkard Valley Joint Municipal Authority**
P. O. Box 193
Minor Street
Greensboro, PA 15338

Township or Borough Monongahela Township

Responsible Official Dunkard Valley Joint Municipal Authority
P. O. Box 193
Minor Street
Greensboro, PA 15338

Type of Facility Water treatment system

Consulting Engineer Fayette Engineering Company, Inc.
2200 University Drive
P. O. Box 1030
Uniontown, PA 15401-1030

Application Received Date January 7, 2008

Description of Action Permitting of the existing water treatment system.

Permit No. 5608501MA, Public Water Supply.

Applicant **Conemaugh Township Municipal Authority**
Box 429
113 South Main Street
Davidsville, PA 15928

Township or Borough Jenner Township

Responsible Official Patrick Mulcahy, Manager
Conemaugh Township Municipal Authority
Box 429
113 South Main Street
Davidsville, PA 15928

Type of Facility Water storage tank

Consulting Engineer The EADS Group, Inc.
450 Aberdeen Drive
Somerset, PA 15501

Application Received Date January 11, 2008

Description of Action Clean and paint two water storage tanks.

WATER ALLOCATIONS

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

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

WA 36-1026, Water Allocations. **Marietta Gravity Water Company, Lancaster County.** The applicant is requesting the right to purchase a maximum of 500,000 gpd based on a 30-day peak month average from the Columbia Water Company through an interconnection that will be constructed Marietta Borough, Lancaster County Consulting Engineer: David T. Lewis, Marietta Gravity Water Company. Application Received August 27, 2007.

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

WA2-1009, Water Allocations. **Harmar Water Authority, 200 Pearl Avenue, Cheswick, PA 15024, Allegheny County.** The applicant requests the right to withdraw 1,944,000 gpd, peak month, from well Nos. 1—3 along the Allegheny River, Allegheny County.

WA2-1009A, Water Allocations. **Harmar Water Authority, 200 Pearl Avenue, Cheswick, PA 15024, Allegheny County.** The applicant requests the right to purchase up to 500,000 gpd, on an emergency basis, from the Municipal Authority of the Borough of Oakmont, Allegheny County.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

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

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

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

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

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

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

Frieden Manor Mobile Home Park, Wayne Township, **Schuylkill County**. Richard P. Cerbone, P. G., Sovereign Consulting, Inc., 111-A North Gold Drive, Robbinsville, NJ 08691 has submitted a Notice of Intent to Remediate (on behalf of his client, Affordable Residential Communities, 1 Mark Lane, Honeybrook, PA 19344), concerning the remediation of soils and groundwater found or suspected to have been impacted by No. 2 home heating oil as a result of the removal of numerous underground storage tanks. The applicant proposes to remediate the site to meet the Statewide Health Standard. The proposed future use of the property will be residential. A Final Report was simultaneously submitted.

David Peters Residence, City of Bethlehem, **Northampton County**. Thomas Martinelli, JMT Environmental Technologies, Inc., P. O. Box 22044, Lehigh Valley, PA 18002-2044 has submitted a Notice of Intent to Remediate

(on behalf of his client, David Peters, 6894 Pine Top Trail, Bethlehem, PA 18017), concerning the remediation of soils found or suspected to have been impacted by No. 2 fuel oil as the result of a leaking underground storage tank. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard for soils. The proposed future use of the property will be residential. A Final Report was simultaneously submitted.

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

Great Western Services, Exeter Township, **Berks County**. Land Recycling Solutions, LLC, 3101 Mount Carmel Avenue, Suite 3, Glenside, PA 19038, on behalf of Great Western Services, 1302 Conshohocken State Road, Conshohocken, PA 19428, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with used motor oil. This site will be remediated to a Statewide Health Standard, and it will continue to operate as a commercial storage/maintenance facility for contractor vehicles and equipment.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

PLAN APPROVALS

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

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

40-305-027A: Mountaintop Anthracite, Inc. (1550 Crestwood Drive, Mountaintop, PA 18707) for modification of their coal processing plant at their facility in Wright Township, **Luzerne County**.

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

06-05002G: Lehigh Cement Co. (537 Evansville Road, Blandon, PA 19522) for modification of the two single stage preheater kilns controlled by cyclones, spray tower, lime injection, mid-kiln air injection and fabric collector at their plant in Maiden creek Township, **Berks County**. The modification involves the firing of biosolids as a fuel in place of coal. The source is subject to 40 CFR Part 63, Subpart LLL, National Emission Standards for Hazardous Air Pollutants from Portland Cement Kilns.

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

24-012G: C/G Electrodes, LLC—St. Marys Plant (800 Theresia Street, St. Marys, PA 15857-1898) for construction of two carbottom baking kilns Nos. 495 and 496 exhausting to existing thermal incinerator and wet-limestone scrubber in St. Marys City, **Elk 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.

46-0262A: Penn Color, Inc. (2755 Bergey Road, Hatfield, PA 19440) for installation of 10 new pieces of equipment including: two high intensity mixers, two baker perkins, three premix dispersers, one extruder and three dust collectors (pigment manufacturing equipment) at the Penn Color, Inc., pigment dispersion manufacturing facility located at 2755 Bergey Road, Hatfield, PA 19440, Hatfield Township, **Montgomery County**. The installation of pigment manufacturing equipment may result in the emissions of 0.7 tpy of PM_{2.5}, 0.7 tpy of PM and 6.3 tpy of VOCs. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

36-05126B: Pennsy Supply, Inc.—d/b/a McMinns Asphalt Co. (550 South Biesecker Road, Thomasville, PA 17364) for conversion of the existing rotary dryer burner to be capable of burning On-Specification Waste Derived Liquid Fuel in addition to No. 2 fuel oil in North Annville Township, **Lebanon County**. The plant will continue to be controlled by a cyclone and a fabric filter baghouse. The estimated maximum emissions from this facility are less than 100 tpy of CO, 30.0 tpy of NO_x, 22.0 tpy of SO_x, 10.5 tpy of PM and 9.0 tpy of VOC. This plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

67-05111A: York International Corp.—Johnson Controls (1499 East Philadelphia Street, York, PA 17403) for installation of a spray paint booth at their East York Plant in Spring Garden Township, **York County**. VOC emissions are not expected to exceed 9.0 tpy. The plan approval shall contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements in the ensuing facility wide operating permit.

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

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

This application is for air permitting associated with the installation of a new 60 mmBtu/hr natural gas fired boiler to supply the Main Shop at the Butler Works, in the City of Butler, Butler County.

Issuance of the plan approval is recommended with the appropriate conditions in the plan approval:

This source is subject to 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive, odor and visible emissions, respectively.

1. The source shall meet the following emission limitations for the following pollutants:

Filterable PM 0.0075 lb/mmBtu
CO 0.096 lb/mmBtu 130 PPM
NO_x 0.036 lb/mmBtu 30 PPM
VOC 0.005 lb/mmBtu 14 PPM

2. The Department reserves the right to change the emission limits, based on the results of stack testing.

3. The permittee shall combust only pipeline quality natural gas.

4. The permittee shall limit fuel consumption to 525,600 mcf/yr based on a consecutive 12-month period.

5. Within 180 days after the issuance of the plan approval, the permittee shall perform stack tests for NO_x (lbs/mmBtu and PPM), CO (lbs/mmBtu and PPM), VOC

(lbs/mmBtu and PPM) and Filterable PM as determined by 40 CFR 60, Appendix A, Method 5 (lbs/mmBtu) emission limits.

6. The source shall be tested annually to demonstrate compliance with the CO and NO_x emission limits. Each annual performance test must be conducted between 10 and 12 months after the previous performance test.

7. The facility shall monitor and record the pressure that is induced into the scrubber jets. Readings shall be recorded daily and the records kept for a minimum of 2 years. The permittee shall record each adjustment conducted in a permanently bound log book. This log shall contain, at a minimum, the following:

- a. The date of the tuning procedure.
- b. The name of the service company and technicians.
- c. The final operating rate or load.
- d. The final CO and NO_x emission rates.
- e. The final excess oxygen rate.

8. The permittee shall perform annual burner maintenance, adjusting and testing. This adjustment shall include, at a minimum, the following:

a. Inspection, adjustment, cleaning or replacement of fuel-burning equipment, including the burners and moving parts necessary for proper operation as specified by the manufacturer.

b. Inspection of the flame pattern or characteristics and adjustments necessary to minimize total emissions of NO_x, and to the extent practicable minimize emissions of CO.

c. Inspection of the air-to-fuel ratio control system and adjustments necessary to ensure proper calibration and operation as specified by the manufacturer.

9. The Plan Approval and Operating Permit will include conditions that require monitoring, recordkeeping, reporting, work practice standards and additional requirements for the sources and control devices designed to keep the facility operating within all applicable air quality requirements.

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

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

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

Identification of the proposed permit No. 10-001L.

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 Department determines such notification is sufficient.

Written comments or requests for a public hearing should be directed to Carolyn Cooper, P. E., Air Quality Program, 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 be contacting Carolyn Cooper, P. E., or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

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

10-355A: Glacial Sand and Gravel Co. (Intersection of Swope and West Liberty Roads, Harrisville, PA 16038) for construction of a Sand and Gravel Plant in Worth Township, **Butler County**. This plant was previously called Elliot Sand & Gravel and was located off Route 108 in Plain Grove Township. This is a State-only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source:

* Subject to 40 CFR 60 Subpart OOO for Nonmetallic Mineral Processing Plants.

* Shall comply with the requirements in GP-3.

* The source and control device shall be maintained and operated in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

16-124A: Dominion Peoples—Truittsburg Station (1201 Pitt Street, Pittsburgh, PA 15221-2029) for installation of a 425 horsepower natural gas compressor engine in Redbank Township, **Clarion County**.

Under 25 Pa. Code §§ 127.44(a) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a Plan Approval for their plant in Redbank Township, Clarion County. This plan approval will authorize the applicant to install a 425 horsepower natural gas compressor engine, as described in the applicant's application of August 10, 2007. The Plan Approval will subsequently be incorporated into the company's facility Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Based on the information provided by the applicant and the Department's own analysis, the 425 horsepower natural gas compressor engine will emit 7.8 tons of CO per year, 8.21 tons of NO_x per year and 2.5 tons of VOCs per year. The 425 horsepower natural gas compressor engine will only combust natural gas.

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

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

1. Name, address and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. 16-124A.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

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

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

AMS 06144: Sunoco, Inc.—R & M (3144 Passyunk Avenue, Philadelphia, PA 19145) for re-activation of the 859 Unit, installation of a 98 mmBtu/hr process heater, and modification of the 867 Sulfur Recovery Unit (SRU) in the City of Philadelphia, **Philadelphia County**. The 859 Unit will be able to process up to 60,000 barrels per day of distillate components and to be able to produce Ultra Low Sulfur Diesel fuel. The 867 SRU capacity will increase from 65 to 80 Long tpd. A new Tail Gas Combustion Unit will be installed on the 867 SRU. Allowable emissions increases from the project will be 88.03 tpy for NOx, 87.68 tpy for CO, 14.33 tpy for VOCs, 23.49 tpy for SO₂ and 7.50 tpy for PM.

AMS 07163: Sunoco, Inc.—R & M (3144 Passyunk Avenue, Philadelphia, PA 19145) for replacement of the existing No. 6 oil burners on the 137 Crude Unit F-3 Vacuum Heater with four Next Generation Ultra Low NOx Burners that burn fuel gas or natural gas in the City of Philadelphia, **Philadelphia County**. The heater capacity will remain 60 mmBtu/hr.

OPERATING PERMITS

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

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

23-00021: Congoleum Corp. (4401 Ridge Road, Delaware, PA 19061) to manufacture patterned vinyl flooring, by employing rotogravure presses and coating lines to engrave images and apply protective/decorative layers on substrate in Trainer Borough, **Delaware County**. This action is a renewal of the Title V Operating Permit. The initial permit was issued on March 5, 2002. As a result of potential emissions of HAPs and VOCs, the facility is a major stationary source as defined in the Clean Air Act,

and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code § 127, Subpart G. This Title V Renewal does not adopt any new regulations and does not reflect any change in air emissions from the facility. The renewal contains all applicable requirements including monitoring, and recordkeeping and reporting.

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

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

09-00130: Doylestown Township Municipal Authority (425 Wells Road, Doylestown, PA) for operation of an air stripping tower for odor control in Plumstead Township, **Bucks County**. The permit is for a non-Title V (State-only) facility. No changes have taken place since the permit was last issued in May, 2003. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00059: Handelok Bag Co. (701A West Fifth Street, Lansdale, PA 19446) for operation of their Printing Operation site in Lansdale Borough, **Montgomery County**. The permit is for a non-Title V (State-only) facility. Major sources of air emissions include three flexographic printing presses. No sources have been added and no applicable regulations have been promulgated since the permit was last issued in April 2003. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00121: Lankenau Hospital (100 Lancaster Avenue, Wynnewood, PA 19096) for a renewal of State-only Operating Permit in Lower Merion Township, **Montgomery County**. The permit is for a non-Title V (State-only) facility. The hospital has the potential to emit 24.99 tpy of NOx. The facility's primary sources include boilers and emergency generators. The permit will include monitoring, recordkeeping and reporting requirements designed to address all applicable air quality requirements.

15-00079: Reilly & Sons Inc. (601 East Lincoln Highway, Exton, PA 19341) for a retail trade fuel station in West Whiteland Township, **Chester County**. The renewal permit is for a non-Title V (State-only) facility. The facility's sources are three underground gasoline storage tanks (USTs), one diesel UST and three diesel/No. 2 fuel oil above ground storage tanks as well as a tank truck loading rack. The permit will mandate use of the existing vapor balance system when filling the gasoline USTs, spill prevention measures as well as monitoring and recordkeeping requirements designed to keep the facility operating within all applicable air quality requirements.

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

22-05038: Feldman Lubert Adler Harrisburg, LP (2201 Camelback Road, Suite 350, Phoenix, AZ 85016) for operation of natural gas fired boilers at the Harrisburg Mall in Swatara Township, **Dauphin County**. This is a renewal of the State-only operating permit issued in May 2002.

36-03039: TYCO Electronics Corp.—Landisville Plant (30 Kauffman Road, Landisville, PA 17538) for renewal of the natural minor operating permit issued in

March 2003 in East Hempfield Township, **Lancaster County**. Facility's major sources of emissions include electroplating and connector component production and a gas fired emergency generator, which primarily emit VOC.

36-05022A: Bird-In-Hand Woodworks, Inc. (3031 Industry Drive, Lancaster, PA 17063) for operation of their wood furniture surface coating facility in East Hempfield Township, **Lancaster County**. This is a renewal of their State-only operating permit issued in 2003.

36-05129: Haines and Kibblehouse, Inc. (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474) for operation of the asphalt plant at their Silver Hill Quarry in Brecknock Township, **Lancaster County**. This is a renewal of their State-only operating permit issued in 2003.

36-05152: Kellogg USA, Inc. (Caller Box 3006, 2050 State Road, Lancaster, PA 17604) for operation of a breakfast cereals plant in East Hempfield Township, **Lancaster County**. This is a renewal of their Operating Permit No. 36-03141 issued in 2003. Kellogg USA, Inc. applied for a synthetic minor permit with a limit on VOC emissions. The synthetic minor operating permit will contain monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

38-03003: Bayer Healthcare, LLC (400 West Stoever Avenue, Myerstown, PA 17067) for operation of their pharmaceuticals manufacturing facility in Myerstown Borough, **Lebanon County**. This is a renewal of their State-only operating permit issued in 2003.

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

43-00010: Jamestown Paint Co. (108 Main Street, Jamestown, PA 16134) for reissuance of a Natural Minor Operating Permit in the Borough of Jamestown, **Mercer County**. The facility's primary emissions are from the storage and processing of VOCs used in the paint making process.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

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

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

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

Coal Applications Received

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

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

¹The parameter is applicable at all times.

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

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

11970201 and NPDES No. PA0234648. Maple Coal Company, 2593 Wexford-Bayne Road, Suite 100, Sewickley, PA 15143, permit renewal for the continued operation and restoration of a bituminous surface refuse reprocessing and beneficial use of ash mine in Barr and Blacklick Townships, **Cambria County**, affecting 471.1 acres. Receiving streams: UNT to and Elk Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received January 22, 2008.

32970112 and NPDES No. PA0234605. AMFIRE Mining Co., LLC, One Energy Place, Latrobe, PA 15650, permit renewal for reclamation only of a bituminous surface auger and Upper Freeport Limestone Removal mine in Green Township, **Indiana County**, affecting 103.3 acres. Receiving streams: Buck Run, Dixon Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is PA American Water Company Two Lick Creek SW. Application received January 25, 2008.

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

30030101 and NPDES Permit No. PA0250376. Patriot Mining Co., Inc. (2708 Cranberry Square, Morgantown, WV 26508). Renewal application for operation and reclamation of an existing bituminous surface mine, located in Greene Township, **Greene County**, affecting 117.4 acres. Receiving stream: UNT to Whiteley Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received January 28, 2008.

03010103 and NPDES Permit No. PA0251020991. Rosebud Mining Company (301 Market Street, Kittanning, PA 16201). Renewal application to change status from reclamation only to continued operation and reclamation to an existing bituminous surface mine, located in Kiskiminetas Township, **Armstrong County** and Conemaugh Township, **Indiana County**, affecting 145.6 acres. Receiving streams: UNTs to Long Run, Sulpher Run and Kiskiminetas River, classified for the following use: CWF. The potable water supply intake within 10 miles downstream from the point of discharge: Avonmore Municipal Authority. Renewal application received January 31, 2008.

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

10020105 and NPDES Permit No. PA0242225. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127) Renewal of an existing bituminous surface strip operation in Slippery Rock Township, **Butler County** affecting 43.8 acres. Receiving streams: UNTs to Long Run, UNT to Slippery Rock Creek, classified for the following use: CWF. There are no potable surface water

supply intakes within 10 miles downstream. Application for reclamation only. Application received January 31, 2008.

16970104 and NPDES Permit No. PA0227471. MSM Coal Company, Inc. (P. O. Box 243, DuBois, PA 15801). Renewal of an existing bituminous surface strip operation in Clarion Township, **Clarion County** affecting 97.5 acres. Receiving stream: UNT of Brush Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received February 1, 2008.

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

14030101 and NPDES No. PA0243493. AMFIRE Mining Co., LLC. (One Energy Place, Latrobe, PA 15650), permit renewal for the continued operation and restoration of a bituminous surface mine in Snow Shoe Township, **Centre County**, affecting 218.9 acres. Receiving stream: Contrary Run, Sandy Run, UNT to Sandy Run, Beauty Run and UNT to Beauty Run, all classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received January 7, 2008.

17000111 and NPDES No. PA0243019. Gregg Barrett Coal (288 Watts Road, Curwensville, PA 16833), revision of an Incidental Boundary Correction to an existing bituminous surface mine in Ferguson Township, **Clearfield County**, affecting 64.3 acres. Receiving streams: UNT to Watts Creek to Watts Creek to West Branch Susquehanna, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received January 10, 2008.

17870129 and NPDES No. PA0116190. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849), renewal and revision of an existing bituminous surface mine to correct Insignificant Boundary in Morris Township, **Clearfield County**, affecting 498.3 acres. Receiving streams: Emigh Run to Moshannon Creek and UNT to Laurel Run to Moshannon Creek to West Branch Susquehanna River, classified for the following uses: CWF and WWF. There are no potable water supply intakes within 10 miles downstream. Application received January 17, 2008.

Coal Applications Returned

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

54-305-006GP12. B-D Mining Company, (10 Gilberton Road, Gilberton, PA 17934), application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on existing Surface Mining Permit No. 54850202 in Mahanoy Township, **Schuylkill County**. Application received December 31, 2007. Application withdrawn January 31, 2008.

Noncoal Applications Received

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

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

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

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

Permit No. 40A76SM9 and NPDES Permit No. PA0212491, Keystone Lime Company, P. O. Box 278, Springs, PA 15562, renewal of NPDES Permit, Elk Lick Township, **Somerset County**. Receiving stream: Glade Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received January 23, 2008.

Permit No. 28840302 and NPDES Permit No. PA0614289, Valley Quarries, Inc., P. O. Box J, Chambersburg, PA 17201-0809, renewal of NPDES Permit, Hamiltonban Township, **Adams County**. Receiving stream: Conococheague Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received January 18, 2008.

Permit No. 01930301 and NPDES Permit No. PA0595541, Valley Quarries, Inc., P. O. Box J, Chambersburg, PA 17201-0809, renewal of NPDES permit, Hamiltonban Township, **Adams County**. Receiving stream: Middle Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received January 18, 2008.

Permit No. 40A76SM1 and NPDES Permit No. PA0212521, Keystone Lime Company, P. O. Box 278, Springs, PA 15562, renewal of NPDES Permit, Elk Lick Township, **Somerset County**. Receiving stream: UNT to Laurel Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received January 23, 2008.

Permit No. 32082801, Ridge Limestone, Inc., 1094 Lantz Road, Avonmore, PA 15618, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Young Township, **Indiana County**, affecting 5.0 acres. Receiving stream: Nesbit Run. Application received January 25, 2008.

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

10980302, IA Construction Corporation (158 Lindsay Road, Zelienville, PA 16063). Renewal of NPDES Permit No. PA0227641, Cherry and Slippery Rock Townships, **Butler County**. Receiving streams: UNT of McMurray Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received January 29, 2008.

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

8275SM1T2 and NPDES Permit No. PA0594601, Pennsy Supply, Inc., (1001 Paxton Street, Harrisburg, PA 17105), transfer of an existing quarry operation from Prospect Aggregates, Inc. in West Hempfield Township, **Lancaster County** affecting 56.3 acres, receiving stream: UNTs to Chickes Creek, classified for the following use: WWF. Application received January 28, 2008.

36910302T2, Pennsy Supply, Inc., (1001 Paxton Street, Harrisburg, PA 17105), transfer of an existing quarry operation from Prospect Aggregates, Inc. in West Hempfield Township, **Lancaster County** affecting 125.0 acres, receiving stream: none. Application received January 28, 2008.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E15-780. Transcontinental Gas Pipe Line Corporation, 2800 Post Oak Boulevard, Level 17, Houston, TX 77056, East Brandywine, East Caln and East Whitland Townships, **Chester County**, ACOE Philadelphia District.

To replace an old existing 7.15 mile segment of gas pipeline and to construct and maintain four new 42-inch pipeline segments totaling approximately 10.75 mile across a UNT to the East Branch of Brandywine Creek (HQ-TSF, MF), East Branch of Brandywine Creek, Ludwig's Run (TSF, MF), UNT to Valley Creek (WF, MF), and to permanently impact approximately 0.08 acre of wetland. The applicant proposes to create 0.16 acre of forested wetland as compensation. The applicant will also restore 0.08 acre of temporarily disturbed wetlands to their original contours and conditions.

The new line will start at the Downingtown Meter Station (Wagontown, PA USGS N: 1.00 inch; W: 3.5 inches) and terminate at Compressor Station 200 (Malvern, PA USGS N: 9.00 inches; W: 12 inches).

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

E66-136. Wyoming County, Wyoming County Courthouse, One Courthouse Square, Tunkhannock, PA 18657, in Lemon and Tunkhannock Townships, **Wyoming County**, United States Army Corps of Engineers, Baltimore District.

To remove the existing structure and place fill in a de minimis area of wetlands equal to 0.01 acre and to construct and maintain a 2-span prestressed concrete adjacent box beam bridge, known as County Bridge No. 7 having normal spans of approximately 22.8 meters (74.8 feet) and a minimum underclearance of approximately 4.5 meters (14.6 feet) across Tunkhannock Creek (TSF). The project also includes the placement of a temporary stone causeway with five 2.44 meter (8 feet) diameter C.M.P. culverts to allow construction of the center pier. The water obstructions and encroachments were previously authorized by Permit No. E66-124, which expired prior to commencement of construction. The project is located along Township Road (T416), approximately 0.3 Kilometer (0.2 mile) southeast of SR 0092 (Factoryville, PA Quadrangle N: 15.3 inches; W: 15.6 inches).

E64-273. Honesdale Borough, 958 Main Street, Honesdale, PA 18341, in Honesdale Borough, **Wayne County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain an expansion of a wastewater treatment plant in the floodway/floodplain of the Lackawaxen River (HQ-TSF, MF) with work consisting of the modification of existing treatment facilities and the construction of new treatment facilities, building and various site amenities. Work also includes the construction of an outfall structure, consisting of a 24-inch diameter pipe, concrete inwall and riprap apron. The

project is located on the northeast side of Buck Cove Road (T-468) approximately 0.1 mile east of Erie Street (White Mille, PA Quadrangle N: 9.75 inches; W: 16.13 inches).

E40-682. Transcontinental Gas Pipeline Corp., 2800 Post Oak Boulevard, Level 17, Houston, TX 77056, in Salem Township, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain: three utility line wetland crossings temporarily impacting 0.49 acre of PSS wetlands; two utility line stream crossings and one road crossing for the installation of a 1.93 mile long, 42-inch diameter gas pipeline known as Leidy Line—Conyngham Loop in Salem Township, Luzerne County. The project begins at (Berwick, PA Quadrangle N: 20.3 inches; W: 2.0 inches) and ends at (Berwick, PA Quadrangle N: 20.8 inches; W: 7.0 inches).

E48-377. Department of Veteran and Military Affairs, Bureau of Facilities & Engineering, Building 0-47, Fort Indiantown Gap, Annville, PA 17003-5002, in Forks Township, **Northampton County**, United States Army Corps of Engineers, Philadelphia District.

To place fill in the 100-year floodplain of a tributary to Bushkill Creek (HQ-CWF) for the purpose of constructing a field maintenance shop associated with a proposed readiness center for the Stryker Brigade Combat Team (Easton, PA-NJ Quadrangle N: 20.6 inches; W: 14.6 inches).

E35-412. North Keyser Partners, LLC, 888 North Keyser Avenue, Scranton, PA 18504, in City of Scranton, **Lackawanna County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain two building additions and parking facilities in the floodway of Keyser Creek (CWF). The project is located at the eastern corner of the intersection of North Keyser Avenue (SR 3011) and Simplex Road (Scranton, PA Quadrangle N: 9.8 inches; W: 9.1 inches).

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

E28-339. Robert Hickey, Divinity Investments, LLC, P. O. Box 1180, Chambersburg, PA 17201, Antrim Township, **Franklin County**, ACOE Baltimore District.

To construct and maintain an: (1) 8.0-inch PVC sanitary sewer pipe crossing a UNT to Muddy Creek (HQ-CWF) (Latitude: 39° 74' 16"; Longitude: 61° 67' 79"); (2) a 48.0-inch HDPE stormwater basin outfall discharging to a UNT to Muddy Creek (HQ-CWF) (Latitude: 39° 44' 18"; Longitude: 61° 40' 03"); (3) an 8.0-inch PVC sanitary sewer pipeline crossing and temporarily impacting 0.008 acre of palustrine emergent wetland associated with a UNT to Muddy Creek (HQ-CWF) (Latitude: 39° 44' 01"; Longitude: 61° 41' 04"); (4) a 15.0-inch HDPE stormwater outfall discharging to a UNT to Muddy Creek (HQ-CWF) (Latitude: 39° 43' 58"; Longitude: 61° 40' 57"); (5) a 15.0-foot long foot bridge with 2.25 foot underclearance across a UNT to Muddy Creek (HQ-CWF) (Latitude: 39° 43' 55"; Longitude: 61° 41' 01"); (6) a 15.0-inch HDPE stormwater outfall discharging to a UNT to the Muddy Creek (HQ-CWF) (Latitude: 39° 43' 57"; Longitude: 61° 40' 36"); (7) an 8.0-inch PVC sanitary sewer line crossing, an 8.0-inch DIP water line crossing, and a 104.0-foot long 15-inch HDPE culvert permanently impacting 0.009 acre of palustrine emergent wetland associated with a UNT to Muddy Creek (HQ-CWF) (Latitude: 39° 43' 53"; Longitude: 61° 40' 27"); (8) an 8.0-inch PVC sanitary sewer line

crossing a UNT to Muddy Creek (HQ-CWF) (Latitude: 39° 44' 08"; Longitude: 61° 41' 15"); (9) a 24.0-inch HDPE stormwater outfall discharging to a UNT to Muddy Creek (HQ-CWF) (Latitude: 39° 44' 12"; Longitude: 61° 41' 15"); (10) an 8.0-inch PVC sanitary sewer line crossing, an 8.0-inch DIP water line crossing, and a 122.0-foot long, 6.08-foot by 4.58-foot CMP depressed 6.0 inches below existing grade in a UNT to Muddy Creek; permanently impacting 0.132 acres of palustrine emergent wetland (HQ-CWF) (Latitude: 39° 44' 11"; Longitude: 61° 41' 06"); (11) a 24.0-inch HDPE stormwater basin outfall discharging to a UNT to Muddy Creek (HQ-CWF) (Latitude: 39° 44' 05"; Longitude: 61° 41' 00"); (12) a 15.0-foot long foot bridge with 1.50-foot underclearance across a UNT to Muddy Creek (HQ-CWF) (Latitude: 39° 44' 09"; Longitude: 61° 41' 43"); (13) a 15.0-foot long foot bridge with 3.25-foot underclearance across a UNT to Muddy Creek (HQ-CWF) (Latitude: 39° 58' 32"; Longitude: 61° 38' 02"); (14) a 6.0-inch HDPE sediment basin outfall temporarily discharging to a UNT to Muddy Creek (HQ-CWF) (Latitude: 39° 44' 11"; Longitude: 61° 41' 28"); (15) a 15.0-inch HDPE temporary stormwater diversion pipe discharging to a UNT to Muddy Creek (HQ-CWF) (Latitude: 39° 44' 04"; Longitude: 61° 40' 38"); (16) a 15.0-inch HDPE sediment trap outfall temporarily discharging to a UNT to Muddy Creek (HQ-CWF) (Latitude: 39° 43' 50"; Longitude: 61° 40' 14"). The project also proposes future impacts to the Waters of the Commonwealth which are not being permitted at this time. The impacts are proposed for the construction of a residential development located on a 207 acre tract approximately 0.7 mile northwest of Greencastle, north of Route 16 (Greencastle, PA Quadrangle N: 9.1 inches; W: 17.4 inches) in Antrim Township, Franklin County.

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

E65-917. Municipal Authority of Westmoreland County, P. O. Box 730, Greensburg, PA 15601. To install a pipeline crossing Wilson Run in New Stanton Borough and Hempfield Township, **Westmoreland County**, Pittsburgh ACOE District (Mount Pleasant, PA Quadrangle N: 15.7 inches; W: 13.8 inches, Latitude: 40° 12' 42"; Longitude: 79° 35' 56"). The applicant proposes to install a 48" water line crossing on Wilson Run (WWF). The project is located approximately .45 mile west of the intersection of I-70 and US Route 119 in Westmoreland County.

E65-920. Allegheny River Terminals, Inc., One Fifth Street, New Kensington, PA 15068-6643. To maintain dredging on an barge loading facility in the City of New Kensington, **Westmoreland County**, Pittsburgh ACOE District. (New Kensington West, PA Quadrangle N: 10.8 inches; W: 2.55 inches, Latitude: 40° 33' 33"; Longitude: 79° 46' 3"). The applicant proposes to operate an existing 25' by 25' excavator pad and to perform maintenance dredging in an area approximately 220' long by 35' wide and to a depth of approximately 10' below the normal pool elevation, along the east bank of the Allegheny River (WWF), for the purpose of maintaining a barge loading facility. The project is located between 5th and 6th Streets in the City of New Kensington.

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

E03-442, Redbank Valley Municipal Authority, 243 Broad Street, New Bethlehem, PA 16242. Sanitary Sewer Project, Grant Street Pump Station in Floodplain of Redbank Creek, in South Bethlehem Borough,

Armstrong County, ACOE Pittsburgh District (New Bethlehem, PA Quadrangle N: 41° 00' 06"; W: 79° 20' 16").

To construct and maintain a sanitary sewage pump station and associated grading and fill within the left 100-year flood plain and floodway of Redbank Creek approximately 1,500 feet downstream of the SR 839 bridge in South Bethlehem Borough, Armstrong County. This activity is part of the Redbank Valley Municipal Authority's sanitary sewer project involving sanitary sewer collection and treatment system in Porter Township and New Bethlehem Borough, Clarion County and South Bethlehem Borough, Armstrong County. Separate GP-5 applications for stream crossings by sanitary sewer lines and a NPDES Stormwater Permit from Construction Activities (Application No. PAG20616007002) are also being reviewed as part of this project.

E10-419A, Cranberry Township, 2525 Rochester Road, Suite 400, Cranberry Township, PA 16066. Graham Park, in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Baden, PA Quadrangle N: 40° 42' 34"; W: 80° 07' 52").

The Department of Environmental Protection issued Permit E10-419 to conduct activities associated with the construction of Graham Park, a municipal recreational, athletic facility on a 112-acre site, north of Rochester Road and east of Powell Road. Permit E10-419 authorized fill of 0.665 acre of wetland, a 37 foot long crossing of Brush Creek, five stream enclosures/crossings of tributaries to Brush Creek totaling 810 linear feet, and fill and grading in the floodplain of Brush Creek.

The proposed amendment requests the following additional impacts or modifications to the project:

1. The elimination of an additional 0.45 acre of PEM/PSS wetlands for the construction of an access road at the southeastern end of the property to connect the park to a proposed road in the BelleVue residential development.
2. To modify grading within the 100-year floodplain of Brush Creek for construction of the new access road embankment, football campus and baseball campus.
3. To construct and maintain an additional 90-foot long, 36-inch diameter HDPE pipe culvert in a tributary to Brush Creek (Tributary 1) for the access road.
4. The elimination of 0.01 acre of wetlands for the construction of a pedestrian and bicycle trail extension at the southeastern end of the property to provide pedestrian and bicycle access to the park from the BelleVue development.
5. Construct and maintain a total of six additional utility line crossings of tributaries to Brush Creek and various wetlands.
6. Reduction of fill in the floodplain of Brush Creek associated with reduction of the size of the wet pond approved in Permit E10-419.

This project proposes the following additional measures and/or activities as onsite mitigation for the project impacts:

1. Construction of an additional 0.46-acre replacement wetland adjacent to an existing wetland (Wetland 7).

E10-444, Butler County Parks & Recreation, P. O. Box 1208, Butler, PA, 16003-1208. Alameda Park Stream Restoration, in City of Butler, **Butler County**, ACOE Pittsburgh District (Mount Chestnut, PA Quadrangle N: 40° 52' 43"; W: 79° 55' 39").

To conduct the following activities associated with the Alameda Park Stream Restoration project along a total reach of approximately 1,380 feet of Sullivan Run in Alameda Park:

1. Realign approximately 440 feet of the channel of Sullivan Run.
2. Install rock riprap bank protection for a total of 150 feet of Sullivan Run and a tributary to Sullivan Run.
3. Excavation and stabilization along two areas of the floodway of Sullivan Run for a total of 580 feet to establish riparian floodplain.
4. Install log vane structures at various locations in Sullivan Run.

ACTIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PAS702203	Eastern Industries, Inc. 4401 Camp Meeting Road Center Valley, PA 18034	East Allen Township Northampton County	Monocacy Creek 2C	Y
PA0062103 (Sewage)	Spring Brook Township Sewer Authority P. O. Box 1100 Moscow, PA 18444	Roaring Brook Township Lackawanna County	Green Run 5A	Y
PA0062197 (Minor IW Renewal)	Schuylkill County Municipal Authority Mt. Laurel WTP 221 South Centre Street Pottsville, PA 17901	Schuylkill County New Castle Township	Mud Run 3A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0084522 (IW)	Allentown Refrigerated Terminal, Inc. 125 Seneca Trail Boyertown, PA 19512	Berks County Colebrookdale Township	UNT Ironstone Creek 3-D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0113778 (Nonmunicipal)	ARCPA Properties, LLC Pleasant View Estates Mobile Home Park 7887 East Belleview Avenue Suite 200 Englewood, CO 80111	Columbia County South Centre Township	UNT 28077 to the Susquehanna River 9C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0205991 Industrial Waste	Moon Township Municipal Authority 1000 Beaver Grade Road Coraopolis, PA 15108	Moon Township Allegheny County	Ohio River	Y
PA0094226 Industrial Waste	Wilkesburg-Penn Joint Water Authority 2200 Robinson Boulevard Wilkesburg, PA 15221-1193	Penn Hills Township Allegheny County	Allegheny River	Y
PA0095265 Industrial Waste	Indiana County Municipal Services Authority	Pine Township Indiana County	Yellow Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0239054	Robert F. Deinert 604 Elmwood Avenue Grove City, PA 16127	Wayne Township Crawford County	Lake Creek 16-D	Y
PA0210404	Melvin J. Wachob 4916 Glen Hazel Road Wilcox, PA 15870	Jones Township Elk County	UNT to the East Branch Clarion River 17-A	Y
PA0210501	Earl G. Willey 3974 Longview Road West Middlesex, PA 16159	Shenango Township Mercer County	Hog Run 20-A	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. PA0031348, Sewage, **Timothy O'Neil, Moselem Development Company**, 684 Eagle Road, Fleetwood, PA 19522-9279. This proposed facility is located in Richmond Township, **Berks County**.

Description of Proposed Action/Activity: Termination of Permit.

NPDES Permit No. PA0027022, Sewage, **Altoona City Authority (Westerly WWTP)**, 20 Greenwood Road, Altoona, PA 16602-7114. This proposed facility is located in Allegheny Township, **Blair County**.

Description of Proposed Action/Activity: Authorization to discharge to Beaverdam Branch in Watershed 11-A.

NPDES Permit No. PA0027014, Sewage, **Altoona City Authority (Easterly WWTP)**, 20 Greenwood Road, Altoona, PA 16602-7114. This proposed facility is located in Logan Township, **Blair County**.

Description of Proposed Action/Activity: Authorization to discharge to Little Juniata River in Watershed 11-A.

NPDES Permit No. PA0026263, Sewage, **York City Sewer Authority, c/o Stacey R. MacNeal, Katherman, Heim & Perry**, 345 East Market Street, York, PA 17403. This proposed facility is located in Manchester Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to Codorus Creek in Watershed 7-H.

NPDES Permit No. PA0027189, Sewage, **Lower Allen Township Authority**, 120 Limekiln Road, New Cumberland, PA 17070-2428. This proposed facility is located in Fairview Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to Susquehanna River in Watershed 7-E.

NPDES Permit No. PA0026280, Sewage, **Borough of Lewistown**, Two East Third Street, Lewistown, PA 17044-1799. This proposed facility is located in Lewistown Borough, **Mifflin County**.

Description of Proposed Action/Activity: Authorization to discharge to Juniata River in Watershed 12-A.

NPDES Permit No. PA0038415, Sewage, **East Pennsboro Township**, 98 South Enola Drive, Enola, PA 17025. This proposed facility is located in East Pennsboro Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge to Conodoguinet Creek in Watershed 7-B.

NPDES Permit No. PA0026441, Sewage, **Lemoyne Borough Municipal Authority**, 3 Lowther Street, Lemoyne, PA 17043. This proposed facility is located in Lemoyne Borough, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge to Susquehanna River in Watershed 7-E.

NPDES Permit No. PA0020320, Sewage, **Lititz Sewer Authority**, 50 Lititz Run Road, Lititz, PA 17543-8503. This proposed facility is located in Warwick Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to Lititz Run in Watershed 7-J.

NPDES Permit No. PA0260789, CAFO, **Ron Clark, Clark Crest Dairy Farm**, 754 Solanco Road, Quarryville, PA 17566. This proposed facility is located in East Drumore Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 874-AEU dairy operation in Watershed 7-K.

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

NPDES Permit No. PA0034193, Sewage, **Lakeview Country Club**, P. O. Box 468, North East, PA 16428-0468. This proposed facility is located in North East Township, **Erie County**.

Description of Proposed Action/Activity: New NPDES permit for an existing discharge of treated industrial waste.

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. WQG012221, Sewerage, **Stephen S. and Janet R. Lovell**, 10371 Old Route 22, Kutztown, PA 19530. This proposed facility is located in Weisenberg Township, **Lehigh County**, PA.

Description of Proposed Action/Activity: This project is to replace a malfunctioning onlot sewage system with a small flow treatment system at a single-family residence.

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

WQM Permit No. 0788401, Amendment 06-1, Sewage, **Mark Perry, Altoona City Authority (Easterly WWTP)**, 20 Greenwood Road, Altoona, PA 16602-7114. This proposed facility is located in Logan Township, **Blair County**.

Description of Proposed Action/Activity: This amendment approves the rerating of sewerage facilities consisting of: A rerating to increase the Annual Average Hydraulic Capacity to 9 mgd, Maximum Monthly Average Hydraulic Capacity to 11.25 mgd and the Maximum Monthly Average Organic Capacity to 9,832 lbs. BOD₅/day.

WQM Permit No. 0787402, Amendment 05-1, Sewage, **Mark Perry, Altoona City Authority (Westerly WWTP)**, 20 Greenwood Road, Altoona, PA 16602-7114. This proposed facility is located in Logan Township, **Blair County**.

Description of Proposed Action/Activity: This amendment approves the rerating of sewerage facilities consisting of: A rerating to increase the Annual Average Hydraulic Capacity to 10.8 mgd, Maximum Monthly Average Hydraulic Capacity to 16.2 mgd, and the Maximum Monthly Average Organic Capacity to 11,000 lbs. BOD₅/day.

WQM Permit No. 6790418, Amendment 07-1, Sewerage, Conewago Township Sewer Authority, 600 Locust Point Road, York, PA 17406. This proposed facility is located in Conewago Township, **York County**.

Description of Proposed Action/Activity: This amendment approves the operation of sewerage facilities consisting of: an organic rerate of the treatment facility.

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

WQM Permit No. 6307402, Sewerage, Lower Ten Mile Joint Sewer Authority, 144 Chartiers Road, Jefferson, PA 15344. This proposed facility is located in East Bethlehem and Jefferson Townships/**Washington County** and Morgan Township/**Greene County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a gravity sewer system, pump station and force main.

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

WQM Permit No. WQG018589, Sewerage, John Mahoney, 1424 West Eighth Street, Apartment 1, Erie, PA 16502. This proposed facility is located in Fairview Township, **Erie County**.

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

WQM Permit No. WQG01018594, Sewerage, Reepu Singh, 34 Tripp Hollow Road, Brooklyn, CT 06234-1624. This proposed facility is located in Columbus Township, **Warren County**.

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

WQM Permit No. 2507406, Sewerage, Washington Township, 11800 Edinboro Road, Edinboro, PA 16412. This proposed facility is located in Washington Township, **Erie County**.

Description of Proposed Action/Activity: The proposed work includes modification of the existing headworks, conversion of aeration tanks and a new pump station. The existing discharge line to the outfall will be connected to a new gravity sewer to the Edinboro sewage treatment plant.

WQM Permit No. 3307401, Sewerage, Department of Conservation and Natural Resources, Bureau of Facility Design and Construction, P. O. Box 8451, Harrisburg, PA 17105-8451. This proposed facility is located in Barnett Township, **Jefferson County**.

Description of Proposed Action/Activity: This permit approves construction and operation of sewerage facilities consisting of: Four pump stations with septic tanks and common recirculating sand filter and ultraviolet light disinfection.

WQM Permit No. 1092202, Industrial Waste, Amendment No. 1, Waste Management Disposal Services of PA, Inc., 1436 West Sunbury Road, West Sunbury, PA 16061. This proposed facility is located in the Clay Borough, **Butler County**.

Description of Proposed Action/Activity: This project modifies its current sludge treatment and handling process to remove excess moisture from the sludge cake, which is then disposed of in the landfill.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023907015	Lighthouse Baptist Church of Lehigh Valley 3656 Alma Drive Allentown, PA 18103	Lehigh	Weisenberg Township	Schaefer Run HQ-CWF
PAI024807004	Opus East, LLC 610 Germantown Avenue Suite 400 Plymouth Meeting, PA 19462	Northampton	Lower Nazareth and Bethlehem Townships	Monocacy Creek HQ-CWF

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

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

List of NPDES and/or Other General Permit Types

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

*General Permit Type—PAG-02**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Susquehanna Township Dauphin County	PAG2002203018R	Christopher Fencel Cedar Clock Tower, LLC 3307 Trindle Road Camp Hill, PA 17011	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Swatara Township Dauphin County	PAG2002207058	Hemant Patel 631 Eisenhower Boulevard Harrisburg, PA 17111	Spring Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Tyrone Township Adams County	PAG2000107032	Ira Reed Hillandale Gettysburg, LLP 370 Spicer Road Gettysburg, PA 17325	Conewago Creek TSF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Hamiltonban Township Adams County	PAG2000103005R	Howie Kessel Fairfield Area School District 4840 Fairfield Road Fairfield, PA 17320	UNT to Toms Creek CWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
New Oxford Borough Adams County	PAG2000107039	Grace E. Marrero TimBar Corporation 148 North Penn Street Hanover, PA 17331	UNT to South Branch Conewago Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Hamilton Township Adams County	PAG2000105001	Evan Batts 3345 Carlisle Pike New Oxford, PA 17350	Pine Run WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Germany Township Adams County	PAG2000107035	Mike Murphy Kingsdale Volunteer Fire Department 1789 Frederick Pike Littlestown, PA 17340	Piney Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Straban Township Adams County	PAG2000107019	Steve Bisbee S & A Homes, Inc. 2121 Old Gatesburg Road Suite 200 State College, PA 16803	Rock Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Latimore Township Adams County	PAG2000107023	Randy Ruby Wolfe Industrial Auction, Inc. 9801 Hansonville Road Frederick, MD 21702	UNT to Latimore Creek CWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
German Township Adams County	PAG2000107037	William and Yvonne Stevens 130 Lion Archer Drive Littlestown, PA 17340	Pine Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Conewago Township Adams County	PAG2000107036	Lewis J. and Nadine M. Klunk Southeastern Adams Volunteer Emergency Services 238 Main Street McSherrystown, PA 17344	Plum Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Cumberland Township Adams County	PAG2000107021	Steve Bisbee S & A Homes, Inc. 2121 Old Gatesburg Road State College, PA 16803	UNT to Marsh Creek CWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Oxford Township Adams County	PAG2000107025	George Zimmerman 100 Highlands Drive Suite 306 Lititz, PA 17543	South Branch Conewago Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Lower Allen Township	PAG2002103004R	Yetter Court, LLC 101 East Erie Suite 800 Chicago, IL 60611	Cedar Run CWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 (717) 240-7812
Conewago Township York County	PAG2006707072	4185 Lewisberry Road J. J. One, LP 2780 York Haven Road York, PA 17408	Oak Run WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
City of York York County	PAG2006707077	Rutter's Farm Store No. 25A M & G Realty, Inc. 2295 Susquehanna Trail York, PA 17404	Willis Run WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Penn Township York County	PAG2006707080	SKF USA, INC. 20 Industrial Drive Hanover, PA 17331	Gitts Run WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Penn Township York County	PAG2006707079	Victory Free Will Baptist Church 25 Breezewood Drive Hanover, PA 17331	Oil Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
York Township York County	PAG2006707078	HMDT Associates, LP 175 4th Street Dallastown, PA 17313	Mill Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Springettsbury Township York County	PAG2006707075	WellSpan Health Administrative Services Building Expansion 1001 South George Street York, PA 17403	Mill Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Carroll Township York County	PAG2006708005	Chestnut Park 555 Chestnut Grove Road Dillsburg, PA 17019	Stoney Run CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Lower Windsor Township York County	PAG2006707085	Expansion to Stewart Welding 1033 Water Street Wrightsville, PA 17368	Canadochly Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Newberry Township York County	PAG2006707097	Susquehanna Ridings 220 Yocumtown Road Etters, PA 17319	Susquehanna River WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Shrewsbury Township York County	PAR10Y636R	McClain Tract R. D. 1 Box 131AA Seven Valley's, PA 17360	Deer Creek CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Hellam Borough York County	PAG2006707092	Meadow Brook Townhomes 371—373 West Market Street York, PA 17402	Kreutz Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Penn Township Lancaster County	PAG2003607073	Manheim Brethren In Christ Church 54 North Penryn Road Manheim, PA 17545	Chickies Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361 Ext. 5
Earl Township Lancaster County	PAG2003607076	Lee Day Soco Enterprises, Co. 1330 Charlestown Road Phoenixville, PA 19460	Mill Creek CWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster PA 17601 (717) 299-5361 Ext. 5

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Upper Leacock Township Lancaster County	PAG2003607078	Jacob A. Petersheim 55 Glennbrook Road Leola, PA 17540	UNT Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-536 Ext. 5
Penn Township Lancaster County	PAG2003607079	Forino Company 555 Mountain Home Road Sinking Spring, PA 19608	Conestoga Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361 Ext. 5
Providence Township Lancaster County	PAG2003607089	B & E Property Management, Ltd. 581 Camargo Road Quarryville, PA 17566	Big Beaver Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361 Ext. 5
Manheim Township Lancaster County	PAG2003608002	Highland Presbyterian Church 1801 Oregon Pike Lancaster, PA 17601	Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361 Ext. 5
Cumru Township Berks County	PAG2000607074	Doug Smith Alvernia College 400 St. Bernadine Street Reading, PA 19607	Angelica Creek—Schuylkill River CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201
Fleetwood Borough Berks County	PAG2000607071	Thomas J. Golinsky Fleetwood Area School District 407 North Richmond Street Fleetwood, PA 19522	UNT to Willow Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201
Caernarvon Township Berks County	PAR10C355R	Steven Wolfson Wolfson Verrichia Group, Inc. 120 West Germantown Pike Suite 200 Plymouth Meeting, PA 19462	UNT to Conestoga Creek WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201
Greenwood Township Perry County	PAG2035007013	Daniel Derr 5785 Fort Robinson Road Ickesburg, PA 17037	Cocolamus Creek TSF	Perry County Conservation District P. O. Box 36 31 West Main Street New Bloomfield, PA 17068
Clearfield County Boggs Township	PAG2001707001	Boggs Township P. O. Box 69 West Decatur, PA 16878	Emigh Run CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Clearfield County Clearfield Borough	PAG20017070131	Bionol Clearfield, LLC 99 Longwater Circle Suite 201 Norwell, MA 02061	West Branch of Susquehanna River WWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Montour County Liberty Township	PAG2004708001	William Dittmar 57 Reitz Boulevard Suite 100 Lewisburg, PA 17837	Chillisquaque Creek WWF	Montour County Conservation District 112 Woodbine Lane Suite 2 Danville, PA 17821 (570) 271-1140
Westmoreland County Manor Borough	PAG2006503022-R	TBI Development Corp. 10925 Kelso Drive North Huntingdon, PA 15642	UNT to Bush Run TSF	Westmoreland County CD (724) 837-5271
Westmoreland County Donegal Township	PAG2006507022	John Toohey L & T Enterprises, LLC 749 North Church Street Mt. Pleasant, PA 15666	Fourmile Run TSF	Westmoreland County CD (724) 837-5271
Westmoreland County Scottdale Borough	PAG2006507034	Paul Rokosz Duraloy Technologies 12 Bridge Street Scottdale, PA 15683	Jacobs Creek WWF	Westmoreland County CD (724) 837-5271
Westmoreland County Sewickley Borough	PAG2006507036	Municipal Sewage Authority of the Township of Sewickley P. O. Box 46 Herminie, PA 15647	Little Sewickley Creek WWF	Westmoreland County CD (724) 837-5271
Westmoreland County Upper Burrell Township	PAG2006507041	Jeff Ferris Kacin General Contractors 3874 Old William Penn Highway Murrysville, PA 15668	Tributary to Pucketa Creek TSF	Westmoreland County CD (724) 837-5271
Westmoreland County Hempfield and East Huntingdon Townships	PAG2006507049	Van Evans—Vale Vista Assoc. 15 Arentzen Boulevard Charleroi, PA 15022	Belson Run WWF	Westmoreland County CD (724) 837-5271
Westmoreland County Unity Township	PAG2006507050	George Heskey—Modal, Inc. P. O. Box 228 757 Lloyd Avenue Latrobe, PA 15650	UNT to Ninemile Run WWF	Westmoreland County CD (724) 837-5271

General Permit Type—PAG-3

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
York County Mt. Wolf Borough	PAR143523	Georgia-Pacific Corrugated, II, LLC 25 Walnut Street P. O. Box 906 Mt. Wolf, PA 17347-1906	Hartman Run WWF 7-H	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Adams County Berwick Township	PAR803707	Rolling Frito-Lay Sales, LP—Hanover Bin 408 Inverhaddon Trail Bel Air, MD 21014	UNT of Pine Run WWF 7-F	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Mahoning Township Montour County	PAR804864	Leighow Oil Company, Inc. 118 Eyer Road Danville, PA 17821	UNT to Mahoning Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Everson Borough Fayette County	PAR126107	Mars Petcare US, Incorporated 315 Cool Springs Galleria Boulevard Franklin, TN 37067	UNT to Jacobs Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Erie City Erie County	PAR808377	FedEx Freight East, Inc. 2200 Forward Drive DC 2270 Harrison, AR 72602	City of Erie Stormwater Sewers to Motch Run, Lake Erie	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-4</i>				
<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Weisenberg Township Lehigh County	PAG042221	Stephen S. Lovell Janet R. Lovell 10371 Old Route 22 Kutztown, PA 19530	Mill Creek TSF	DEP—NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Frazer Township Allegheny County	PAG046133	Dennis W. Olszewski 113 Osbaldeston Road London N16 6NP United Kingdom	Bull Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Washington Township Erie County	PAG048814	Barry K. and Connie L. Henderson 4690 Neyland Road Edinboro, PA 16412-1186	UNT to Conneauttee Creek 16-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Summerhill Township Crawford County	PAG048899	Joshua First 20085 State Highway 18 Conneautville, PA 16406	UNT to Conneaut Creek 15	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Fairview Township Erie County	PAG049391	John Mahoney 1424 West Eighth Street Apt. 1 Erie, PA 16502	UNT to Goodban Run 15-EC	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Columbus Township Warren County	PAG049397	Reepu Singh 34 Tripp Hollow Road Brooklyn, CT 06234-1624	UNT to Pine Valley Creek 16-B	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving Water/Use**Contact Office & Phone
No.*Liberty Township
Mercer County

PAG048837

Lora T. and
Robert W. Kerry
1125 Slippery Rock Road
Grove City, PA 16127UNT to Swamp Run
20-CDEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942Pine Grove
Township
Warren County

PAG048519

Shirley L. Gertsch
P. O. Box 291
26 West Main Street
Ludlow, PA 16333UNT to Conewango
Creek
16-BDEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942Knox Township
Clarion County

PAG048487

Linda S. Gatesman
947 Sunset Drive
Lucinda, PA 16235UNT to Step Creek
17-BDEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942West Shenango
Township
Crawford County

PAG049404

David Buchanan
408 West State Road
Jamestown, PA 16134UNT to Shenango River
20-ADEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942*General Permit Type—PAG-10**Facility Location &
Municipality**Permit No.**Applicant Name &
Address**Receiving Water/Use**Contact Office & Phone
No.*Bedford County
Monroe Township

PAG103533

Steckman Ridge, LP
(Steckman Ridge Natural
Gas Storage Facility)
5400 Westheimer Court
Houston, TX 77056Shaffer Creek
11-C
WWFDEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4707**PUBLIC WATER SUPPLY (PWS)
PERMITS**

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

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

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once.

Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER**Actions taken under the Pennsylvania Safe Drinking Water Act**

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

Permit No. 0607515 MA, Minor Amendment, Public Water Supply.

Applicant
Municipality
County
Type of Facility

Shoemakers Borough
Shoemakersville Borough
Berks

This permit approves the use of caustic soda in place of soda ash for pH adjustment. And the switch from chlorine gas to sodium hypochlorite for disinfection.

Consulting Engineer

Michael J. Peleschak, P. E.
Alfred Benesch & Company
400 One Norwegian Plaza
Pottsville, PA 17901

Permit to Construct
Issued

December 21, 2007

Permit No. 2907502 MA, Minor Amendment, Public Water Supply.

Applicant **McConellsburg Borough Municipal Authority**
 Municipality Todd Township
 County **Fulton**
 Type of Facility Permit approves installation of a raw water transmission main from the future Stenger Well source to the site of the future treatment facilities.
 Consulting Engineer David E. Marks, P. E.
 Gannett Fleming, Inc.
 P. O. Box 67100
 Harrisburg, PA 17106-7100
 Permit to Construct Issued December 21, 2007

Permit No. 2107509 MA, Minor Amendment, Public Water Supply.

Applicant **North Middleton Authority**
 Municipality North Middleton and Middlesex Townships
 County **Cumberland**
 Type of Facility Commons at Parker Springs and Keystone Arms Interconnections.
 Consulting Engineer Peter Lusardi, P. E.
 CET Engineering Services
 1240 North Mountain Road
 Harrisburg, PA 17112
 Permit to Construct Issued December 27, 2007

Permit No. 5007502, Public Water Supply.

Applicant **Hillside Manor Apartments**
 Municipality Oliver Township
 County **Perry**
 Type of Facility Arsenic Reduction
 Consulting Engineer Stephen R. Morse, P. E.
 Skelly and Loy, Inc.
 2601 North Front Street
 Harrisburg, PA 17110-1185
 Permit to Construct Issued January 29, 2008

Permit No. 0607510, Public Water Supply.

Applicant **Proto-Cast, LLC**
 Municipality Douglass Township
 County **Berks**
 Type of Facility This application is for the addition of an arsenic treatment system to the existing water system located within the Proto-Cast facility in Douglassville, PA.
 Consulting Engineer Karen Pollock, P. E.
 System Designs Engineering
 850 Park Road
 Wyomissing, PA 19610
 Permit to Construct Issued January 4, 2008

Permit No. 2207511, Public Water Supply.

Applicant **Upper Dauphin Area School District**
 Municipality Washington Township
 County **Dauphin**
 Type of Facility Addition of zinc orthophosphate as lead and copper treatment.
 Consulting Engineer Thomas W. Schreffler, P. E.
 Light-Heigel & Associates, Inc.
 430 East Main Street
 Palmyra, PA 17078
 Permit to Construct Issued January 8, 2008

Permit No. 5007505 MA, Public Water Supply.

Applicant **Bloomfield Borough Water Authority**
 Municipality Bloomfield Borough
 County **Perry**
 Type of Facility New .300 mgd Storage Tank.
 Consulting Engineer Harry E. Bingaman, P. E.
 Glace Assoc., Inc.
 3705 Trindle Road
 Camp Hill, PA 17011
 Permit to Construct Issued December 21, 2007

Permit No. 3607514, Public Water Supply.

Applicant **Borough of Lititz**
 Municipality Lititz Borough
 County **Lancaster**
 Type of Facility Construction of a new Kissel Hill booster pump station adjacent to the existing station.
 Consulting Engineer Michael J. Daschbach, P. E.
 Entech Engineering, Inc.
 4 South Fourth Street
 Reading, PA 19603
 Permit to Construct Issued February 4, 2008

Operations Permit issued to Getty Petroleum Marketing Inc., 7360910, Leacock Township, Lancaster County on February 4, 2008 for the operation of facilities approved under Construction Permit No. 3606519.

Operations Permit issued to Wissahickon Spring Water, 3066305, Hamburg Borough, Berks County on January 8, 2008 for the operation of facilities approved under Construction Permit No. 0607520.

Operations Permit issued to Borough of Blain, 7500018, Blain Borough, Perry County on January 28, 2008 for the operation of facilities approved under Construction Permit No. 5005502.

Operations Permit issued to Superior Water Company, Inc., 3060137, Washington Township, Berks County on December 20, 2007 for the operation of facilities approved under Construction Permit No. 0605509.

Operations Permit issued to Oregon Dairy, Inc., 7361076, Manheim Borough, Lancaster County on December 21, 2007 for the operation of facilities approved under Construction Permit No. 3606512.

Operations Permit issued to **Latte Luv Espresso**, 7360725, Paradise Township, **Lancaster County** on December 26, 2007 for the operation of facilities approved under Construction Permit No. 3606513.

Operations Permit issued to **Pennsylvania American Water**, 3060088, Exeter Township, **Berks County** on January 3, 2008 for the operation of facilities approved under Construction Permit No. 0607507.

Operations Permit issued to **United Water Pennsylvania**, 7220015, Susquehanna Township, **Dauphin County** on February 4, 2008 for the operation of facilities approved under Construction Permit No. 2207505 MA.

Operations Permit issued to **Middle Spring Presbyterian Church**, 7280953, Southampton Township, **Cumberland County** on December 21, 2007 for the operation of facilities approved under Construction Permit No. 2107507.

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

Permit No. 0807501—Operation, Public Water Supply.

Applicant	Sherwood Retirement & Personal Care Home
Township or Borough	Canton Township
County	Bradford
Responsible Official	Jim Sherwood Sherwood Retirement & Personal Care Home R. R. 1 Box 35A Canton, PA 17724
Type of Facility	Public Water Supply—Operation
Consulting Engineer	Thomas O'Conner Hawk Engineering, PC One Progress Plaza Suite 12 Towanda, PA 18848
Permit Issued Date	January 30, 2008
Description of Action	Operation of Well No. 1 and the two new finished water storage tanks.

Permit No. 1989503-T1—Transfer, Public Water Supply.

Applicant	Brookside Mobile Home Park
Township or Borough	North Centre Township
County	Columbia
Responsible Official	Dimitris Rentzios VP Asset Administration ARC 1, Mark Lane Honeybrook, PA 19344
Type of Facility	Public Water Supply—Transfer
Consulting Engineer	N/A
Permit Issued Date	January 30, 2008
Description of Action	Transfer of permit from ARC DAM Brookside, LLC to ARC PA Properties, LLC

Permit No. 1989501-T1—Transfer, Public Water Supply.

Applicant	Pleasant View Mobile Home Park
Township or Borough	South Centre Township
County	Columbia
Responsible Official	Dimitris Rentzios VP Asset Administration ARC 1, Mark Lane Honeybrook, PA 19344
Type of Facility	Public Water Supply—Transfer
Consulting Engineer	N/A
Permit Issued Date	January 30, 2008
Description of Action	Transfer of permit from ARC III, LLC to ARC PA Properties, LLC.

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

Operations Permit issued to **Greater Pittsburgh Council, Boy Scouts of America**, Flag Plaza, 1275 Bedford Avenue, Pittsburgh, PA 15219, (PWSID No. 5260829) Wharton Township, **Fayette County** on January 29, 2008 for the operation of facilities approved under Permit Transfer No. 2687501-T1.

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

Permit No. 2507502, Public Water Supply.

Applicant	Borough of Wattsburg
Borough or Township	Wattsburg Borough
County	Erie County
Type of Facility	Public Water Supply
Consulting Engineer	Steven R. Halmi, P. E. Project Engineer Deiss & Halmi Engineering 105 Meadville Street Edinboro, PA 16412
Permit to Construct Issued	January 24, 2008

Permit No. 3784502-T1-MA3, Public Water Supply.

Applicant	Pennsylvania American Water Company
Borough or Township	Ellwood City/Wayne Township
County	Lawrence County
Type of Facility	Public Water Supply
Consulting Engineer	Scott M. Thomas, P. E. Senior Operations Engineer PA American Water Company 852 Wesley Drive Mechanicsburg, PA 17055-4475
Permit to Construct Issued	January 25, 2008

Permit No. 2007505, Public Water Supply.

Applicant	Ames Mobile Home Park
Borough or Township	Oil Creek Township
County	Crawford County
Type of Facility	Public Water Supply

Consulting Engineer Steven R. Halmi, P. E.
Deiss & Halmi Engineering
105 Meadville Street
Edinboro, PA 16412

Permit to Construct February 1, 2008
Issued

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Maxatawny Township	127 Quarry Road Kutztown, PA 19530	Berks County

Plan Description: The approved plan provides for the relocation of the proposed sewage treatment plant from Noble Street to Krumsville Road, Maxatawny Township, Berks County. The sewage treatment plant is proposed to treat 140,000 gpd as approved by previous 537 plans. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Providence Township	200 Mt. Airy Road New Providence, PA 17560	Lancaster County

Plan Description: The approved plan provides for a proposed small flow sewage treatment facility to serve a single-family dwelling generating 500 gpd in sewage flows on an existing 13 acre lot owned by Thomas Wolf found to have unsuitable soils for onlot disposal. The sewage treatment plant will discharge to Huber Run. The Department of Environmental Protection (Department) code number is A3-36946-290-3s and the APS number is 634673. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Bedford Borough	244 West Penn Street Bedford, PA 15522	Bedford

Plan Description: The approved plan provides for the installation of Sequencing Batch Reactors and other modifications at the Authority's wastewater treatment facility to address the nutrient reduction requirements of the Chesapeake Bay Tributary Strategy. A capacity expansion of the wastewater treatment facility is not necessary and annual average design flow will remain at 1.5 mgd. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting

from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Logan Township	800 39th Street Altoona, PA 16602	Blair

Plan Description: The approved plan provides for a four-phase approach to address excessive wet weather flows in the Lakemont Sewer District as identified by ongoing flow metering. Phase 1 includes work associated with the realignment of Park Avenue by the Department of Transportation. Additional phases will be undertaken as necessary to establish and maintain compliance with the Peak Flow Agreement that Logan Township has entered into with Hollidaysburg Borough and others. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

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

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

Plan Location: on the north and south sides of Lynwood Drive 600 feet east of its intersection with Oak Ridge Drive

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
North Codorus Township	1986 Stoverstown Road Spring Grove, PA 17362	Adams County

Plan Description: The development proposed a 24 lot single-family residential subdivision on 20.3 acres that would utilize public water and onlot sewage disposal. The name of the project is Lynwood Phase II-C and the code number is B3-67946-264-2. The plan was disapproved because it failed to adequately mitigate contamination from the proposed onlot systems to the groundwater.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Monroe Township	1220 Boiling Springs Road Mechanicsburg, PA 17055	Cumberland

Plan Description: Disapproval of a revision to the Official Sewage Plan of Monroe Township, Cumberland County. The proposed T. J. Rockwell's Restaurant Development consists of the use of an interim holding tank with future hookup to municipal sewer for an expanded/renovated restaurant. The plan was disapproved because the Department of Environmental Protection failed to receive the information requested in its letter of November 15, 2006, within the specified time period.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Monroe Township	1220 Boiling Springs Road Mechanicsburg, PA 17055	Cumberland

Plan Description: Disapproval of a revision to the Official Sewage Plan of Monroe Township, Cumberland County. The proposed Meadows of Ashcombe Phase 1 Subdivision consists of the subdivision of 100 residential lots to be served by municipal sewer. The plan was disapproved because the Department of Environmental Protection failed to receive the information requested in its letter of October 5, 2006, within the specified time period.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
North Middleton Township	2501 Spring Road Carlisle, PA 17013	Cumberland

Plan Description: Disapproval of a revision to the Official Sewage Plan of North Middleton Township, Cumberland County. The proposed A. C. Kuhn Subdivision of Kendor Summit Lots 3/4, 15/16 and 10 consists of the residential development of three existing lots to be served by individual small flow sewage treatment systems with a common discharge line to the Conodoguinet Creek. The plan was disapproved because the Department of Environmental Protection failed to receive the information requested in its letter of May 17, 2007, within the specified time period.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport 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 AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Frieden Manor Mobile Home Park, Wayne Township, **Schuylkill County**. Richard P. Cerbone, P. G., Sovereign Consulting, Inc., 111-A North Gold Drive, Robbinville, NJ 08691 has submitted a Final Report (on behalf of his client, Affordable Residential Communities, 1 Mark Lane, Honeybrook, PA 19344), concerning the remediation of soils and groundwater found to have been impacted by No. 2 home heating oil as a result of the removal of numerous underground storage tanks. The report was submitted to document attainment of the Statewide Health Standard. A Notice of Intent to Remediate was simultaneously submitted.

David Peters Residence, City of Bethlehem, **Northampton County**. Thomas Martinelli, JMT Environmental Technologies, Inc., P. O. Box 22044, Lehigh Valley, PA 18002-2044 has submitted a Final Report (on behalf of his client, David Peters, 6894 Pine Top Trail, Bethlehem, PA 18017), concerning the remediation of soils found to have been impacted by No. 2 fuel oil as the result of a leaking underground storage tank. The report was submitted in order to document attainment of the Residential Statewide Health Standard for soils. The proposed future use of the property will be residential. A Notice of Intent to Remediate was simultaneously submitted.

Former Exxon Allentown Terminal, Hanover Township, **Lehigh County**. Timothy Uhler, Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 has submitted a Final Report (on behalf of his client, ExxonMobil Corporation, 1545 Route 22 East, Annandale, NJ 08801), concerning soil and groundwater contamination related to an inadvertent rupture of an underground gasoline pipeline during utility removal activities. The report was submitted in order to document attainment of the Residential Statewide Health and Site-Specific Standards. The future use of the property will remain nonresidential. A public notice regarding the submittal of the Final Report was published in *The Morning Call* on December 5, 2007.

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

Glen-Gery Corporation, Lower Heidelberg Site, Lower Heidelberg Township, **Berks County**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Glen-Gery Corporation, Mid-Atlantic Plant, 423 South Pottsville Pike, Shoemakersville, PA 19555, submitted a Final Report concerning remediation of site soils contaminated with arsenic and lead from a dump. The report is

intended to document remediation of the site to the Residential Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Former Scott Truck Stop, Sterling Township, Wayne County. William Kramer, Sovereign Consulting, Inc., 111-A North Gold Drive, Robbinsville, NJ 08691, has submitted a combined Remedial Investigation Report and Cleanup Plan Addendum (on behalf of his client, Atlantic Richfield Company, 1 West Pennsylvania Avenue, Suite 440, Towson, MD 21204), concerning the characterization and remediation of soils and groundwater found to have been impacted by petroleum compounds as the result of historic releases at the property. The report was submitted in partial fulfillment of the Site-Specific Standard and was approved on January 29, 2008.

Dougherty Property, Penn Forest Township, Carbon County. Cathryn R. Stewart, P. G., AquAeTer, Inc., 7340 East Caley Avenue, Suite 200, Centennial, CO 80111 and Michael R. Corn, P. E., AquAeTer, Inc., 215 Jamestown Park, Suite 100, Brentwood, TN 37027 have submitted a Final Report and an addendum (on behalf of their clients, Miguel and Evelyn Castillo, R. R. 1, Box 256A, Effort, PA 18330), concerning the remediation of soil and groundwater found to have been impacted by kerosene as a result of an accidental release from a former aboveground storage tank. The report demonstrated attainment of the Residential Statewide Health Standard and was approved on January 31, 2008.

Harris Residence, Lackawaxen Township, Pike County. Mark Ellis, MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 submitted a Final Report (on behalf of his client, Jane Harris, P. O. Box 115, 119 Kimbles Road, Hawley, PA 18428), concerning the remediation of soils and groundwater found to have been impacted by No. 2 fuel oil as a result of a leaking aboveground storage tank. The report demonstrated attainment of the Residential Statewide Health Standard for soil and groundwater and was approved on February 4, 2008.

Cooper Cameron Facility, City of Corry, Erie County. MACTEC Engineering and Consulting, Inc., 700 North Bell Avenue, Suite 200, Pittsburgh, PA 15106 on behalf of Corry Industrial Benefit Association, 1524 Enterprise Road, Corry, PA 16407 has submitted a Final Report concerning the remediation of site groundwater contaminated with tetrachloroethylene, trichloroethylene and vinyl chloride. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on January 31, 2008.

Former Fenestra Corporation, Millcreek Township, Erie County. Converse Consultants, 2738 West College Avenue, State College, PA 16801 on behalf of the Marmon Group, Inc., 225 West Washington Street, Chicago, IL 60606-3418 has submitted a Final Report concerning the remediation of site groundwater contaminated with trichloroethene. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on January 29, 2008.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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 Regulations to Operate Solid Waste Processing or Disposal Area or Site.

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

Permit No. 101477. BFI Transfer System of Pennsylvania, LLC, 2209 South 58th Street, Philadelphia PA 19143, City of Philadelphia, **Philadelphia County**. The permit was modified to allow for the outbound transfer of C & D waste by truck to augment the currently approved shipment of C & D by rail. The permit was issued by Southeast Regional Office on February 4, 2008.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.

GP3-32-00390: Ridge Limestone, Inc. (1094 Lantz Road, Avonmore, PA 15618-1412) on January 31, 2008, to install and operate one 300 bhp Detroit Diesel IC Engine Model No. 12V71, one 300 bhp Caterpillar IC Engine Model No. 3306 and one 174 bhp Iveco IC Engine Model No. 8061.25 at the Sewickley Mine in Young Township, **Indiana County**.

GP9-32-00390: Ridge Limestone, Inc. (1094 Lantz Road, Avonmore, PA 15618-1412) on January 31, 2008, to install and operate one Universal Jaw Crusher Serial No. 11571, one Tesab Rotary Crusher Model No. RK 1012, one Portec Screen Model No. 620E-3, three 60 ft. long Radial Stackers and three 40 ft. long Conveyors at the Sewickley Mine in Young Township, **Indiana County**.

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

GP-33-171A: Punxsutawney Area School District—Punxsutawney High School (450 North Findley Street, Punxsutawney, PA 15707) on January 31, 2008, for two boilers BAQ-GPA/GP-1 in Punxsutawney Borough, **Jefferson County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

09-0010D: Riverside Construction Materials, Inc. (355 Newbold Road, Fairless Hills, PA 19030) on February 1, 2008, to operate a storage dome (dome No. 2) in Bristol Township, **Bucks County**.

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

42-011B: International Waxes, Inc. (45 Route 446, Smethport, PA 16749) on January 31, 2008, to construct a new boiler (99.8 mmBtu/hr) to replace existing boiler No. 4 in Keating Township, **McKean County**. This source is subject to 40 CFR 60 Subpart Dc and 40 CFR 63 Subpart DDDDD. This is a Title V facility.

61-204D: Franklin Bronze & Alloy Company, Inc. (655 Grant Street, Franklin, PA 16323) on January 29,

2008, to upgrade the dust collection system which includes installation of a new dust collector to control fumes from various sources in the investment casting process and to upgrade a dewax furnace that is currently out of service for a backup to an existing dewax furnace in their facility in the City of Franklin, **Venango County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

15-0004F: Alcoa Packaging, LLC (520 Lincoln Avenue, Downingtown, PA 19335) on January 29, 2008, to operate a replacement unwind stand in Downingtown Borough, **Chester County**.

46-0005AA: Merck & County, Inc. (Sumneystown Pike, P. O. Box WP20, West Point, PA 19486) on January 29, 2008, to operate a disinfectant operations in Upper Gwynedd Township, **Montgomery County**.

15-0004E: Alcoa Packaging, LLC (520 Lincoln Avenue, Downingtown, PA 19335) on January 29, 2008, to operate a rotogravure press No. 9 in Downingtown Borough, **Chester County**.

09-0102A: Clean Earth of Southeast Pennsylvania, Inc. (7 Steel Road East, Morrisville, PA 19067) on January 29, 2008, to operate a diesel driven screen in Falls Township, **Bucks County**.

09-0117B: Heucotech, LTD (99 Newbold Road, Fairless Hills, PA, 19030-4932) on January 29, 2008, to operate two dust collectors and venture scrubber in Falls Township, **Bucks County**.

46-313-146: Penn Color, Inc. (2755 Bergey Road, Hatfield, PA 19440) on January 29, 2008, to operate a base pigment dispersion facility in Hatfield Township, **Montgomery County**.

46-0024D: McNeil Consumer & Specialty Pharmaceuticals (7050 Camp Hill Road, Fort Washington, PA 19034) on January 29, 2008, to operate a 25 mmBtu/hr boiler in Whitmarsh Township, **Montgomery County**.

15-0027I: Johnson Matthey, Inc. (456 Devon Park Drive, Wayne, PA 19087) on January 31, 2008, to operate new diesel catalyst production lines in Tredyffrin Township, **Chester County**.

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

67-05108: AN-COR Industrial Plastics, Inc. (100 Melody Lane, North Tonawanda, NY 14120) on January 30, 2008, to construct a plastic chimney liner manufacturing operation at the Brunner Island Steam Electric Station in East Manchester Township, **York County**. This plan approval was extended.

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

14-00014C: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on February 1, 2008, to extend the authorization to construct a railcar aggregate unloading operation, an oil/liquid asphalt storage operation, a dust storage silo and a pugmill to May 31,

2008, and to extend the authorization to operate a portable aggregate crushing and screening plant and associated 400 horsepower diesel engine, portable aggregate screening plant and associated 101 horsepower diesel engine and asphalt plant aggregate bins, conveyors and screen on a temporary basis to May 31, 2008, in Spring Township, **Centre County**. The plan approval has been extended.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.

11-00516A: Fiberblade, LLC—Gamesa (400 Gamesa Drive, Fairless Hills, PA 19030) on February 5, 2008, to modify new raw material use, installation of the new super root equipment (2 electric ovens), along with new emission restrictions for NO_x, VOCs and HAPs in Cambria Township, **Cambria County**. The facility will become a synthetic source.

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

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

36-05046: Columbia Gas Transmission Corp. (1700 MacCorkle Avenue SE, P. O. Box 1273, Charleston, WV 25314-1518) on January 23, 2008, for natural gas transmission and storage facilities in East Donegal Township, **Lancaster County**. This is a renewal of the Title V operating permit.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

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

23-00052: Crozer Chester Medical Center (One Medical Center Boulevard, Upland, PA 19013-3995) on February 1, 2008, for operation of a hospital in Upland Borough, **Delaware County**. The permit is for a non-Title V (State-only) facility. The hospital has the potential to emit 24.95 tpy of NO_x. A new source has been added as Source 109 (750 kW diesel-fired emergency generator) of the operating permit. The aggregate NO_x limit (permits 23-00052 and 23-00007) has been rewritten because the Department of Environmental Protection has revoked permit number 23-00007. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

15-00053: The Chester County Hospital (701 East Marshall Street, West Chester, PA 19320) on February 1, 2008, for renewal of a Non-Title V Facility, State-only, Synthetic Minor Permit in West Chester Borough, **Chester County**. The Chester County Hospital operates and maintains two boilers and three emergency generators. The facility has a potential to emit 11.4 tons of NO_x per year, 32.7 tons of SO₂ per year, 2.53 tons of PM per year and 0.232 tons of VOCs per year. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

23-00029: Upper Darby High School (601 North Lansdowne Avenue, Drexel Hill, PA 19026) on February 1,

2008, for a renewal of a State-only, Natural Minor Operating Permit in Upper Darby Township, **Delaware County**. The permit is for a non-Title V (State-only) facility. The school's main sources include: three fuel oil and natural gas fired boilers, two natural gas fired chillers, one fuel oil fired emergency generator, and three natural gas fired emergency generators. The permit will include monitoring, recordkeeping and reporting requirements to address all applicable air quality requirements.

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

64-00007: Hanson Aggregates PA, Inc. (1900 Sullivan Trail, Easton, PA 18040) on January 30, 2008, to re-issue a State-only (Natural Minor) Operating Permit to operate a rock crushing operation and associated air cleaning devices, including the requirements of operating permit 64-310-010 for a portable crusher, at their facility in Lake Township, **Wayne County**.

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

01-05031: Metropolitan Edison County (P. O. Box 16001, Reading, PA 19612-6001) on January 29, 2008, to operate their Germantown Substation in Mount Joy Township, **Adams County**. This is a renewal of the State-only operating permit.

67-05086: Metropolitan Edison County (P. O. Box 16001, Reading, PA 19612-6001) on January 29, 2008, to operate their Hill Substation in Shrewsbury Township, **York County**. This is a renewal of the State-only operating permit.

67-05087: Metropolitan Edison County (P. O. Box 16001, Reading, PA 19612-6001) on January 29, 2008, to operate their Pleasureville Substation in Springettsbury Township, **York County**. This is a renewal of the State-only operating permit.

67-05088: Metropolitan Edison County (P. O. Box 16001, Reading, PA 19612-6001) on January 29, 2008, to operate their Roundtop Substation in Warrington Township, **York County**. This is a renewal of the State-only operating permit.

67-05089: Metropolitan Edison County (P. O. Box 16001, Reading, PA 19612-6001) on January 29, 2008, to operate their Westgate Substation in York City, **York County**. This is a renewal of the State-only operating permit.

67-05090: Metropolitan Edison County (P. O. Box 16001, Reading, PA 19612-6001) on January 29, 2008, to operate their Yoe Substation in Windsor Township, **York County**. This is a renewal of the State-only operating permit.

67-05109: Metropolitan Edison County (P. O. Box 16001, Reading, PA 19612-6001) on January 29, 2008, to operate their Queen Street Substation in York Township, **York County**.

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

08-00020: Calvin C. Cole, Inc. (27321 Route 220, Milan, PA 18831) on January 22, 2008, to operate an asphalt pavement plant in Athens Township, **Bradford County**.

60-00001: Bucknell University (Lewisburg, PA 17837) on January 29, 2008, to operate a university in East Buffalo Township, **Union County**.

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

S04-010: Department of Veteran's Affairs Medical Center and Nursing Home Care Unit (University and Woodland Avenues, Philadelphia, PA 19104) on January 15, 2008, to operate a hospital and nursing home in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include the following: three 29.4 mmBtu/hr boilers with low NOx burners firing No. 6 oil, No. 2 oil or natural gas; one 17.3 mmBtu/hr boiler firing No. 6 oil, No. 2 oil or natural gas; two 6.35 mmBtu/hr boilers firing No. 2 oil or natural gas; two natural gas hot water heaters; seven emergency generators firing No. 2 oil and one ethylene oxidizer.

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.

15-00027: Johnson Matthey, Inc.—Catalyst Systems Division (456 Devon Park Drive, Wayne, PA 19087-1816) on February 1, 2008, to operate a catalytic converter manufacturing, research and development facility in Tredyffrin Township, **Chester County**. The Title V Operating Permit is being amended to incorporate the following changes:

(i) Removed sources/equipment that is no longer in operation at the facility.

(ii) Several washcoat mixing tanks have been reclassified as miscellaneous sources and have been removed from Sections A, D and F and have been placed in Section G (Miscellaneous).

(iii) Sources CO12A, CO12B and CO12C: Revised permit language to include provisions for monitoring once per shift, three times daily, for all parameters other than pH. Revised scrubber pressure drop limits and current excursion definitions to reflect approved operating ranges.

(iv) Sources CO12A, CO12B and CO12C: Revised permit language to specify that the 90% monitoring requirement is measured on a monthly basis.

(v) Sources CO12A and CO12B: Revised permit language to reflect that compliance with control device removal efficiency is measured across the multicomponent control system and compliance can be demonstrated during stack testing as approved by the Department of Environmental Protection.

(vi) Sources 115—119: Revised permit language to reflect that the dust collectors are cartridge filters and that all cartridge filters must meet manufacturer's specifications.

(vii) Sources 115, 117—119, CO13A, CO13B and CO14: Revised permit language to allow calculations or manufacturer's specifications to be used in lieu of stack testing.

(viii) Sources 128—130: Revised permit language to reflect that trace chlorides already present within incoming raw materials do not prohibit bypass of the acid gas scrubber.

Comments will only be taken on the changes covered in this notice.

46-00168: Moss Rehab—Einstein at Elkins Park Hospital (60 East Township Line Road, Elkins Park, PA 19027-2220) on February 1, 2008, located in Cheltenham Township, **Montgomery County**. The permit is for a non-Title V (State-only) facility. NOx emissions are electively capped to less than 25 tpy. Administrative Amendment of the State-only Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The amendment incorporates terms and conditions from general permit 46-302-234GP, for the installation and operation of a new Clever Brooks Boiler rated at 16.7 mmBtu/hr, fired by natural gas and No. 2 fuel oil. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility within all applicable air quality requirements.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Barbara Hatch, Facilities Permitting Chief, (412) 442-4174.

63-00147: International Paper—Eighty Four Container (10 Wilson Road, Eighty Four, PA 15330-2846) on January 31, 2008, the owner/operator requested a change in the mailing address, responsible official and contact person. The plant is in North Strabane Township, **Washington County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

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

Permit Number 03851601 and NPDES Permit No. PA0214540, TJS Mining, Inc., (2340 Smith Road, Shelocta, PA 15774), to renew the permit for the Dutch Run Prep Plant in Plumcreek Township, **Armstrong County** and related NPDES permit. No additional discharges. Application received January 1, 2007. Permit issued January 28, 2008.

Permit Number 30841302 and NPDES Permit No. PA0213918, Consolidation Coal Company, (1800 Washington Road, Pittsburgh, PA 15241), to revise the permit for the Humphrey Mine No. 7 in Perry Township, **Greene County** to change the land use for 14.4 acres at the Mt. Morris portal site from unmanaged natural habitat to industrial/commercial. No additional discharges. Application received October 4, 2005. Permit issued February 1, 2008.

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

32060101 and NPDES No. PA0249891. D J & W Mining, Inc., P. O. Box 425, Indiana, PA 15701, revision of an existing bituminous surface mine to change from commercial forestland, unmanaged natural habitat and forestland to pastureland occasionally cut for hay, in Washington Township, **Indiana County**, affecting 80.3 acres. Receiving streams: UNTs to and South Branch Plum Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Permit issued January 30, 2008.

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

26070104 and NPDES Permit No. PA0251135. Stash Mining Company (P. O. Box 20, Waltersburg, PA 15488). Permit issued for commencement, operation and reclamation of a bituminous surface mining site located in Menallen Township, **Fayette County**, affecting 77.5 acres. Receiving streams: UNTs to Redstone Creek and Redstone Creek. Application received April 17, 2007. Permit issued January 28, 2008.

03050103 and NPDES Permit No. PA0250961. Mountain Coal County, Inc. (11931 SR 85, Kittanning, PA 16201). Permit issued for commencement, operation and reclamation of a bituminous surface/auger mining site located in Madison Township, **Armstrong County**, affecting 140.8 acres. Receiving streams: UNT to Allegheny River. Application received August 9, 2006. Permit issued January 29, 2008.

03030106 and NPDES Permit No. PA0250431. Thomas J. Smith, Inc. (2340 Smith Road, Shelocta, PA 15774). Permit issued for continued reclamation only of a bituminous surface mining site located in Redbank Township, **Armstrong County**, affecting 66.0 acres. Receiving streams: UNTs to Sugar Camp Run to Sugar Camp Run to Pine Run. Application received December 13, 2007. Reclamation only renewal issued January 31, 2008.

03060104 and NPDES Permit No. PA0250996. Short Brothers, Inc. (15 Rayne Run Road, Marion Center, PA 15759). Permit issued for commencement, operation and reclamation of a bituminous surface/auger mining site located in Manor and Kittanning Townships, **Armstrong County**, affecting 85.4 acres. Receiving streams: UNTs to Campbell Run. Application received November 6, 2006. Permit issued February 1, 2008.

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

17990103 and NPDES No. PA0238244. River Hill Coal County, Inc. (Memorial Street, P. O. Box 141, Kylertown, PA 16847), permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Bigler Township, **Clearfield County**, affecting 228.8 acres. Receiving streams: Alexander Run, UNT to Upper Morgan Run and Upper Morgan Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 10, 2007. Permit renewed January 23, 2008.

17070103 and NPDES No. PA0256498. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), commencement, operation and restoration of a bituminous surface mine in Girard Township, **Clearfield County**, affecting 280.0 acres. Receiving streams: UNTs to Deer Creek; UNTs to Little Deer Creek; Deer Creek,

classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received January 19, 2007. Permit issued January 29, 2008.

57960201 and NPDES No. PA0220671. Falcon Coal & Construction Company (P. O. Box 207, Mildred, PA 18632), permit renewal for the continued operation and restoration of a bituminous surface coal extraction and coal refuse reprocessing mine in Cherry Township, **Sullivan County**, affecting 12.1 acres. Receiving stream: Birch Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 18, 2007. Renewal issued January 28, 2008.

57000901 and NPDES No. PA0242837. Falcon Coal & Construction Company (P. O. Box 207, Mildred, PA 18632), permit renewal for the continued operation and restoration of a bituminous surface coal extraction and coal refuse reprocessing mine in Cherry Township, **Sullivan County**, affecting 18.5 acres. Receiving stream: Birch Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 18, 2007. Renewal issued January 28, 2008.

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

54763204R4. Gilberton Coal Company, (10 Gilberton Road, Gilberton, PA 17934), renewal of an existing anthracite coal refuse reprocessing and disposal operation in Ashland Borough and Butler Township, **Schuylkill County** affecting 109.0 acres, receiving stream: none. Application received June 29, 2005. Renewal issued January 30, 2008.

54851325R4 and NPDES Permit No. PA0223255. B & B Anthracite Coal Company, (225 Main Street, Joliett, PA 17891), renewal of an existing anthracite underground mine operation in Tremont Township, **Schuylkill County** affecting 8.0 acres, receiving stream: Lorberry Creek. Application received December 21, 2005. Renewal issued January 30, 2008.

Noncoal Permits Actions

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

33020303. Glen Gery Corporation (P. O. Box 7001, Wyomissing, PA 19610) Renewal of NPDES Permit No. PA0242144 in Oliver Township, **Jefferson County**. Receiving streams: UNTs to Little Sandy Creek. Application received December 10, 2007. Permit issued January 30, 2008.

25070301. Raymond D. Showman & Sons, Inc. (12851 Sharp Road, Edinboro, PA 16412) Commencement, operation and restoration of a large noncoal sand and gravel operation in LeBoeuf Township, **Erie County** affecting 21.8 acres. Receiving streams: UNT to Wheeler Creek. Application received March 14, 2007. Permit issued January 31, 2008.

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

08040804. Jeffery Osmun (R. R. 2, Box 1443, New Milford, PA 18834), noncoal mining operation in Tuscarora Township, **Bradford County**. Restoration of 2.0 acres completed. Application received January 14, 2008. Final bond release January 24, 2008.

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

58070867. Richard A. Jenkins, (R. R. 2, Box 247 C, Kingsley, PA 18826), commencement, operation and restoration of a quarry operation in Bridgewater Township, **Susquehanna County** affection 5.0 acres, receiving stream: none. Application received November 9, 2007. Permit issued January 28, 2008.

58070829. Diaz Stone and Pallet, Inc., (R. R. 2, Box 205, Kingsley, PA 18826), commencement, operation and restoration of a quarry operation in Dimock Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received April 16, 2007. Permit issued January 29, 2008.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151—161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

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

28084101. David H. Martin Excavating, Inc., 4961 Cumberland Highway, Chambersburg, PA 17201-9655, blasting activity permit issued for commercial development in Chambersburg Borough, **Franklin County**. Blasting activity permit end date is June 15, 2009. Permit issued January 23, 2008.

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

63084001. Hilltop Energy Inc. (6978 Lindentree Road, Mineral City, OH 44656). Permit issued for new cell holes at the Waste Management Inc. site located in Chartiers Township, **Washington County**, with an expected duration of approximately 10 months. Permit issued January 28, 2008.

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

42084001. Kesco, Inc. (P. O. Box 95, Adrian, PA 16210). Blasting activity permit for road construction in Bradford Township, **McKean County**. This blasting activity permit will expire on July 18, 2008. Application received January 15, 2008. Application issued January 28, 2008.

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

15084102. Brubacher Excavating, Inc., (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Target on Eagleview Boulevard in Uwchlan Township, **Chester County** with an expiration date of December 31, 2008. Permit issued January 28, 2008.

40084103. Austin Powder Company, (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Slocum Estates in Kingston Township, **Luzerne County** with an expiration date of January 25, 2009. Permit issued January 28, 2008.

35084103. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Circle Green Development in South Abington Township,

Lackawanna County with an expiration date of January 31, 2009. Permit issued January 31, 2008.

35084105. Holbert Explosives, Inc., (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for a single dwelling in Archbald Borough, **Lackawanna County** with an expiration date of December 31, 2008. Permit issued January 31, 2008.

66084101. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Hayduk Enterprises in Lemon Township, **Wyoming County** with an expiration date of January 31, 2009. Permit issued January 31, 2008.

66084102. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Shupp's Development in Clinton Township, **Wyoming County** with an expiration date of January 31, 2009. Permit issued January 31, 2008.

66084001. Richard Lawson, (834 SR 6W, Tunkhannock, PA 18657) and Brainard Explosives, (R. R. 1, Box 275, Kingsley, PA 18876), construction blasting for Parking Lot Improvement in Tunkhannock Township, **Wyoming County** with an expiration date of January 31, 2009. Permit issued January 31, 2008.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free

pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northeast Regional Office, Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

E64-267. DEPG Bartonsville Associates, LP, Plymouth Corporate Center, 625 Ridge Pike, Suite A-107, Conshohocken, PA 19428. Stroud Township, **Monroe County**, United States Army Corps of Engineers Philadelphia District.

To place fill in approximately 0.43 acre of PFO wetlands for the purpose of constructing a shopping center and hotel. The project is located on the south side of SR 0611 approximately 0.25 mile east of the Bartonsville Interchange of I-80 (Saylorburg, PA Quadrangle N: 22.3 inches; W: 2.0 inches). (Subbasin: 1E)

E45-499. DEPG Stroud Associates, LP, 625 Ridge Pike, Suite A-107, Conshohocken, PA 19428. Stroud Township, **Monroe County**, United States Army Corps of Engineers Philadelphia District.

To place fill in an approximately 0.28 acre of Exceptional Value wetlands for the purpose of constructing an entrance road to a commercial shopping center. The permittee is required to provide 0.28 acre of replacement wetlands. The project is located along SR 0611, approximately 0.5 mile east of the Bartonsville Exit from Interstate 80. (Saylorburg, PA Quadrangle N: 22.5 inches; W: 1.7 inches). (Subbasin: 1E)

E40-672. Aqua Pennsylvania, Inc., 700 West Spraul Road, Springfield, PA 19064. Kingston Township, **Luzerne County**, United States Army Corps of Engineers Baltimore District.

To construct and maintain two utility streamline crossings as follows: (1) an 8-inch diameter pipe under a culvert carrying a tributary to Toby Creek (CWF); and (2) a 12-inch diameter pipe under a tributary to Toby Creek and under 250 L.F. of PSS wetlands. The stream crossings will be installed using directional drilling techniques and are associated with a water transmission main project that will serve the proposed Saddle Ridge residential development (Kingston, PA Quadrangle N: 15.5 inches; W: 6.9 inches). (Subbasin: 5B)

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

E67-836: Department of Transportation Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699, Conewago and Newberry Townships, **York County**, United States ACOE Baltimore District

To (1) remove an existing five span reinforced concrete arch bridge having a centerline clear span of 388 feet, a width of 24 feet and minimum underclearance of 16.3 feet, (2) to construct and maintain a three span P/S Concrete I-Beam bridge having a centerline clear span of

445 feet, a width of 40 feet and a minimum underclearance of 30.3 feet carrying SR 0295, Section 001 over Conewago Creek (WWF) (Dover, PA Quadrangle N: 18.5 inches; W: 2.0 inches, Latitude 40° 06' 00.5"; Longitude: 76° 45' 49.8"), (3) construct and maintain five stormwater outfall structures with associated scour protection, (4) to construct and maintain two temporary causeways for the construction and removal of the bridges, (5) to temporarily maintain fill within 0.02 acre of PEM wetland as part of the temporary causeway, (6) to place approximately 17,709 cubic yards of fill within the floodplain of Conewago Creek, and (7) to remove 1,084 cubic yards of fill within the floodplain of Conewago Creek. The purpose of this project to replace the SR 0295, Section 001 Bridge over Conewago Creek in Conewago and Newberry Townships, York County. The project will result in 574 linear feet of temporary perennial stream impacts, 41 linear feet of permanent perennial stream impacts and 0.02 acre temporary wetland impacts. No wetland replacement is required.

E06-627: Reading Regional Airport Authority, Terry Sroka, 2501 Bernville Road, Reading, PA 19605, Bern Township, **Berks County**, United States ACOE Philadelphia District.

To construct and maintain a 300.0-foot long, 72.0-inch diameter reinforced concrete culvert pipe in a UNT to the Schuylkill River (CWF), and to construct and maintain a 15.0-foot wide, 345-foot long vegetated channel located next to the proposed pipe, for the purpose of conveying stormwater to, and controlling overflow from the Schuylkill River (CWF), all for the purpose of relocating an existing Township Road, Leisz Bridge Road (T-938), to allow for a runway expansion (Temple, PA Quadrangle N: 2.2 inches; W: 10.5 inches, Latitude: 40° 23' 8.7"; Longitude: 75° 57' 56.4") in Bern Township, Berks County.

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

3079703-A1. Allegheny Energy Supply County, 800 Cabin Hill Drive, Greensburg, PA 15601. To expand barge loading/unloading facility in Cumberland and Monongahela Townships, **Greene County**, Pittsburgh United States ACOE District. (Masontown, PA Quadrangle, N: 20.9 inches; W: 7.9 inches, Latitude: 39° 51' 54"; Longitude: 79° 55' 53"). To amend permit No. 3079703, which authorized the construction and maintenance of a series of coal barge mooring and ice breaker cells, to expand the Hatfield's Ferry barge loading/unloading facility by increasing the mooring to 14.9 acres and facilities area to 5.25 acres along the left descending bank of the Monongahela River (WWF), between mile points 78.1—79.1. This unloading facility will impact 567 linear feet of streambank of excavating 18,000 cubic yards of said bank and installing a retaining wall along the length of the new facility. This permit also authorizes maintenance dredging in this new area of river bottom. The amendment also includes several stream crossings over Little Whiteley Creek, consisting of a belt conveyor to transfer limestone from the hopper to a conveyor system on shore, and 3 aerial pipeline crossings (a 6-inch pipeline to transport FGD wastewater, a 12-inch pipeline to convey stormwater runoff, and a 16-inch pipeline to transfer water from their ash settling basins to the FGD scrubber for consumption). All aerial crossings will be installed on top of an existing pipe bridge crossing in a fashion that will not impact any additional length of Little Whiteley Creek. An intake structure will also be

installed in the above mentioned ash settling basin to transport water through the 16-inch service line. The permittee will provide stream mitigation on site in 2 areas. They are proposing top plant this river bank with woody species of trees and shrubs. The area is approximately 575 feet long, of which 150 feet (0.24 acre) will be planted with 144 individual trees with unlimited growth potential. The other 435 feet (0.27 acre) will be planted with relatively low-growing shrub species due to the fact that this area has a 500 kV transmission line over it, and they must provide for vertical clearance. They will be planting a total of 240 shrubs.

E02-145 A1. Orion Power Midwest, LP, 121 Champion Way, Canonsburg, PA 15317. Amendment to include the construction of a Gypsum Conveyor in Springdale Borough, **Allegheny County**, Pittsburgh United States ACOE District. (New Kensington West, PA Quadrangle N: 7.1 inches; W: 6.0 inches, Latitude: 40° 32' 21"; Longitude: 79° 47' 35"). To amend permit No. E02-145 to include the construction and maintenance of a Gypsum Conveyor on the right bank of the Allegheny River (WWF) for the purpose of loading and unloading barges. The project is located at River Mile 15.6 at the Cheswick Power Station, approximately 6,100 feet upstream from the Lock and Dam No. 3.

SPECIAL NOTICES

Planning Grant Awards under section 901 of the Municipal Waste Planning Recycling and Waste Reduction Act of 1988, Act 101

The Department of Environmental Protection (Department) announces the following grants to counties under the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101, P.L. 556, section 901 and section 208 of the Waste Tire Recycling Act/Small Business and Household Pollution Prevention Act (Act 190 of 1996).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans as required by Act 101, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101, and the availability of monies in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Sally Lohman, Chief, Waste Planning Section, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472.

Act 101, Section 901 Planning Grant

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project Description</i>	<i>Grant Award</i>
Southeast	Bucks	Bucks County	Plan Revision	\$81,277
Northeast				
Southcentral				
Northcentral				
Southwest	Westmoreland	Westmoreland County	Plan Revision	\$70,000
	Allegheny	Allegheny County	Feasibility Study and Establish Commercial Recycling Council	\$198,568
	Armstrong	Armstrong County	Recycling Study	\$52,400
Northwest				

Certification to Perform Radon-Related Activities in Pennsylvania

In the month of January 2008 the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P.L. 238, No. 43 (63 P.S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON).

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
A.R.T.	34 East Germantown Pike No. 282 Norristown, PA 19401	Mitigation
Adam Buckius	1899 Lititz Pike Lancaster, PA 17601	Testing
Joseph Cline	P. O. Box 1145 121 East Simpson Street Mechanicsburg, PA 17055	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
John Farmer	657 Eastside Drive Landisville, PA 17538	Mitigation
Daniel Frick	111 Naftzingertown Road Mohrsville, PA 19541	Testing
Cordell Tracy Griffin	1880 Loops Lane Easton, PA 18041	Testing
Gregg Harwood	1278 Vestal Avenue Binghamton, NY 13903	Mitigation
Gregg Harwood Professional Home Inspection Service	1278 Vestal Avenue Binghamton, NY 13903	Testing
Harold Henry	2820 West 23rd Street Erie, PA 16506	Testing
Lawrence Heston	P. O. Box 467 220 North Mann Avenue Ext. Yeagertown, PA 17099	Testing
Judith Hood-Scheidler	5676 Valleyview Drive Bethel Park, PA 15102	Testing
Edward Johnston	1902 Concord Road Ambridge, PA 15003	Testing
Daniel Jones	98 Porter Avenue Scottsdale, PA 15683	Testing
Kevin LeCompte	2370 Vista Valley Road Washington, PA 15301	Mitigation
Robert Lloyd	1698 Walnut Bottom Road Newville, PA 17241	Testing
Tim McDaniel	330 South Saint Elmo Street Allentown, PA 18104	Testing
Stephen Notwick	27 Jasmine Road Levittown, PA 19056	Mitigation
Dwayne Ott	667 Park Avenue Rear Tyrone, PA 16686	Testing
Frederick Ruziecki Eagle Inspection	P. O. Box 205 Wind Gap, PA 18091	Testing
David Scholtz	P. O. Box 118 Effort, PA 18330	Laboratory
Gar Shoemaker	104 Valley View Drive Parkesburg, PA 19365	Testing
Bruce Thomas A-Z Tech Home Inspections, Inc.	17 Fosterville Road Greensburg, PA 15601	Testing
James Weber	56 Bentwood Road Drums, PA 18222	Testing
Frederick Wedman Moyer & Son, Inc.	113 East Reliance Road Souderton, PA 18964	Mitigation
Gary Zimmerman	932 White Hall Road Danville, PA 17821	Testing

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

Notice of Final Settlement

On December 1, 2007, a Notice of Proposed Settlement Agreement among the Department of Environmental Protection, the Fish and Boat Commission, the Game Commission, the Department of Conservation and Natural Resources, the Norfolk Southern Corporation and Norfolk Southern Railway Company was published in the *Pennsylvania Bulletin* and the Cameron County Endeavor. The Settlement Agreement addresses the Norfolk Southern Railway Company train derailment and subsequent spill

of sodium hydroxide that occurred on June 30, 2006 in Norwich Township, **McKean County**. The notice was published pursuant to the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1305); Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); section 1917-A of The Administrative Code of 1929 (71 P. S. § 510-17); 30 Pa.C.S. §§ 101—7314 (relating to Fish and Boat); Conservation and Natural Resources Act (71 P. S. §§ 1340.101—1340.1102); Pennsylvania Scenic Rivers Act (32 P. S. §§ 820.21—820.29); Wild Resources Conservation Act (32 P. S. §§ 5301—5314); and 34 Pa.C.S. §§ 101—

2901 (relating to Game and Wildlife Code). No public comment was received. The Settlement Agreement is now final.

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

NPDES Permit No. PA0064041. On August 16, 2007, the Department of Environmental Protection (Department) issued the permit to Lehigh Heavy Forge Corporation for the discharge of industrial wastewater from its iron and steel forging facilities located in the City of Bethlehem, **Northampton County**. On October 9, 2007, Lehigh Heavy Forge Corporation filed an appeal with the Environmental Hearing Board challenging the Department's issuance of NPDES Permit No. PA0064041. On January 25, 2008, the Department vacated the August 16, 2007 issuance of NPDES Permit No. PA0064041 to allow for reconsideration of the permit application in accordance with the terms of a settlement agreement entered into by the Department and Lehigh Heavy Forge Corporation. Also on January 25, 2008, pending reconsideration of the application, the Department reinstated NPDES Permit No. PA0011177 retroactive to August 17, 2007, which was the permit that previously governed the discharge from the Lehigh Heavy Forge facility prior to August 16, 2007.

[Pa.B. Doc. No. 08-266. Filed for public inspection February 15, 2008, 9:00 a.m.]

Agriculture Advisory Board; Meeting Cancellation Notice

The Agricultural Advisory Board meeting scheduled for February 20, 2008, has been cancelled. The next meeting is scheduled to occur on April 16, 2008, at 10 a.m. at the PPL Montour Preserve, 700 Preserve Road, Danville, PA 17821.

Questions concerning the cancellation of the February 20, 2008, meeting or the April 16, 2008, meeting should be directed to Frank X. Schneider, Bureau of Watershed Management, (717) 772-5972, fschneider@state.pa.us. The agenda and materials for the April 16, 2008, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us (DEP Keyword: Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 783-6118 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 08-267. Filed for public inspection February 15, 2008, 9:00 a.m.]

Bid Opportunity

DMF 016-101.1, Bark Camp Stream Enclosure Removal Project, Gobbler Knob South, Mining Permit No. 268M016, Huston Township, Clearfield County. The principal items of work and approximate quantities include 92,500 cubic yards of Grading, 1,145 square yards of Rock Lining and 10 acres of Seeding. This project

issues on February 15, 2008 and bids will be opened on March 13, 2008. Bid documents cost \$10 per set and will not be mailed until payment has been received. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 08-268. Filed for public inspection February 15, 2008, 9:00 a.m.]

Bid Opportunity

OSM 33(3465)101.1, Abandoned Mine Reclamation Project, Baxter North, Clover Township, Jefferson County. The principal items of work and approximate quantities include 2,050 linear feet of Rock Underdrain, 915 tons of Alkaline Addition, 800 linear feet of Permanent Swale, 1,830 linear feet of Permanent Access Roads, 236,355 cubic yards of Grading Area 1, 368,786 cubic yards of Grading Area 2, 31,001 cubic yards of Grading Area 3, 45,670 cubic yards of Grading Area 4, 49.3 acres of Seeding and Planting 40,425 Trees. This project issues on February 15, 2008 and bids will be opened on March 13, 2008 at 2 p.m. Bid documents cost \$15 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by Pub. L. No. 95-87 dated August 3, 1977, The Surface Mining Control and Reclamation Act of 1977, and is subject to that Law, and to the Federal Grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 08-269. Filed for public inspection February 15, 2008, 9:00 a.m.]

Certification Program Advisory Committee; Revised Meeting Schedule for 2008

The Certification Program Advisory Committee (Committee) has revised its 2008 meeting schedule, which was previously advertised in the *Pennsylvania Bulletin* at 37 Pa.B. 6846 (December 22, 2007). The Committee will meet on Monday, April 7, 2008, and on Monday, April 21, 2008. The meetings will begin at 10 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Prior to the meetings, contact Cheri Sansoni at (717) 772-5158 or csansoni@state.pa.us or visit the Department of Environmental Protection's web site at www.depweb.state.pa.us (DEP Keyword: Participate) to confirm the meeting room location.

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

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 08-270. Filed for public inspection February 15, 2008, 9:00 a.m.]

State Board for Certification of Water and Wastewater Systems Operators; Revised Meeting Schedule for 2008

The State Board for Certification of Water and Wastewater Systems Operators has revised its 2008 meeting schedule, which was previously advertised in the *Pennsylvania Bulletin* at 37 Pa.B. 6846 (December 22, 2007). Except as noted, all meetings will be held in the Rachel Carson State Office Building (RCSOB), 400 Market Street, Harrisburg, PA 17105. The revised 2008 meeting schedule is as follows:

February 29	9:30 a.m.— 3 p.m.	12th Floor, RCSOB—Board Meeting
April 9	10 a.m.— 3 p.m.	SouthCentral Regional Office 909 Elmerton Avenue Harrisburg, PA 17110 Susquehanna Rooms A & B Board Meeting
April 25	10 a.m.— 3 p.m.	Room 105, RCSOB—Board Meeting
June 5	10 a.m.— 12 p.m.	11th Floor, RCSOB—Conference Call
July 11	10 a.m.— 12 p.m.	11th Floor, RCSOB—Conference Call
September 11	10 a.m.— 12 p.m.	11th Floor, RCSOB—Conference Call
November 13	10 a.m.— 12 p.m.	11th Floor, RCSOB—Conference Call

Prior to the meetings, contact Cheri Sansoni at (717) 772-5158 or csansoni@state.pa.us or visit the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us (DEP Keyword: Participate) to confirm the meeting room location.

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

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 08-271. Filed for public inspection February 15, 2008, 9:00 a.m.]

Statewide Water Resources Committee; Meeting Cancellation Notice

The Statewide Water Resources Committee meeting scheduled for February 21, 2008, has been cancelled. The next meeting is scheduled to occur on March 20, 2008, at 9:30 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the cancellation of the February 21, 2008, meeting should be directed to Susan Weaver, Bureau of Watershed Management, (717) 772-4048, suweaver@state.pa.us. The agenda and materials for the March 20, 2008, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us (DEP Keywords; Participate).

Persons with a disability who require accommodations to attend the meeting listed previously should contact the Department at (717) 783-6118 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 08-272. Filed for public inspection February 15, 2008, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Carlisle Outpatient Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Carlisle Outpatient Surgery Center has requested an exception to the requirements of 28 Pa. Code § 551.21(d) (relating to criteria for ambulatory surgery).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-273. Filed for public inspection February 15, 2008, 9:00 a.m.]

Application of Center for Reproductive Surgery, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Center for Reproductive Surgery, LLC, has requested an exception to the requirements of 28 Pa. Code § 555.24(d) (relating to postoperative care).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-274. Filed for public inspection February 15, 2008, 9:00 a.m.]

Application for Exception to 28 Pa. Code § 569.1

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 § 569.1 (relating to principle):

Heritage Valley Surgery Center
Turk's Head Surgery Center
Center for the Surgical Arts
Saint Vincent Surgery Center
Southwestern Pennsylvania Eye Surgery Center
PRISM Center for Spine and Pain Care
Carlisle Outpatient Surgery Center

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 Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-275. Filed for public inspection February 15, 2008, 9:00 a.m.]

Application of Heritage Valley Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Heritage Valley Surgery Center has requested

an exception to the requirements of 28 Pa. Code §§ 553.1, 553.5, 553.4, 553.31, 555.3, 555.4, 567.2(2) and Chapter 557.

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-276. Filed for public inspection February 15, 2008, 9:00 a.m.]

Application of Muncy Valley Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Muncy Valley Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 5.6.4.3 (relating to hand washing stations), 5.6.4.4 (relating to dose administration area), 5.6.4.5(1) (relating to consultation area), 5.6.4.5 (2) (relating to patient holding area), 5.6.4.5(3) (relating to medical staff offices), 5.6.4.5(5) (relating to computer room), 5.6.4.5(6) (relating to soiled workroom or holding room) and 5.6.4.7(2) (relating to patient dressing rooms).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

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 Services at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-277. Filed for public inspection February 15, 2008, 9:00 a.m.]

Application of Reading Endoscopy Center, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Reading Endoscopy Center, LLC has requested an exception to the requirements of 28 Pa. Code § 551.31 (relating to licensure).

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 Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-278. Filed for public inspection February 15, 2008, 9:00 a.m.]

Application of St. Luke's Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that St. Luke's Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.1—2.3.1 (relating to laboratory work counters).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of

Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-279. Filed for public inspection February 15, 2008, 9:00 a.m.]

Application of York Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that York Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 10.2.1.1.2(c) (relating to fan coil units).

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 Services at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-280. Filed for public inspection February 15, 2008, 9:00 a.m.]

Equipment to Determine Blood Alcohol Content

The Department of Health (Department) has approved the following equipment for determining the alcohol content of blood by analysis of a person's breath. This list of approved equipment replaces the previous list published at 37 Pa.B. 5435 (October 6, 2007) and is published under the authority of the Motor Vehicle Code, 75 Pa.C.S. § 1547(c)(1) (relating to chemical testing to determine amount of alcohol or controlled substance), the Fish and Boat Code, 30 Pa.C.S. § 5125(c)(1) (relating to chemical testing to determine amount of alcohol or controlled substance), the Game and Wildlife Code, 34 Pa.C.S. § 2502(c) (relating to chemical test to determine amount of alcohol) and The Administrative Code of 1929 (71 P. S. § 532).

Equipment approved under this notice may be used by law enforcement officials to obtain test results which will be admissible in evidence in any summary or criminal proceeding in which the defendant is charged with a violation of 75 Pa.C.S. § 3802 (relating to driving under the influence of alcohol or controlled substance), any other violation of the Vehicle Code arising out of the same action, 30 Pa.C.S. § 5502 (relating to operating watercraft under influence of alcohol or controlled substance), any other violation of the Fish and Boat Code arising out of the same action, 34 Pa.C.S. § 2501 (relating to hunting or furtaking under influence of alcohol or controlled substance) or any other violation of the Game and Wildlife Code arising out of the same action. Law enforcement agencies should determine that an approved training program in the use of the equipment is available in accordance with the previously referenced statutes before purchasing any of the devices contained on this list.

The approval of equipment by the Department is based on the evaluation of the equipment by the National Highway Traffic Safety Administration (NHTSA) of the United States Department of Transportation. Equipment which met the Federal requirements was published at 72 FR 71480 (December 17, 2007) as a Conforming Products List. The list contained in this notice is based on that Conforming Products List.

Instruments marked with an asterisk meet the model specifications detailed in 49 FR 48854 (December 14, 1984) (that is, instruments tested at breath alcohol concentrations of 0.000, 0.050, 0.101 and 0.151 grams of alcohol per 210 liters of air). Instruments not marked with an asterisk meet the model specifications detailed in 58 FR 48705 (September 17, 1993), and were tested at breath alcohol concentrations of 0.000, 0.020, 0.040, 0.080 and 0.160 grams of alcohol per 210 liters of air. The amended specifications that were published on September 17, 1993, added a test for the presence of alcohol to include other low molecular weight alcohols including methyl and isopropyl. Instruments whose precision and accuracy have been evaluated in the latter concentration range (that is, devices not marked with an asterisk) should be used when reliable results are required at blood concentrations below 0.050%.

The NHTSA also evaluates equipment to determine if it must be operated at fixed locations (that is, nonmobile equipment) or can be transported to nonfixed operational sites in the field (mobile equipment). Equipment on the list is approved for mobile and/or nonmobile operation unless otherwise specified.

The NHTSA's amended Conforming Products List published at 72 FR 71480 includes six additional devices that were not included on the previous Federal conforming products list that were published at 71 FR 37159 (June 29, 2006). The six additional devices are:

- 1) The CMI Intoxilyzer 240 (a/k/a the Lion Alcolmeter 400+, outside U.S.) manufactured by CMI, Inc., Owensboro, Kentucky.
- 2) The "Alcotest 9510" manufactured by Draeger Safety, Inc., Durango, Colorado.
- 3) The "AlcoQuant 6020" manufactured by EnviteC by Honeywell GmbH, Fond Lu Lac, Wisconsin.
- 4) The "EC-IR-II (Enhanced with serial numbers above 10,000)," manufactured by Intoximeters, Inc., St. Louis, Missouri.
- 5) The "Phoenix 6.0," manufactured by Lifeloc Technologies, Inc., Wheat Ridge, Colorado.
- 6) The "ALC-PRO II (US)," manufactured by Tokai-Denshi, Inc., Tokyo, Japan.

The Draeger Safety Alcotest 9510 and the Intoximeters EC-IR II enhanced with serial number 10,000 or higher meet the NHTSA requirements for nonmobile operations only. The other four devices meet the NHTSA requirements for both nonmobile or mobile operations.

Law enforcement agencies that plan to utilize a device which does not appear on the following list should contact the manufacturer of the equipment to verify that it has been evaluated by NHTSA and found by NHTSA to meet NHTSA's performance requirements. If a device is approved by NHTSA after the date of this publication, the manufacturer of the device will need to forward documentation of NHTSA acceptability to Dr. M. Jeffery Shoemaker at the address given so that the Department has information sufficient to enable it to publish a notice in the *Pennsylvania Bulletin* identifying the device as breath testing equipment approved by the Department.

To facilitate accessibility to information concerning breath alcohol testing devices which are approved for law enforcement purposes in this Commonwealth, the Department will publish revisions of this list of equipment annually as notices in the *Pennsylvania Bulletin* in addition to publishing a notice of a newly approved device when the necessary information is provided to the Department. This practice will proceed even if an updated conforming products list has not appeared in the *Federal Register* since the Department's last annual publication of approved breath testing devices.

Inquiries concerning this notice may be directed to M. Jeffery Shoemaker, Ph.D., Director, Division of Chemistry and Toxicology, Bureau of Laboratories, Department of Health, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464, Ext. 3229.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Dr. Shoemaker at the previously referenced address or phone number. Persons who are speech or hearing impaired may use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

Conforming Products List of Evidential Breath Measurement Devices		Manufacturer and Model		Mobile Nonmobile	
Manufacturer and Model	Mobile	Nonmobile	7410-II	X	X
Alcohol Countermeasure Systems Corp., Mississauga, Ontario, Canada:			EnviteC by Honeywell GmbH, Fond du Lac, WI		
Alert J3AD*	X	X	AlcoQuant 6020	X	X
Alert J4X.ec	X	X	Gall's Inc., Lexington, KY:		
PBA3000C	X	X	Alcohol Detection System -A.D.S. 500	X	X
BAC Systems, Inc., Ontario, Canada:			Guth Laboratories, Inc., Harrisburg, Pennsylvania:		
Breath Analysis Computer*	X	X	Alcotector BAC-100	X	X
CAMEC Ltd., North Shields, Tyne and Ware, England:			Alcotector C ₂ H ₅ OH	X	X
IR Breath Analyzer*	X	X	Intoximeters, Inc., St. Louis, MO:		
CMI, Inc., Owensboro, KY:			Photo Electric Intoximeter*	—	X
Intoxilyzer Model:			GC Intoximeter MK II*	X	X
200	X	X	GC Intoximeter MK IV*	X	X
200D	X	X	Auto Intoximeter*	X	X
240 (aka Lion Alcolmeter 400 + outside the US)	X	X	Intoximeter Model:		
300	X	X	3000*	X	X
400	X	X	3000 (rev B1)*	X	X
400PA	X	X	3000 (rev B2)*	X	X
1400	X	X	3000 (rev B2A)*	X	X
4011*	X	X	3000 (rev B2A) w/FM option*	X	X
4011A*	X	X	3000 (Fuel Cell)*	X	X
4011AS*	X	X	3000D*	X	X
4011AS-A*	X	X	3000DFC*	X	X
4011AS-AQ*	X	X	Alcomonitor	—	X
4011AW*	X	X	Alcomonitor CC	X	X
4011A27-10100*	X	X	Alco-Sensor III	X	X
4011A27-10100 with filter*	X	X	Alco-Sensor III (Enhanced with Serial Numbers above 1,200,000)	X	X
5000	X	X	Alco-Sensor IV	X	X
5000 (w/Cal. Vapor Re-Circ.)	X	X	Alco-Sensor IV-XL	X	X
5000 (w/3/8" ID hose option)	X	X	Alco-Sensor AZ	X	X
5000CD	X	X	Alco-Sensor FST	X	X
5000CD/FG5	X	X	EC/IR	X	X
5000EN	X	X	EC/IR II	X	X
5000 (CAL DOJ)	X	X	EC/IR II (enhanced with serial number 10,000 or higher)	—	X
5000 (VA)	X	X	Portable EC/IR II	X	X
8000	X	X	RBT-AZ	X	X
PAC 1200*	X	X	RBT III	X	X
S-D2	X	X	RBT III-A	X	X
S-D5	X	X	RBT-IV	X	X
Draeger Safety, Inc., (aka: National Draeger) Durango, CO:			RBT-IV with CEM (cell enhancement module)	X	X
Alcotest Model:			Komyo Kitagawa, Kogyo, K.K.:		
6510	X	X	Alcolyzer DPA-2*	X	X
6810	X	X	Breath Alcohol Meter PAM 101B*	X	X
7010*	X	X	Lifeloc Technologies, Inc. (formerly Lifeloc, Inc.) Wheat Ridge, CO:		
7110*	X	X	PBA 3000-B	X	X
7110 MKIII	X	X	PBA 3000-P*	X	X
7110 MKIII-C	X	X	PBA 3000-C	X	X
7410	X	X	Alcohol Data Sensor	X	X
7410 Plus	X	X	Phoenix	X	X
9510	—	X	Phoenix 6.0	X	X
Breathalyzer Model:			EV 30	X	X
900	X	X	FC 10	X	X
900A*	X	X			
900BG*	X	X			
7410	X	X			

Manufacturer and Model	Mobile	Nonmobile
FC 20	X	X
Lion Laboratories, Ltd., Cardiff, Wales, UK: Alcolmeter Model:		
300	X	X
400	X	X
400 + (aka: Intoxilyzer 240 in the U.S.)	X	X
SD-2*	X	X
SD-5 (aka: S-D5 in the U.S.)	X	X
EBA*	X	X
Intoxilyzer Model:		
200	X	X
200D	X	X
1400	X	X
5000 CD/FG5	X	X
5000 EN	X	X
Luckey Laboratories, San Bernardino, CA: Alco-Analyzer Model:		
1000*	—	X
2000*	—	X
National Patent Analytical Systems, Inc., Mansfield, OH: BAC DataMaster (with or without the Delta-1 accessory):		
BAC Verifier DataMaster (with or without the Delta-1 accessory)	X	X
DataMaster cdm (with or without the Delta-1 accessory)	X	X
DataMaster DMT	X	X
Omicron Systems, Palo Alto, CA:		
Intoxilyzer 4011*	X	X
Intoxilyzer 4011AW*	X	X
Plus 4 Engineering, Minturn, CO:		
5000 Plus 4*	X	X
Seres, Paris, France:		
Alco Master	X	X
Alcopro	X	X
Siemens-Allis, Cherry Hill, NJ:		
Alcomat*	X	X
Alcomat F*	X	X
Smith and Wesson Electronics, Springfield, MA: Breathalyzer Model:		
900*	X	X
900A*	X	X
1000*	X	X
2000*	X	X
2000 (Nonhumidity Sensor)*	X	X
Sound-Off Inc., Hudsonville, MI:		
AlcoData	X	X
Seres Alco Master	X	X
Seres Alcopro	X	X

Manufacturer and Model	Mobile	Nonmobile
Stephenson Corp.: Breathalyzer 900*	X	X
Takai-Denshi Inc., Tokyo, Japan: ALC-PRO II (US)	X	X
U.S. Alcohol Testing, Inc./Protection Devices, Inc., Rancho Cucamonga, CA:		
Alco-Analyzer 1000	—	X
Alco-Analyzer 2000	—	X
Alco-Analyzer 2100	X	X
Verax Systems, Inc., Fairport, NY:		
BAC Verifier*	X	X
BAC Verifier Datamaster	X	X
BAC Verifier Datamaster II*	X	X

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-281. Filed for public inspection February 15, 2008, 9:00 a.m.]

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.3 (relating to definitions).

Elm Terrace Gardens
660 North Broad Street
Lansdale, PA 19446-2361

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building).

Saint Mary's East
607 East 26th Street
Erie, PA 16504
FAC ID 191302

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.31 (relating to storage).

John Heinz Senior Rehab Care
150 Mundy Street
Wilkes-Barre Township, PA 18702

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, 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).

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-282. Filed for public inspection February 15, 2008, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Deal Or No Deal™ Instant Lottery Game Amended

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of a change to the Pennsylvania Deal Or No Deal™ instant lottery game rules that were published at 37 Pa.B. 4717 (August 25, 2007).

This amendment adds an additional prize tier to the Deal Or No Deal™ Trip Package Prize Description, Section 12(a)(4) of the Pennsylvania Deal Or No Deal™ instant lottery game notice, modifying the description of the prizes available to be won in the briefcases by including a \$15,000 prize amount.

In addition, the Deal Or No Deal™ Trip Package Prize Description, Section 12(a)(4) of the Pennsylvania Deal Or No Deal™ instant lottery game notice, is hereby modified to state that the briefcase entitling the winner to play Deal Or No Deal™ will contain a \$5,000 prize amount and the word CONTESTANT.

The correct version of Section 12(a)(4) is as follows, with ellipses referring to the existing text of the document as it appeared at 37 Pa.B. 4717—4722:

* * * * *

12. Deal Or No Deal™ Trip Package Prize Description:

(a) Each Deal Or No Deal™ Second-Chance Drawing prize will have an average value of approximately \$12,500 including a \$3,125 Federal Withholding Credit. The Trip Package consists of the following:

* * * * *

(4) One opportunity to participate in a random drawing to play Deal Or No Deal™. Each Deal Or No Deal™ Trip Package winner selected by the Pennsylvania Lottery, in accordance with section 11, will, in the order in which they were selected by the Pennsylvania Lottery, randomly select a briefcase. All of the briefcases will contain a dollar amount of \$5,000, \$10,000, \$15,000 or \$25,000. The winners who select a briefcase will win the dollar amount noted in their briefcase, less required Federal withholding. The Pennsylvania Deal Or No Deal™ Trip Package winner who selects the briefcase containing a \$5,000 prize amount and the word CONTESTANT will play Deal Or No Deal™ and will win an additional guaranteed prize of

between \$.01 and \$1 million, less required Federal withholding, in accordance with the Deal Or No Deal™ Television Game Show rules. There is no guarantee that the Deal Or No Deal™ show will be aired on television.

* * * * *

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 08-283. Filed for public inspection February 15, 2008, 9:00 a.m.]

Pennsylvania Money To Burn Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Money To Burn.

2. *Price:* The price of a Pennsylvania Money To Burn instant lottery game ticket is \$10.

3. *Play Symbols:* Each Pennsylvania Money To Burn instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions located in the “WINNING NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVEN), 12 (TWELVE), 13 (THIRTEEN), 14 (FOURTEEN), 15 (FIFTEEN), 16 (SIXTEEN), 17 (SEVENTEEN), 18 (EIGHTEEN), 19 (NINETEEN), 20 (TWENTY), 21 (TWENTYONE), 22 (TWENTYTWO), 23 (TWENTYTHREE), 24 (TWENTYFOUR), 25 (TWENTYSIX), 26 (TWENTYEIGHT), 27 (TWENTYNINE) and 30 (THIRTY). The play symbols and their captions located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVEN), 12 (TWELVE), 13 (THIRTEEN), 14 (FOURTEEN), 15 (FIFTEEN), 16 (SIXTEEN), 17 (SEVENTEEN), 18 (EIGHTEEN), 19 (NINETEEN), 20 (TWENTY), 21 (TWENTYONE), 22 (TWENTYTWO), 23 (TWENTYTHREE), 24 (TWENTYFOUR), 25 (TWENTYFIVE), 26 (TWENTYSIX), 27 (TWENTYEIGHT), 28 (TWENTYNINE), 30 (THIRTY), Moneybag Symbol (MNYBAG), Flame Symbol (FLAME) and a 10X symbol (10TIMES).

4. *Prize Symbols:* The prize symbols and their captions located in the “YOUR NUMBERS” area are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$2,000 (TWO THO), \$25,000 (TWYFIVTHO) and \$250,000 (TWHNFYTH).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$200, \$400, \$500, \$1,000, \$2,000, \$25,000 and \$250,000. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Money To Burn instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$250,000 (TWHNFYTH) appears under the matching

(z) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$25\$ (TWY FIV) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(aa) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$25\$ (TWY FIV) appears under the Moneybag symbol (MNYBAG), on a single ticket, shall be entitled to a prize of \$25.

(bb) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(cc) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$20\$ (TWENTY) appears under the Moneybag symbol (MNYBAG), on a single ticket, shall be entitled to a prize of \$20.

(dd) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10^{.00} (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(ee) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$10^{.00} (TEN DOL) appears under the Moneybag symbol (MNYBAG), on a single ticket, shall be entitled to a prize of \$10.

(ff) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5^{.00} (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

When Any Of Your Numbers Match Any Of The Winning Numbers, Win With Prize(s) Of:

<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,000,000 Tickets</i>
\$10	20	300,000
\$10 w/MONEYBAG	20	300,000
\$5 × 2	24	250,000
\$20	60	100,000
\$20 w/MONEYBAG	60	100,000
\$5 × 4	120	50,000
\$10 × 2	120	50,000
\$25	200	30,000
\$25 w/MONEYBAG	60	100,000
\$5 × 5	200	30,000
\$40	600	10,000
\$40 w/MONEYBAG	600	10,000
\$5 × 8	600	10,000
\$10 × 4	600	10,000
\$20 × 2	100	60,000
\$50	600	10,000
\$50 w/MONEYBAG	600	10,000
\$5 w/10X	600	10,000
\$10 × 5	600	10,000
\$25 × 2	600	10,000
\$100	800	7,500
\$100 w/MONEYBAG	800	7,500
\$10 × 10	800	7,500
\$10 w/10X	387.10	15,500
\$20 × 5	800	7,500
\$25 × 4	800	7,500
\$50 × 2	800	7,500
\$200	2,400	2,500
\$200 w/MONEYBAG	2,400	2,500
\$200 w/FLAME	558.14	10,750
\$20 × 10	2,400	2,500
\$20 w/10X	2,400	2,500
\$40 × 5	2,400	2,500
\$50 × 4	2,400	2,500
\$100 × 2	2,400	2,500
\$400	40,000	150
\$400 w/MONEYBAG	40,000	150
\$40 × 10	40,000	150
\$40 w/10X	60,000	100
\$100 × 4	40,000	150

When Any Of Your Numbers Match Any Of The Winning Numbers, Win With Prize(s) Of:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 6,000,000 Tickets
(\$200 w/FLAME) + (\$40 × 5)	\$400	40,000	150
\$500	\$500	40,000	150
\$500 w/MONEYBAG	\$500	40,000	150
\$50 × 10	\$500	40,000	150
\$100 × 5	\$500	40,000	150
\$50 w/10X	\$500	40,000	150
(\$200 w/FLAME) + (\$50 × 6)	\$500	40,000	150
\$1,000	\$1,000	24,000	250
\$1,000 w/MONEYBAG	\$1,000	24,000	250
\$100 × 10	\$1,000	24,000	250
\$100 w/10X	\$1,000	24,000	250
\$200 × 5	\$1,000	24,000	250
(\$100 × 2) + (\$400 × 2)	\$1,000	24,000	250
\$500 × 2	\$1,000	24,000	250
(\$200 w/FLAME) + (\$200 × 4)	\$1,000	24,000	250
\$2,000	\$2,000	120,000	50
(\$200 w/FLAME) + (\$200 × 9)	\$2,000	120,000	50
\$200 w/10X	\$2,000	120,000	50
\$25,000	\$25,000	240,000	25
\$250,000	\$250,000	600,000	10

Moneybag (MONEYBAG) Symbol = Win prize shown under it automatically.
 Flame (FLAME) Symbol = Win \$200 automatically.
 10X (10TIMES) Symbol = Win 10 times the prize shown under it.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Money To Burn instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Money To Burn, prize money from winning Pennsylvania Money To Burn instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Money To Burn instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Money To Burn or through normal communications methods.

THOMAS W. WOLF,
 Secretary

[Pa.B. Doc. No. 08-284. Filed for public inspection February 15, 2008, 9:00 a.m.]

Pennsylvania Red Hot 7's '08 Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Red Hot 7's '08.

2. *Price:* The price of a Pennsylvania Red Hot 7's '08 instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Red Hot 7's '08 instant lottery game ticket will contain one play area featuring a "HOT NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "HOT NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR) and 25 (TWYFIV). The play symbols and their captions printed in black ink, located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR) and 25 (TWYFIV). The play symbols and their captions printed in red ink, located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 7 (RSVN) and a HOT symbol (HOT).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5⁰⁰ (FIV

DOL), \$7⁰⁰ (SVN DOL), \$10⁰⁰ (TEN DOL), \$14\$ (FORTN), \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$60\$ (SIXTY), \$70\$ (SEVENTY), \$100 (ONE HUN), \$700 (SVN HUN), \$7,000 (SVN THO) and \$70,000 (SVY THO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$7, \$10, \$14, \$20, \$40, \$50, \$60, \$70, \$100, \$700, \$7,000, and \$70,000. The player can win up to twelve times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania Red Hot 7's '08 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "HOT NUMBERS" play symbols and a prize symbol of \$70,000 (SVY THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$70,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "HOT NUMBERS" play symbols and a prize symbol of \$7,000 (SVN THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$7,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "HOT NUMBERS" play symbols and a prize symbol of \$700 (SVN HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$700.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 symbol (RSVN), with the symbol and caption printed in red ink, and a prize symbol of \$700 (SVN HUN) appears under that 7 symbol (RSVN), on a single ticket, shall be entitled to a prize of \$700.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a HOT symbol (HOT), with the symbol and caption printed in red ink, and a prize symbol of \$50\$ (FIFTY) appears in ten of the "prize" areas, and a prize symbol of \$100 (ONE HUN) appears in two of the "prize" areas, on a single ticket, shall be entitled to a prize of \$700.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "HOT NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 symbol (RSVN), with the symbol and caption printed in red ink, and a prize symbol of \$100 (ONE HUN) appears under that 7 symbol (RSVN), on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a HOT symbol (HOT), with the symbol and caption printed in red ink, and a prize symbol of \$5⁰⁰ (FIV DOL) appears in four of the "prize" areas, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in eight of the "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "HOT NUMBERS" play symbols and a prize symbol of \$70\$

(SEVENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$70.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 symbol (RSVN), with the symbol and caption printed in red ink, and a prize symbol of \$70\$ (SEVENTY) appears under that 7 symbol (RSVN), on a single ticket, shall be entitled to a prize of \$70.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a HOT symbol (HOT), with the symbol and caption printed in red ink, and a prize symbol of \$5⁰⁰ (FIV DOL) appears in ten of the "prize" areas, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in two of the "prize" areas, on a single ticket, shall be entitled to a prize of \$70.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "HOT NUMBERS" play symbols and a prize symbol of \$60\$ (SIXTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$60.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 symbol (RSVN), with the symbol and caption printed in red ink, and a prize symbol of \$60\$ (SIXTY) appears under that 7 symbol (RSVN), on a single ticket, shall be entitled to a prize of \$60.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a HOT symbol (HOT), with the symbol and caption printed in red ink, and a prize symbol of \$5⁰⁰ (FIV DOL) appears in twelve of the "prize" areas, on a single ticket, shall be entitled to a prize of \$60.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "HOT NUMBERS" play symbols and a prize symbol of \$40\$ (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 symbol (RSVN), with the symbol and caption printed in red ink, and a prize symbol of \$40\$ (FORTY) appears under that 7 symbol (RSVN), on a single ticket, shall be entitled to a prize of \$40.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "HOT NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 symbol (RSVN), with the symbol and caption printed in red ink, and a prize symbol of \$20\$ (TWENTY) appears under that 7 symbol (RSVN), on a single ticket, shall be entitled to a prize of \$20.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "HOT NUMBERS" play symbols and a prize symbol of \$14\$ (FORTN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$14.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 symbol (RSVN), with the

symbol and caption printed in red ink, and a prize symbol of \$14\$ (FORTN) appears under that 7 symbol (RSVN), on a single ticket, shall be entitled to a prize of \$14.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "HOT NUMBERS" play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 symbol (RSVN), with the symbol and caption printed in red ink, and a prize symbol of \$10⁰⁰ (TEN DOL) appears under that 7 symbol (RSVN), on a single ticket, shall be entitled to a prize of \$10.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "HOT NUMBERS" play symbols and a prize symbol of \$7⁰⁰ (SVN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$7.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 symbol (RSVN), with the symbol and caption printed in red ink, and a prize symbol of \$7⁰⁰ (SVN DOL) appears under that 7 symbol (RSVN), on a single ticket, shall be entitled to a prize of \$7.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "HOT NUMBERS" play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(z) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 symbol (RSVN), with the symbol and caption printed in red ink, and a prize symbol of \$5⁰⁰ (FIV DOL) appears under that 7 symbol (RSVN), on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of Your Numbers Match Any Of The Hot Numbers, Win with Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets</i>
\$5 w/RED 7	\$5	30	240,000
\$5	\$5	23.08	312,000
\$7 w/RED 7	\$7	40	180,000
\$7	\$7	40	180,000
\$10 w/RED 7	\$10	60	120,000
\$5 × 2	\$10	120	60,000
\$10	\$10	120	60,000
\$14 w/RED 7	\$14	60	120,000
\$14	\$14	300	24,000
\$7 × 2	\$14	200	36,000
\$20 w/RED 7	\$20	60	120,000
\$20	\$20	150	48,000
\$5 × 4	\$20	300	24,000
\$10 × 2	\$20	150	48,000
\$40 w/RED 7	\$40	300	24,000
\$40	\$40	300	24,000
\$20 × 2	\$40	300	24,000
\$5 × 8	\$40	300	24,000
(\$7 × 5) + \$5	\$40	300	24,000
\$60 w/RED 7	\$60	3,429	2,100
\$60	\$60	3,429	2,100
\$20 × 3	\$60	3,429	2,100
\$10 × 6	\$60	3,429	2,100
\$20 + \$40	\$60	3,429	2,100
\$5 × 12	\$60	3,429	2,100
HOT w/\$5 × 12	\$60	774.19	9,300
\$70 w/RED 7	\$70	4,800	1,500
\$70	\$70	4,800	1,500
\$14 × 5	\$70	4,800	1,500
\$10 × 7	\$70	4,800	1,500
\$7 × 10	\$70	4,800	1,500
HOT w/(\$5 × 10) + (\$10 × 2)	\$70	1,200	6,000
\$100 w/RED 7	\$100	4,800	1,500
\$100	\$100	4,800	1,500
(\$40 × 2) + (\$10 × 2)	\$100	4,800	1,500
\$20 × 5	\$100	4,800	1,500
\$10 × 10	\$100	4,800	1,500

When Any Of Your Numbers Match Any Of The Hot Numbers, Win with Prize(s) Of:

	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets</i>
HOT w/(\$5 × 4) + (\$10 × 8)	\$100	1,600	4,500
\$700 w/RED 7	\$700	60,000	120
\$700	\$700	60,000	120
\$100 × 7	\$700	60,000	120
\$70 × 10	\$700	60,000	120
HOT w/(\$50 × 10) + (\$100 × 2)	\$700	15,000	480
\$7,000	\$7,000	240,000	30
\$70,000	\$70,000	480,000	15

Red '7' (RSVN) symbol = Win the prize shown under it automatically.
Hot (HOT) symbol = Win all 12 prizes shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Red Hot 7's '08 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Red Hot 7's '08, prize money from winning Pennsylvania Red Hot 7's '08 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Red Hot 7's '08 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Red Hot 7's '08 or through normal communications methods.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 08-285. Filed for public inspection February 15, 2008, 9:00 a.m.]

DEPARTMENT OF STATE

Bid Opportunities

The Department of State issued IFB No. 6100002531 to obtain the services of a certified public accountant or firm to audit lobbying disclosure registration statements and expense reports submitted by selected lobbyists, lobbying firms and principals in accordance with generally accepted auditing standards and to obtain written reports detailing the auditing findings. The IFB is available on

the Department of General Services web site at www.dgs.state.pa.us. The deadline to submit bids to the Department of State Bureau of Finance and Operations is February 27, 2008, at 2 p.m.

PEDRO A. CORTÉS,
Secretary of the Commonwealth

[Pa.B. Doc. No. 08-286. Filed for public inspection February 15, 2008, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Request for Bids

Property Demolition, Snyder County, SR 15-088

Sealed bids for the demolition and removal of the following property located in Selinsgrove, will be accepted by the Department of Transportation, 715 Jordan Avenue, Montoursville, PA 17754, in Conference Room "A," until 10 a.m. Tuesday, March 4, 2008. An inspection of the property will be held from 11 a.m. until 1 p.m. on Friday, February 15, 2008. Questions should be directed to Eugene McGill, (570) 368-4315.

The property address is 1 Colonial Drive, Selinsgrove, PA 17870. Directions to the property are as follows, South on Route 15 to Shamokin Dam, turn Right on Park Road (look for Cindy Rowe Auto Glass), drive approximately 1 mile on Park Road and make a sharp right on Fisher Road, located just past the old one room school house. Follow Fisher Road approximately 1/2 mile and turn left onto Colonial Drive. The house is the first building on the right.

Parcel Number 54; Claim Number 5400085000; Split level, 1,232 s.f. frame construction home with an integrated 2 car garage and an attached 120 s.f. wooden deck. There is no asbestos identified in this structure.

Prequalification of bidders is not required on bids under \$25,000.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 08-287. Filed for public inspection February 15, 2008, 9:00 a.m.]

FISH AND BOAT COMMISSION

Temporary Changes to Fishing Regulations; Special Regulations Applicable to Lake Erie Tributary Streams

Currently, from the day after Labor Day until the opening day of trout season in April, all Lake Erie tributary streams are closed to fishing from 10 p.m. to 5 a.m., except for Walnut and Elk Creeks north of Route 5. The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), has taken immediate action to amend the Commission's regulations at 58 Pa. Code § 69.12a (relating to special regulations applicable to Lake Erie tributary streams) to prohibit fishing in Walnut Creek from Route 5 north to Manchester Road Bridge between 10 p.m. and 5 a.m. As modified, the regulation states that "from 12:01 a.m. on the day after Labor Day, until the first Saturday after April 11 of the following year, all Lake Erie tributary streams are closed to fishing from 10:00 p.m. until 5 a.m. on the following day except for Walnut Creek north of Manchester Road Bridge and Elk Creek north of Route 5."

The Executive Director has found that this action is necessary and appropriate to conserve and preserve fishing opportunities, and the Executive Director will cause this temporary modification to be posted in the vicinity of the area affected. When so posted, the modified regulation will be fully effective and enforceable. This temporary modification will remain in effect until January 1, 2009, unless the Commission, by appropriate action, adopts the amendment. The Commission, under a separate notice of proposed rulemaking, will seek public comments on a permanent change to the Commission's fishing regulations.

DOUGLAS J. AUSTEN, Ph.D.,
Executive Director

[Pa.B. Doc. No. 08-288. Filed for public inspection February 15, 2008, 9:00 a.m.]

HISTORICAL AND MUSEUM COMMISSION

Approves Pennsylvania Register of Historic Places Policy

Under 37 Pa.C.S. § 502(2) (relating to powers and duties of commission), empowers the Historical and Museum Commission (Commission) to compile, maintain, revise and publish a selected inventory of significant historic resources in the Commonwealth, to be known as the Pennsylvania Register of Historic Places, under criteria of significance approved by the Commission.

The policy and practice of the Commission is and has been that properties listed in or eligible for the National Register of Historic Places shall constitute the Pennsylvania Register of Historic Places.

The Commission's policy of maintaining a Pennsylvania Register of Historic Places was officially approved at its

quarterly meeting on March 15, 2006, and recorded in the minutes of that meeting to confirm the existing practice.

BARBARA FRANCO,
Executive Director

[Pa.B. Doc. No. 08-289. Filed for public inspection February 15, 2008, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken by the Commission

The Independent Regulatory Review Commission (Commission) met publicly at 10:30 a.m., Thursday, January 31, 2008, and announced the following:

Regulation Approved:

Environmental Quality Board #7-406: Notification of Proximity to Airports (amends 25 Pa. Code Chapters 271, 279, 287 and 293)

Approval Order

Public Meeting held
January 31, 2008

Commissioners Voting: Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson; David J. DeVries, Esq.; John F. Mizner, Esq., by Phone

*Environmental Quality Board
Notification of Proximity to Airports
Regulation No. 7-406 (#2587)*

On December 7, 2006, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board. This rulemaking amends 25 Pa. Code Chapters 271, 279, 287 and 293. The proposed regulation was published in the December 23, 2006 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on December 13, 2007.

This regulation adds the term "military airports" to the definition of "airport" under existing waste facility regulations and adds a requirement for waste transfer facilities to notify "airports" of an anticipated expansion or a planned new facility if that facility will be within six miles of the "airport" runway.

We have determined this regulation is consistent with the statutory authority of the Environmental Quality Board (35 P.S. § 6018.105(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.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 08-290. Filed for public inspection February 15, 2008, 9:00 a.m.]

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
57-255	Pennsylvania Public Utility Commission Retail Electricity Choice Activity Reports 37 Pa.B. 5895 (November 3, 2007)	1/2/08	2/1/08
57-256	Pennsylvania Public Utility Commission Implementation of the Public Utility Confidential Security Information Disclosure Protection Act 37 Pa.B. 6421 (December 8, 2007)	1/7/08	2/6/08
6-308	Department of Education Charter School and Cyber Charter School Services Programs for Children with Disabilities 37 Pa.B. 6405 (December 8, 2007)	1/7/08	2/6/08

**Pennsylvania Public Utility Commission
Regulation #57-255 (IRRC #2648)
Retail Electricity Choice Activity Reports
February 1, 2008**

We submit for your consideration the following comments on the proposed rulemaking published in the November 3, 2007 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Pennsylvania Public Utility Commission (PUC) to respond to all comments received from us or any other source.

1. Section 54.202. Definitions.—Economic impact; Reasonableness.

Large, Medium and Small Commercial and Industrial (C & I) customers

The definitions section separates customers into the following classes:

<i>Term</i>	<i>Definition</i>
<i>Large C & I customers</i>	Commercial and industrial customers with PLCs greater than 500 kW.
<i>Medium C & I customers</i>	Commercial and industrial customers with PLCs ranging from 25 kW up to and including 500 kW.
<i>Small C & I customer</i>	Commercial and industrial customers with PLCs less than 25 kW.
<i>PLC—Peak Load Contributions</i>	The highest level of demand for a particular customer, based on the PJM Interconnection, LLC, peak load contribution standard, or its equivalent for a Pennsylvania EDC outside of PJM.

Several commentators stated that this breakdown is not consistent with their rate schedules and that the cost of converting data to meet the requirements in this regulation would be substantial. To the contrary, the PUC estimates that compliance costs will be minimal because

both Electric Distribution Companies (EDCs) and Electric Generation Suppliers (EGSs) already collect and compile sales information for their own use. The PUC should provide a dollar estimate of the cost to EDCs and EGSs to report data using the customer classifications contained in the proposed regulation. The PUC should also explain why classifying customer classes based on existing rate schedules would not be sufficient.

PLC—Peak Load Contributions

This definition contains the acronyms “LLC” and “PJM.” The regulation should define these acronyms.

Definitions and uniform data

The reporting requirements in Section 54.203(a)(4) use the undefined terms “hybrid rate customer accounts” in subparagraph (v) and “green power customer accounts” in subparagraph (vii). Without a specific definition of what accounts would come under these customer accounts, the data filed may not be uniform across EGSs. We recommend defining these terms so that uniform data is reported.

2. Section 54.203. Reporting requirements.—Reasonableness; Need; Clarity

Total sales, total customers and total sales of all EGSs serving the territory

Commentators requested the addition of “total sales,” “total customers” and “total sales of all EGSs serving the territory” to the list of reporting requirements in Paragraph (a)(2). In regard to EGS sales, we recognize that confidentiality has to be considered if there is only one EGS or just a few EGSs serving a territory. Nonetheless, the PUC should consider adding these reporting requirements.

No later than 15 days

Paragraph (a)(5) requires reports “no later than 15 days” after the end of the quarter. Commentators have suggested a longer period such as 30 days so that sales data can be reconciled. The PUC should explain why data is needed “no later than 15 days” after the end of the quarter and how the EDCs can reasonably meet that requirement.

3. Section 54.204. Public information.—Adverse effects on competition.

Confidentiality

While there is general agreement that confidentiality is needed in relation to information provided by EGSs, the PUC has not explained how confidentiality will be accomplished. The handling of confidential information could affect competition and the reporting of data. What protocols and procedures will the PUC use to protect the confidentiality of EGS information in its possession?

Pennsylvania Public Utility Commission Regulation #57-256 (IRRC #2651)

Implementation of the Public Utility Confidential Security Information Disclosure Protection Act

February 6, 2008

We submit for your consideration the following comments on the proposed rulemaking published in the December 8, 2007 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a (a)) directs the Pennsylvania Public Utility Commission (PUC) to respond to all comments received from us or any other source.

1. General—Consistency with statute; Clarity.

The proposed regulation includes certain parts, verbatim, from the Public Utility Confidential Security Information Disclosure Protection Act (35 P. S. §§ 2141.1—2141.6) (CSI Act), while other provisions are not included. For example, various definitions are duplicated, while the exception for disclosure of confidential information contained in Section 2141.5(b) of the CSI Act is not mentioned or referenced in the regulation. Another example is the term “violent offense,” which is defined in the CSI Act, but not included in the proposed regulation. However, this term is used in the definition of “terrorist act” which is defined in the CSI Act and is included in the proposed regulation. The PUC should consider using references to the CSI Act for all the statutory definitions and substantive statutory provisions rather than including some but not others. If the final-form regulation continues to include only parts of the CSI Act, then the PUC needs to carefully explain why some statutory definitions and provisions are included and others are not.

2. Section 102.2. Definitions.—Fiscal impact; Reasonableness; Implementation procedure; Clarity.

Confidential security information

This definition defines “confidential security information” as: “Information contained within a record maintained by the Commission [PUC] **in any form** . . .” (Emphasis added.) Does “any form” include “electronic filings”? If so, this provision is inconsistent with Section 102.3(f), which states that electronic filings are not confidential. To improve clarity, the final-form regulation should reference the statutory definition. If the PUC opts to retain this definition verbatim in the final-form regulation, the PUC should consider changing the final-form rulemaking to state: “**in any form, except electronic filings**.” (Emphasis added.) Subsection (v) of this definition states that: “[n]othing in this definition may be construed to prevent the disclosure of monetary amounts.” This sentence is vague and the final-form rulemaking should clarify who would make such disclosures and for what purpose.

Member of the public

Is the definition of “member of the public” limited to citizens of the Commonwealth? In light of the recent holding of the 3rd Circuit Court of Appeals in *Lee v. Minner*, which prohibits denying access to records based on the residency of the requester, the PUC should clarify the intent of this provision and consider the fiscal impact of implementing a regulation that seems to conflict with current federal case law. See 458 F.3d 194 (3rd Cir. 2006).

3. Section 102.3. Filing procedures.—Consistency with statute; Reasonableness of implementation procedures; Fiscal impact; Clarity.

(a) *Maintenance of records onsite.*

Subsection (a) provides proper procedures for utilities to maintain confidential security information onsite. We identified four issues.

First, subsection (a)(2) requires a utility to certify that the record is present and up-to-date, and references Chapter 101. Would this certification process involve information added to the Self Certification Form (Form) described in Chapter 101? If so, how does this procedure address the concern raised by a commentator concerning confidential security information that may be transmitted with this Form?

Second, how will PUC staff monitor “onsite maintenance” to verify that utilities are correctly classifying information as “confidential”?

Third, for how long is a utility required to maintain confidential records?

Finally, is the utility required to follow the same filing requirements that the CSI Act sets forth for agencies? See 35 P. S. § 2141.3(d). For example, does the regulation establish a “document tracking system” for utilities to trace confidential information to a single person, as required by section § 2141.3(d)(5) of the CSI Act? The final-form regulation should clarify how the PUC intends to implement these statutory requirements.

(b) *Filing requirements.*

The term “affected page,” as used in Subsection (b)(3), is vague. The PUC should clarify if this term applies to every page that actually contains confidential security information, or whether it could be read to include pages that are broadly “affected” by confidential security information contained in another document or page.

In addition, Subsection (b)(3) appears to permit utilities to designate entire pages as confidential, no matter how minimal the amount of actual confidential material they contain. The PUC should explain the basis for protecting entire pages that may contain confidential as well as nonconfidential information. Has the PUC considered using redaction to eliminate confidential information from a page and allow access to the rest of the page? If not, how does this broad designation relate to the Right-to-Know Law, which allows agencies to redact only that information that is contained in a public record and is not “subject to access”? See 65 P. S. § 66.3-2.

(c) *Public utility’s responsibility.*

This subsection declares that the public utility has the responsibility to identify records that contain confidential security information. The second and third sentences in the subsection read:

When the public utility fails to designate a record as containing confidential security information, it does not obtain the protections offered in this chapter and

in Act 156 [CSI Act]. Any record that is not identified, stamped and separated as set forth in subsection (b), will be made available to the public under the Right-to-Know Law.

The third sentence is overly broad because not every record may be accessible under the Right-to-Know Law. The word “will” should be replaced with “may” in the final-form regulation.

(d) *Status of previously-filed unmarked records.*

Subsection (d) indicates that confidential documents filed with the PUC before May 29, 2007, are not covered by the protections in this chapter and in the CSI Act, and must be resubmitted to the PUC under the new filing procedures in order to ensure confidentiality. If a public utility follows this procedure, what guarantee will the PUC provide that the old files are now secure or have been destroyed? The PUC should review and develop cost estimates for the fiscal impact of this requirement on the regulated community. This information should be provided with the submittal of the final-form regulation.

(e) *Commission’s responsibility with unmarked records.*

This subsection asserts that: “The Commission [PUC] and its staff are under no legal obligation to protect confidential security information already on file with the Commission that has not been marked ‘Confidential Security Information.’ This subsection contains non-regulatory language. Regulations establish binding norms of general applicability and future effect. They cannot establish limitations of liability for an agency. In addition, the first sentence of this subsection is redundant and the requirement that utilities are to re-file records is already established in Subsection (d). Hence, the first sentence is unnecessary and its narrative should be moved to the Preamble of the final-form regulation.

The second part of Subsection (e) establishes what appear to be internal procedures for the PUC. It is also not necessary to include this segment in a regulation since it is not establishing rules or standards that apply to any regulated party. Therefore, the PUC should either provide this information in the Preamble of the final-form regulation or in a secretarial letter to the utilities, or both.

(f) *Electronic submissions.*

This subsection is framed as an announcement or policy statement and contains non-regulatory language. These provisions need to be rewritten to set clear compliance standards. Subsection (f) should explicitly prohibit the submission of confidential security information in an electronic form. When the PUC is ready and able to accept electronic submissions and maintain their confidentiality and security, it will need to amend the regulation to allow utilities to use electronic filings.

4. Section 102.4. Challenge procedures to confidentiality designation.—Consistency with the statute; Implementation procedures; Reasonableness; Need; Clarity.

(a) *General rule for challenges or requests to review.*

Subsection (a) mentions that a person who is not a statutory advocate must provide certain information, including his/her Social Security number, to the PUC in order to review confidential information. The PUC should clarify its intent for requiring such information, and further explain how it will protect such information, which should be considered confidential.

This subsection also includes these two sentences:

Only records filed with the Commission [PUC] as confidential security information are subject to a challenge or written request to review under this subsection and Act 156 [CSI Act]. Records maintained onsite by the public utility are not subject to challenge or request to review.

These statements are overly broad and do not acknowledge that confidential security files may be accessed during litigation. If the intent is to state that onsite CSI cannot be challenged or reviewed via the process prescribed by this proposed regulation and the CSI Act, then this is what should be specifically stated. However, if the PUC is gaining access to onsite files and using them in its deliberations, why are others denied access? The PUC should explain this prohibition and describe other ways by which the statutory advocate or the public can obtain access to the utility’s information. Based on a commentator’s suggestion, has the PUC considered adding language similar to existing section 5.423 (52 Pa. Code § 5.423), which provides procedures to establish orders to limit availability of proprietary information?

Subsections (a)(3)(iv) and (v) mention a 15-day time limit for various filings. How did the PUC determine that this was a reasonable time limit?

(b) *Relevant factors to be considered.*

This subsection describes a balancing test for the PUC to use in determining access to confidential security information. What is the PUC’s basis for this balancing test? Section 2141.3(c)(4) of the CSI Act uses different language to describe an agency’s decision process, including the term “reasonable grounds.” Why isn’t the statutory language used or referenced in the regulation? The PUC should review this language and provide a test that is consistent with the CSI Act.

(d) *Appeal of Commission decision.*

Subsection (d) is essentially the same as section 2141.3(c)(6) of the CSI Act. Is this subsection necessary? Has the PUC considered referencing the CSI Act rather than paraphrasing it?

**Department of Education
Regulation #6-308 (IRRC #2653)**

**Charter School and Cyber Charter School Services
and Programs for Children with Disabilities**

February 6, 2008

We submit for your consideration the following comments on the proposed rulemaking published in the December 8, 2007 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Department of Education (Department) to respond to all comments received from us or any other source.

1. Section 711.1. Definitions.—Clarity.

Cyber charter school

This section defines a “cyber charter school” as that which: “[u]ses technology to provide a *significant portion* of its curriculum and to deliver a *significant portion* of its instruction to its students through the Internet or *other electronic means*” (Emphasis added.) We have two concerns. First, what would constitute a “significant portion” of curriculum as well as

instruction? Second, the phrase “other electronic means” is vague and should be further defined.

IDEA

The citation noted in this definition (20 U.S.C.A. §§ 1400—1485) differs from the citation noted in the Preamble (20 U.S.C.A. §§ 1400—**1419**). (Emphasis added.) The Board should review the citation in this definition, and make the appropriate changes to the final-form regulation.

Regional charter school

The following sentences are being added to this existing definition: “[a] regional charter school shall be organized as a public, nonprofit corporation. Charters may not be granted to any for-profit entity.” This language is substantive. In order to assist the regulated community with compliance and to improve clarity, this language should be moved to the body of the final-form regulation.

2. Section 711.2. Purposes and intent.—Clarity.

The term “pre-referral intervention strategies” is used in Subsection (e), but it is not defined. The final-form rulemaking should include a definition for this term.

3. Section 711.5. Personnel.—Reasonableness; Clarity.

Educational interpreters.

Subsection (b) pertains to educational interpreters. We raise three issues. First, we recommend that the final-form regulation define the term “educational interpreter.”

Second, what are the bases for both the required minimum of 20 hours of staff development activities and for a score of 3.5 on the Educational Interpreter Performance Assessment? What effect will these requirements have on the availability of educational interpreters throughout the Commonwealth?

Finally, the phrase “staff development activities” is vague, and should be defined in the final-form regulation.

4. Section 711.10. Complaint procedure.—Clarity.

This section states that the Department will establish a complaint procedure “consistent with 34 CFR 300.151—300.153.” Since the federal regulation already indicates to whom notice should be disseminated, the phrase “and disseminate notice of that procedure” should be deleted. See 34 CFR 300.151 (a)(2).

5. Section 711.23. Screening.—Clarity.

Subsection (c)(1) requires “[v]erification that the student was provided with . . . appropriate instruction in math.” We note that within Subsection (c)(1) the verification for reading includes the essential components of reading instruction. Why does that same paragraph not specify any criteria to evaluate appropriate math instruction?

Subsection (c)(4) also requires “research-based intervention” to increase the student’s rate of learning. This phrase is also used in Section 711.25(2)(i)(B). There are two concerns. First, it is not clear what a “research-based intervention” is, and therefore this term should be defined in the final-form regulation. Second, if a criterion of “research-based intervention” is used, would it have to be approved or sanctioned by the Department as effective?

6. Section 711.24. Evaluation.—Clarity.

Under Subsection (a), what are “qualified professionals”? The Department needs to define this term in the final-form regulation.

7. Section 711.25. Criteria for the determination of specific learning disabilities.—Implementation procedures; Clarity.

This section requires charter schools and cyber charter schools to include procedures for determining specific learning disabilities in their charter *application*. (Emphasis added.) We have three concerns. First, the final-form regulation should explain how *existing* charter and cyber charter schools will inform the Department of their implementation procedures. (Emphasis added.) Second, how would a school prove that a student received “high quality instruction” under Paragraph (2)(i)(A)? Finally, what are “qualified personnel” as mentioned in Paragraph (4)(i)? The final-form regulation should provide further clarification of these terms.

8. Section 711.42. Transportation.—Clarity.

Subsection (c) states that: “[i]f transportation is required as a related service in the IEP of the student with disabilities, who is enrolled in a cyber charter school, the cyber charter school shall provide the required transportation.” Unlike Subsection (a) which provides transportation for students with disabilities who are charter school students, this subsection does not place a limit on the distance the cyber charter school is permitted to travel in order to pick up the students. To improve consistency, we recommend that this subsection also include a distance limit.

In addition, the following sentence is non-regulatory language and should be deleted from the final-form regulation: “[t]he act does not require that a student’s school district of residence provide transportation for cyber charter school students.”

9. Section 711.45. Access to instructional materials.—Clarity.

Subsections (a), (b), (c) and (d) use the vague term “timely manner.” This term is subjective and does not give the regulated community direction regarding how to comply with this standard. This term should be replaced with clear time requirements.

10. Section 711.46. Behavior support.—Protection of the public health, safety and welfare; Need; Reasonableness; Feasibility; Clarity.

Restraints in general

This section relates to behavior supports, in particular in the form of restraints. The proposed amendments to Chapter 14 (“Special Education Services and Programs”), contain similar language which resulted in substantial public comment and concern. The public concerns included issues related to face down prone restraints, the 30 consecutive second time period and any use of restraints at all. Some of these same comments also were raised in response to this proposed regulation.

As we suggested in our comments on Chapter 14, the Department should provide an overall explanation of restraints and how the use of restraints as described in the regulation meets the criteria of protection of the public health, safety and welfare; need; and reasonableness. We will review this explanation, as well as the Department’s response to commentators, to determine whether the final-form regulation is in the public interest.

Definition of “positive techniques”

This definition in Subsection (b) lacks clarity because it uses the term being defined in the definition. This definition should be rewritten to improve clarity.

Definition of "restraints"

We have three concerns with this definition in Subsection (b). First, while we do not believe this was intended, the inclusion of the phrase "that last longer than 30 consecutive seconds" in the definition technically means a device is only a restraint during its use after 30 consecutive seconds. The definition should identify what specifically is a restraint. Substantive provisions and time specifications should be located in the body of the regulation.

Second, why is a time period of 30 consecutive seconds needed? The Department needs to explain the basis for choosing "30 consecutive seconds" and why it is a safe and appropriate time limit.

Third, this provision appears to be unenforceable and impractical. It seems that repeated use of these devices would be permitted as long as 30 consecutive seconds was never exceeded. Given the circumstances envisioned, such as aggressive behavior, how would the 30 consecutive second time period be measured, documented and enforced?

Parental notification

Subsection (c)(1) states:

When there is evidence to suggest that the emergency use of restrictive procedures, such as restraints may be necessary to ensure a student's safety or the safety of others, parental consent *should* be obtained. If a restrictive procedure is needed on an emergency basis, parents *should* be informed and consent for future uses obtained within 10 school days following the need for the use of a restrictive procedure. The need for restrictive procedures for safety *should* be noted in the student's IEP. (Emphasis added.)

There are three concerns. First, the term "should" is non-regulatory language which indicates that these provisions are optional. It is inappropriate to include optional provisions in a regulation. Regulations establish binding norms of general applicability and future effect. These provisions need to be rewritten to set clear compliance standards.

Second, this provision requires parental consent for future use of restraints "within 10 school days" of the use of an emergency restraint. However, it is not clear when parents are to be notified of the use of the emergency restraint. Does the 10 school day period apply? The final-form regulation should clarify the time frame for and required form of parental notice.

Finally, related to our first concern, Subsection (c)(1) states that: "[t]he need for restrictive procedures for safety *should be noted* in the student's IEP." (Emphasis added.) However, subsection (c)(2) refers to restraints and the "*[e]xplicit provisions* of the existing IEP." (Emphasis added.) The regulation needs to clarify when restraint procedures must be included in the IEP, for example if restraint procedures are used in an emergency, should they then be added to the student's IEP?

Face down prone restraints

Subsection (e) states:

The use of prone (face down) restraints is prohibited in educational programs, unless specifically directed by a physician and documented in the student's current IEP.

We have three concerns. First, the regulation prohibits the use of face down prone restraints, but allows an

exception if "specifically directed by a physician and documented in the student's current IEP." If a physician determined this type of restraint is necessary and it could be documented in the student's IEP, can a school entity still find this type of restraint to be unacceptable or too hazardous?

Second, the Department should explain how the restrained person's health, safety and welfare would be adequately protected by the school entity staff.

Third, the regulation allows any physician to make the determination that restraint is necessary. Why doesn't the regulation require a determination by the student's personal physician?

11. Miscellaneous Clarity.

The following is a list of vague language in the regulation. The Department should clarify this language in the final-form regulation.

- Sections 711.23(b)(2), 711.23(c)(5) and 711.25(4)(ii) use the phrase "reasonable intervals."

- Section 711.25(2)(i) uses the phrase "scientific, research-based intervention" and Sections 711.25 (1) and 711.25(4)(i) use the phrase "scientifically based instruction."

- Sections 711.45(c) and (e) use the phrase "reasonable steps."

- Section 711.46(a) mentions "demeaning treatment" and Section 711.46(f)(7) mentions "treatment of a demeaning nature."

- Section 711.46(b) mentions "systematic application" in the definition of "behavior support."

ARTHUR COCCODRILLI,

Chairperson

[Pa.B. Doc. No. 08-291. Filed for public inspection February 15, 2008, 9:00 a.m.]

INSURANCE DEPARTMENT**Abington Memorial Hospital; Prehearing**

Appeal of Abington Memorial Hospital under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM08-01-025

On or before March 5, 2008, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's December 21, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for March 26, 2008 at 2 p.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before February 27, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before March 12, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Sev-

enth Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before March 19, 2008.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-292. Filed for public inspection February 15, 2008, 9:00 a.m.]

Allegheny Neurosurgery and Spine Associates; Prehearing

Appeal of Allegheny Neurosurgery and Spine Associates under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM08-01-030

On or before March 5, 2008, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's January 7, 2008, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for March 26, 2008 at 10 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before February 27, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before March 12, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before March 19, 2008.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-293. Filed for public inspection February 15, 2008, 9:00 a.m.]

AmeriHealth HMO; Prehearing

Appeal of AmeriHealth HMO under 40 P. S. §§ 991.2101—991.2193; Heather Marie Shultz; Doc. No. HC08-01-007

Under 40 P. S. §§ 991.2101—991.2193, notice is hereby given that the appellant in this action has requested a hearing, in connection with the appellant's managed health care plan. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II

(relating to General Rules of Administrative Practice and Procedures) and any other relevant procedure provisions of law.

A prehearing telephone conference initiated by the Administrative Hearings Office shall be conducted on March 19, 2008 at 1:30 p.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before February 19, 2008.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before March 4, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene shall be filed on or before March 11, 2008.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-294. Filed for public inspection February 15, 2008, 9:00 a.m.]

Butler Petroleum Corporation; Prehearing

Appeal of Butler Petroleum Corporation under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 07-065(F); Doc. No. UT07-12-019

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant procedure provisions of law.

A prehearing telephone conference shall be held on March 17, 2008, at 2 p.m. A hearing shall occur on April 8, 2008, at 10 a.m., in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator at the previously listed address on or before February 27, 2008. Answers to petitions to intervene, if any, shall be filed on or before March 3, 2008.

On or before March 3, 2008, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office. Experts will be permitted to testify only on matters substantially contemplated by reports supplied to the other party in accordance with this paragraph.

Persons with a disability who wish to attend the previously referenced administrative hearing and require

an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-295. Filed for public inspection February 15, 2008, 9:00 a.m.]

Eric H. Grubb; Prehearing

License Denial; Doc. No. AG08-01-011

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

A prehearing telephone conference initiated by this office is scheduled for March 4, 2008 at 10 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before February 20, 2008. A hearing will occur on April 8, 2008, at 9:30 a.m. at the address listed.

On or before March 24, 2008, each party shall file the Administrative Hearings Office a prehearing statement. Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before March 27, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before April 4, 2008.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-296. Filed for public inspection February 15, 2008, 9:00 a.m.]

William M. Purner, Jr., D. O.; Prehearing

Appeal of William M. Purner, Jr., D. O. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM08-01-008

On or before March 5, 2008, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's November 29, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for March 19, 2008, at 10 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before February 26, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

No prehearing memoranda or other written submissions are required for the prehearing telephone conference except as requested in paragraph one. However, the parties are encouraged to discuss settlement and possible stipulations pending the conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before March 4, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before March 11, 2008.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-297. Filed for public inspection February 15, 2008, 9:00 a.m.]

William M. Purner, Jr., D. O.; Prehearing

Appeal of William M. Purner, Jr., D. O. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM08-01-029

On or before March 5, 2008, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's November 29, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for March 19, 2008 at 10 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before February 26, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

No prehearing memoranda or other written submissions are required for the prehearing telephone conference except as requested in paragraph one. However, the parties are encouraged to discuss settlement and possible stipulations pending the conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before March 4, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before March 11, 2008.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-298. Filed for public inspection February 15, 2008, 9:00 a.m.]

Pamela Spenser; Prehearing**Appeal of Pamela Spenser under 40 P. S.
§§ 991.2101—991.2193; Geisinger Health Plan;
Doc. No. HC08-01-012**

Under 40 P. S. §§ 991.2101—991.2193, notice is hereby given that the appellant in this action has requested a hearing, in connection with the appellant's managed health care plan. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedures) and any other relevant procedure provisions of law.

A prehearing telephone conference initiated by the Administrative Hearings Office shall be conducted on March 10, 2008 at 2 p.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before February 15, 2008.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before February 29, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene shall be filed on or before March 5, 2008.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-299. Filed for public inspection February 15, 2008, 9:00 a.m.]

William J. Strowhouer, D. O.; Prehearing**Appeal of William J. Strowhouer, D. O. under the
Medical Care Availability and Reduction of Error
(MCARE) Act (40 P. S. §§ 1303.101—1303.910);
Doc. No. MM08-01-024**

On or before February 29, 2008, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's December 31, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for March 21, 2008, at 10 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before February 27, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before March 12, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before March 19, 2008.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-300. Filed for public inspection February 15, 2008, 9:00 a.m.]

Kerry C. Wiley; Prehearing**Appeal of Kerry C. Wiley under the Storage
Tank and Spill Prevention Act; Underground
Storage Tank Indemnification Fund; USTIF File No.
07-074(F); Doc. No. UT07-12-015**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant procedure provisions of law.

A prehearing telephone conference shall be held on March 11, 2008, at 2 p.m. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator at the previously listed address on or before February 29, 2008. Answers to petitions to intervene, if any, shall be filed on or before March 7, 2008.

A date for a hearing shall be determined, if necessary, at the prehearing/settlement telephone conference.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-301. Filed for public inspection February 15, 2008, 9:00 a.m.]

**Workers' Compensation Security Fund Assess-
ment; Notice No. 2008-04**

The Insurance Department (Department) has determined that no contributions will be required for the Workers' Compensation Security Fund (Fund).

Section 5(1) of the Workers' Compensation Security Fund Act (act) (77 P. S. § 1059(1)) states ". . . If, due to the payment of liabilities or claims, the balance of the fund is reduced below \$500,000,000, the Department shall require contributions to maintain the actuarial soundness of the fund and to restore, in a timely manner, the balance of the fund to a level at or above \$500,000,000." As of the evaluation date of December 31, 2007, the balance of the fund was \$504,741,814.36.

Therefore, insurers writing workers' compensation insurance in this Commonwealth will not be required to submit any contributions for the Fund in 2008.

The act may be viewed at www.ncigf.org under public resources/publications/guaranty fund laws and the rules

and regulations may be viewed at www.pacode.com Title 31, Chapter 165. Additional information regarding the Fund is located on the Department's web site under Special Funds at www.ins.state.pa.us.

No acknowledgement of this notice is required.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-302. Filed for public inspection February 15, 2008, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule for All Milk Marketing Areas; 2007 Bulk Cream Disposal

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on April 2, 2008, at 10 a.m. in Room 202 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning adjustments to minimum wholesale and retail prices on an area-by-area basis to recognize uncharacteristic changes in bulk cream disposal during 2007.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on March 10, 2008, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on March 10, 2008, notification of their desire to be included as a party. Parties may indicate in their notices of appearance if alternate means of service, that is, email or fax, are acceptable. Notices of appearance filed electronically should be directed to deberly@state.pa.us.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

1. By 4 p.m. on March 18, 2008, the petitioner shall file with the Board, in person or by mail, one original and eight copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the petitioner, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on March 25, 2008, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 4 p.m. on March 31, 2008, parties shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

The Board may exclude witnesses or exhibits of a party that fails to comply with the previous requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on March 21, 2008.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

KEITH BIERLY,
Secretary

[Pa.B. Doc. No. 08-303. Filed for public inspection February 15, 2008, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Default Order

Public Meeting held
January 24, 2008

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

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Winstar of Pennsylvania, LLC
(2003.0034.00); C-20078215; A-311171*

Default Order

By the Commission:

On September 6, 2007, the Law Bureau Prosecutory Staff (Prosecutory Staff) filed a formal complaint against Winstar of Pennsylvania, LLC (Winstar or Respondent) at Docket No. C-20078215. Respondent was issued a certificate of public convenience by the Commission on April 1, 2002 to operate in Pennsylvania as a facilities based interexchange toll carrier (IXC) as authorized by our order at A-311171, as a competitive local exchange carrier (CLEC) as authorized by our order at A-311171F0002; and as a competitive access carrier (CAP) as authorized by our order at A-311171F0003.

In the complaint, Prosecutory Staff alleged that Respondent is delinquent in paying its monthly Pennsylvania Universal Service Fund (USF) assessments pursuant to 52 Pa. Code §§ 63.161—63.171 and 66 Pa.C.S. §§ 3001—3009, and has failed to file the Telecommunications Relay Service Annual Access Line Summary Report

and Annual Tracking Report (hereinafter collectively referred to as TRS Reports) for 2005 in violation of Section 504 of the Public Utility Code, 66 Pa.C.S. § 504. The complaint requested that the Commission order respondent to file the TRS Reports and pay \$11,021.85 to the USF. In addition, the complaint requested that the Commission impose a civil penalty of \$1,000 for each violation alleged herein, and for each day's continuance of such violation, and/or cancel Winstar's certificate of public convenience.

According to the U. S. Postal Service return receipt, the complaint was served on September 10, 2007. To date, more than 20 days later, no answer has been filed to the complaint. Moreover the TRS Reports have not been filed and nor has the USF assessment total of \$11,021.85 plus late fees been paid. As of November 30, 2007, the unpaid USF assessment total was \$12,401.69. In addition, we are not aware that Respondent has any current local service customers in Pennsylvania, and Respondent no longer is assigned any NXX codes.

Winstar's total failure of response is absolutely unacceptable and will not be tolerated. By way of this order we reiterate that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedies as the Commission may deem appropriate. See 66 Pa.C.S. §§ 504—506 and 3301. Based on Respondent's failure to file an answer to the complaint and the TRS Reports, as well as its failure to pay its outstanding monthly USF assessments and late charges, we conclude that revocation of Winstar's certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this order; *Therefore,*

It Is Ordered That:

1. The allegations in the Prosecutory Staff's complaint are deemed admitted and the complaint sustained.

2. Winstar of Pennsylvania, LLC is hereby required to file its 2005 TRS Reports and pay its outstanding USF assessment total of \$12,401.69 plus late fees.

3. The Secretary serve a copy of this tentative Default Order upon Winstar of Pennsylvania, LLC, Verizon Pennsylvania, Inc. and Verizon-North, Inc., the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this tentative Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

4. Absent the filing of a written response within the 20-day comment period, this Default Order shall become final without further order of this Commission.

5. Winstar of Pennsylvania, LLC shall immediately cease acquiring any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 3.

6. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificates of

public convenience held by Winstar of Pennsylvania, LLC at A-311171, A-311171F0002 and A-311171F0003 shall be cancelled, and the company's name stricken from all active utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-304. Filed for public inspection February 15, 2008, 9:00 a.m.]

Delegation of Additional Authority Regarding Vehicle Age Requirements; Doc. No. P-00072274

The Pennsylvania Public Utility Commission (Commission) at its May 30, 2007, public meeting delegated an additional routine ministerial and nonpolicymaking matter to its staff for disposition. In particular, the Commission ordered the following:

"That, in regard to vehicle age requirements at 52 Pa. Code §§ 29.314(d) and 29.333(e), the Bureau of Transportation and Safety is hereby given authority to approve/disapprove inspection requests, to schedule and conduct inspections and to grant or deny waivers."

Accordingly, this matter will be addressed by Secretarial Letter. The staff's action may be appealed to the Commission by filing a petition within 20 days after service of notice of the action, unless a different time period is specified. See 52 Pa. Code § 5.44 (relating to petitions for appeal from actions of the staff).

The contact person for this matter is Eric A. Rohrbach, Deputy Chief Counsel, Law Bureau (717) 787-5534.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-305. Filed for public inspection February 15, 2008, 9:00 a.m.]

Rescission Order

Public Meeting held
January 24, 2008

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

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Lakeside Water Systems Inc.
(2006.0295.00); C-20077729; A-210069*

Rescission Order

On December 3, 2007, the Commission entered a Default Order at this docket against Lakeside Water Systems, Inc. (Lakeside), a water utility certificated at A-210069, for failure to file its 2005 Annual Report.

The Commission has subsequently learned that Deer Haven, LLC, on behalf of Lakeside, filed the 2005 Annual Report on April 4, 2007, but an internal administrative error in handling the filing did not properly credit the filing to Lakeside. The Secretary's Bureau is now in the

process of correcting this error. Based on review of Commission records, it is clear that Lakeside's 2005 Annual Report was properly filed before the Complaint in this matter was filed on April 23, 2007; *Therefore,*

It Is Ordered That:

1. The Default Order entered December 3, 2007, is hereby rescinded.

2. A copy of this Order be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-306. Filed for public inspection February 15, 2008, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by March 3, 2008. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

A-2008-2014097. Fidel Barba t/a 24 Hour Taxi (139 Erie Street, Washington, Washington County, PA 15301-3466), begin right to transport, by motor vehicle, persons, upon call or demand in the County of Washington. *Attorney:* Angelo E. Quaranta, Esquire, 4160 Washington Road, Suite 208, McMurray, PA 15317.

A-2008-2019753. Kenneth and Isabel E. Gerber (8295 Adamsville Road, Hartstown, Crawford County, PA 16131), for the right to begin to transport persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Crawford, Mercer, Venango and Lawrence, to points in Pennsylvania, and return.

A-2008-2019757. York Cab, Inc. (1435 Guildford Lane, York, York County, PA 17404), begin right to transport, by motor vehicle, persons, upon call or demand in the County of York. *Attorney:* George E. MacDonald, Esquire, 2675 Eastern Boulevard, York, PA 17402.

A-2008-2020723. David W. Hayes (R. R. 1, Box 236, Roaring Spring, Blair County, PA 16673-9801)—persons, in paratransit service, whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Blair and Bedford, to points in Pennsylvania and return.

Applications of the following for *amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under the application.*

A-00123095. An Affair to Remember, LLC, t/a A Special Occasion Limousine Service. (214 Hall Drive, Hanover, York County, PA 17331), a limited liability company of the State of Maryland—for amendment to its common carrier certificate, to transport, by motor vehicle, persons, in limousine service, from points in the Counties of York, Adams, Cumberland and Lancaster, to points in Pennsylvania, and return, excluding service which is under the jurisdiction of the Philadelphia Parking Authority.

A-2008-2019669. Eli-Al Cab Co., Inc. (8230 Fairview Road, Elkins Park, Montgomery County, PA 19027), inter alia—persons, upon call or demand, in the Township of Upper Merion, Montgomery County: *So As To Permit* the transportation of persons, upon call or demand in the Borough of Phoenixville and the Township of Schuylkill, Chester County. *Attorney:* Steven K. Bainbridge, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601.

Application of the following for approval to *begin operating as contract carriers for transportation of persons as described under each application.*

A-2008-2020353. K & F Medical Transport, LLC (3927 Mary Street, Drexel Hill, Delaware County, PA 19026)—a limited liability company of the Commonwealth, for the right to begin to transport, as a contract carrier, by motor vehicle, persons between points in the City and County of Philadelphia for the Medical Assistance Transportation Program through Logisticare Solutions, LLC. *Attorney:* Heather C. Winett, Esquire, 1500 JFK Boulevard, Suite 200, Philadelphia, PA 19102-1706.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-307. Filed for public inspection February 15, 2008, 9:00 a.m.]

Telecommunications

A-2008-2020132. Verizon North, Inc. and Sterling Telecom, Inc. Joint petition of Verizon North, Inc. and Sterling Telecom, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and Sterling Telecom, Inc., by its counsel, filed on January 9, 2008, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and Sterling Telecom, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-308. Filed for public inspection February 15, 2008, 9:00 a.m.]

Telecommunications

A-2008-2020939. Verizon Pennsylvania, Inc. and Sterling Telecom, Inc. Joint petition of Verizon Pennsylvania, Inc. and Sterling Telecom, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Sterling Telecom, Inc., by its counsel, filed on January 9, 2008, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Sterling Telecom, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-309. Filed for public inspection February 15, 2008, 9:00 a.m.]

Tentative Order

Public Meeting held
January 24, 2008

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

Re: Lifeline and Link-Up Programs;
Docket No. M-00051871

Tentative Order

By the Commission:

By this Tentative Order, we amend our prior order, *In Re: Lifeline and Link-Up Programs* at Docket No. M-00051871, Final Order entered on May 20, 2005, so as to be consistent with the Federal Communication Commission's (FCC) Public Notice Released on July 10, 2007, DA 07-3088, regarding its *Lifeline Order*.¹ Notice is hereby given by the Commission that the action discussed herein is preliminary in nature and will become final in accordance with law after 30 days of the date of publica-

¹ *Federal-State Joint Board on Universal Service Lifeline and Link-Up, Report and Order and Further Notice of Proposed Rulemaking In the Matter of Lifeline and Link-Up*, at CC Docket No. 04-87, WC Docket No. 03-109, 18 FCC Rcd 8302 (2004) (*Lifeline Order*).

tion of this Tentative Order in the *Pennsylvania Bulletin* unless comments are received.

Procedural History

In 1984, the FCC established its "Lifeline" program to promote universal telephone service by providing low-income consumers with discounts on the monthly cost of dial tone service. By 1987, the FCC implemented "Link-Up America" (Link-Up) to help low-income households pay phone connection charges. With the passage of the Telecommunications Act of 1996 (TA-96), the FCC expanded its rules² so that Lifeline service could be provided to low-income consumers in every state regardless of whether a state provided support. Under the amended rules, telephone companies designated as eligible telecommunications carriers (ETCs) are required to provide Lifeline service to eligible consumers as a condition to eligibility for receiving federal universal service funding.

On April 29, 2004, the FCC released the *Lifeline Order*. The FCC modified its rules with the express intention of increasing the national telephone penetration rate above the current level of 94.7% and making phone service affordable to more low-income households. The order expanded the federal default eligibility criteria so as to include an income-based criterion of 135% of the Federal Poverty Guidelines (FPG) and added the National School Lunch Program's free lunch program (NSL)³ as a qualifying social assistance program.

In order to combat fraud, the FCC added a proof-of-eligibility provision that places an additional administrative requirement on the LECs to get their customers to certify in writing, under oath, that they meet the eligibility requirements for household income and participation in qualifying social assistance programs. The FCC further required ETCs to verify annually the continued eligibility of a statistically valid sample of their Lifeline subscribers.

In our *Lifeline and Link-Up Programs Order*⁴ we adopted a majority of the FCC's *Lifeline Order* provisions. Specifically, we adopted the FCC's statistically-valid sampling method except that because our order was being entered in late-May, we gave the ETCs a deadline of December 22, 2005, for submitting their verification samples to the Universal Service Administrative Company (USAC) instead of a deadline of June 22, 2005, which the FCC was imposing on ETCs operating in default states at the time. We did this in order to give the ETCs enough time to complete the verification sampling and send their results to USAC.

Discussion

The Public Notice at DA-07-3088 released on July 10, 2007, states that each year ETCs are required to verify the continued eligibility of a statistically-valid sample of their Lifeline subscribers. Under the terms of the FCC's *Lifeline Order*, states that have their own state-based low-income programs are required to establish state-specific verification procedures. These state procedures should anticipate how ETCs are to verify continued eligibility and specify to whom the results should be submitted. States that do not have state-based low-

² *Federal-State Board on Universal Service*, (FCC May 8, 1997) CC Docket No. 96-45, FCC 97-157.

³ To be eligible for the NSL free lunch program, a consumer's household income must be at or below 130% of the FPG. 68 Fed. Reg. at 6456-58. In addition, children are automatically eligible to participate in the NSL free lunch program if their household receives Food Stamps, benefits under the Food Distribution Program on Indian Reservations or, in most cases, benefits under the TANF program. <http://www.fns.usda.gov/cnd/About/faqs.htm>.

⁴ *In Re: Lifeline and Link-Up Programs*, M-00051871F0002, Final Order, May 23, 2005 (*Lifeline and Link-Up Programs Order*).

income programs are designated "Federal default states." ETCs in Federal default states must follow the certification and verification procedures set out in the *Lifeline Order*.

The FCC's Public Notice further declared that an ETC in a state with its own State-based low-income program must submit a certification, signed by an officer of the company to USAC by August 31, 2007, and on August 31 of each subsequent year thereafter, attesting that the ETC has complied with the state verification procedures. The FCC expressly stated that ETCs in Federal default states must also submit their annual Lifeline verification survey results to USAC under the same time schedule. See 47 CFR 1.4(e)(2)(j).

The Public Notice says that states with state-based Lifeline and Link-Up programs may either: (1) collect the verification results on a date that the state chooses; or (2) direct ETCs in their states to send the verification results to USAC. If companies are submitting the results to USAC, they should do so by August 31, 2007, and on August 31, of each subsequent year thereafter. Results submitted directly to USAC will be processed in the same manner as those received from ETCs in Federal default states.

The fact that Verizon is mandated to contribute to its Lifeline programs qualifies Pennsylvania as a "non-default" state according to the FCC rules. The significance of being a non-default state is that the Commission or the State legislature can establish rules specific to Pennsylvania and address any issues that may be unique to the Commonwealth. Our May 20, 2005, *Lifeline and Link-Up Programs Order* held in pertinent part:

Finally, PTA asserts that it does not oppose the Commission's proposed annual recertification requirement as long as no additional recertification obligations exceed those put in place by the FCC. We agree with the PTA regarding this issue and are satisfied that the statistically valid sampling method imposed by the FCC is sufficient and will be adopted here in Pennsylvania, with the exception that the FCC has a deadline of June 22, 2005 for the sampling to be complete, and we will offer jurisdictional LECs an additional six months from that date (until December 22, 2005) to submit their samples to the Universal Service Administrative [sic Administration] Company (USAC). The sample may be verified through DPW, DOR or LIHEAP's separate program.

Lifeline and Link-Up Programs Order at p. 10.

ETCs operating in Pennsylvania submitted their verification results to USAC after the August 31, 2007, deadline specified in the FCC's July 2007 Public Notice, but before the PUC's Lifeline and Link-Up Programs Order's deadline of December 22. In Ordering Paragraph Number 9 of our *Lifeline and Link-Up Programs Order*, we ordered that LECs offering Lifeline and Link Up services are directed to recertify their Lifeline customers at least annually. The FCC has since made it clear that in states such as ours with State-based lifeline and link-up programs, ETCs verification samplings annual recertification should be done so that the ETCs collect and send their verification results to USAC by August 31 of each year in order for their data to be incorporated in USAC's annual report to the FCC; *Therefore*,

It Is Ordered That:

1. In the event this Tentative Order becomes final, our prior Order entered on May 23, 2005, is hereby amended in accordance with the FCC's July 10, 2007, Public

Notice, that Pennsylvania-jurisdictional eligible telecommunications carriers are directed to send their verification results to the Universal Service Administrative Company (USAC) by August 31, 2008 and on August 31, of each subsequent year thereafter.

2. Comments to this Tentative Order shall be filed within 30 days of the date the Tentative Order is published in the *Pennsylvania Bulletin*.

3. If no adverse comments are filed to this Tentative Order by the end of the 30-day period, this Tentative Order shall become a Final Order by operation of law.

4. All LECs operating in this Commonwealth, the Pennsylvania Telephone Association, Nextel Partners, Inc., Office of Consumer Advocate, Department of Public Welfare, Pennsylvania Utility Law Project and AARP shall be served with a copy of this Tentative Order.

5. A copy of this Tentative Order shall be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-310. Filed for public inspection February 15, 2008, 9:00 a.m.]

Transfer of Property

A-2008-2020725. UGI Utilities, Inc. Application of UGI Utilities, Inc., for approval of the transfer, by sale, of property located at 1500 Paxton Street, Harrisburg, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before March 3, 2008. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: UGI Utilities, Inc.

Through and By Counsel: Mark C. Morrow, Senior Counsel, 460 North Gulph Road, King of Prussia, PA 19406

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-311. Filed for public inspection February 15, 2008, 9:00 a.m.]

STATE BOARD OF BARBER EXAMINERS

Bureau of Professional and Occupational Affairs v. Josiah Middleton; Doc. No. 1266-42-2007

On December 13, 2007, Josiah Middleton, of Philadelphia, Philadelphia County, was assessed a civil penalty of \$100 in addition to the previously imposed civil penalty of \$100, for a total of \$200, based on his failure to comply with a previous State Board of Barber Examiners (Board) order.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

VINCENT IACONO,
Chairperson

[Pa.B. Doc. No. 08-312. Filed for public inspection February 15, 2008, 9:00 a.m.]

STATE BOARD OF COSMETOLOGY

Bureau of Professional and Occupational Affairs v. Carla R. Blake; Doc. No. 0956-45-2006

On November 15, 2007, Carla R. Blake, of Chester, Delaware County, was assessed a civil penalty of \$500, in addition to a previously imposed civil penalty of \$500 for a total of \$1,000, based on her violation of a State Board of Cosmetology (Board) order.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a

petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

SUSAN E. RINEER,
Chairperson

[Pa.B. Doc. No. 08-313. Filed for public inspection February 15, 2008, 9:00 a.m.]

STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

Bureau of Professional and Occupational Affairs v. Walter J. Boone, Sr.; Doc. No. 2547-42-2007

On November 6, 2007, Walter J. Boone, Sr., license no. BM-093454, of Norristown, Montgomery County, was suspended under the Order of the Court of Common Pleas of Montgomery County dated December 19, 2007, which the Court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Gerald S. Smith, Senior Counsel in Charge, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649.

GARY M. BARBERA,
Chairperson

[Pa.B. Doc. No. 08-314. Filed for public inspection February 15, 2008, 9:00 a.m.]