



Volume 36 (2006)

Pennsylvania Bulletin
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October 14, 2006 (Pages 6273-6364)

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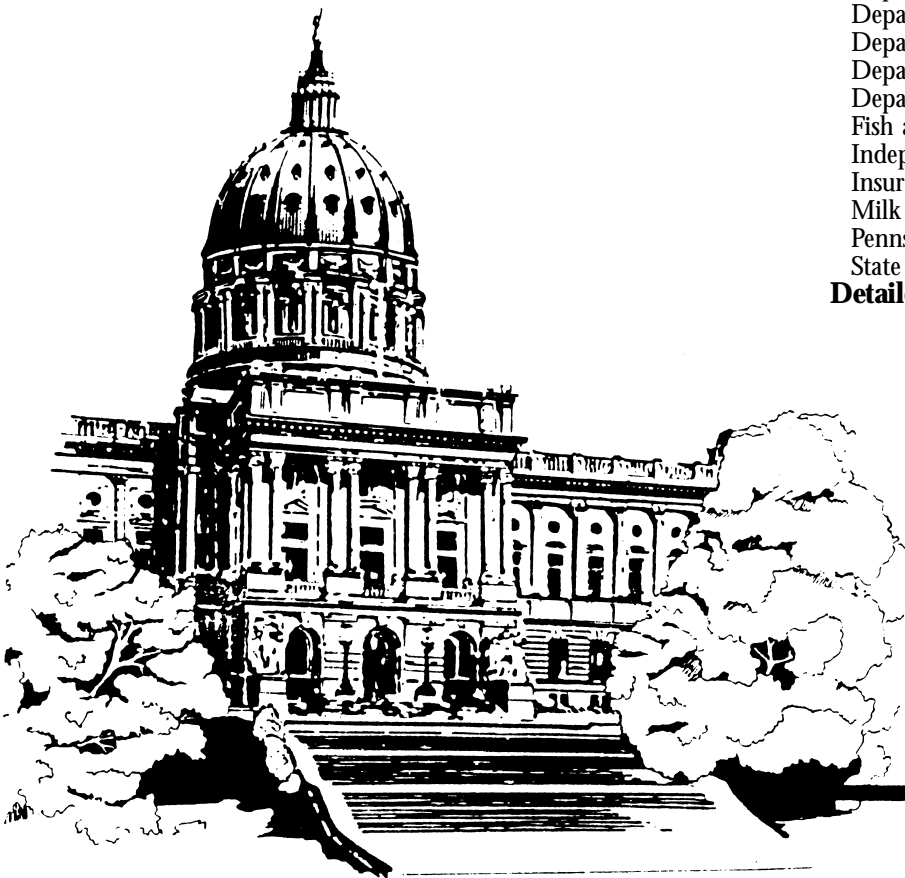
PENNSYLVANIA BULLETIN

Volume 36
Saturday, October 14, 2006 • Harrisburg, PA
Number 41
Pages 6273—6364

Agencies in this issue

The Courts
Department of Agriculture
Department of Banking
Department of Community and Economic
Development
Department of Conservation and Natural Resources
Department of Environmental Protection
Department of General Services
Department of Health
Department of Transportation
Fish and Boat Commission
Independent Regulatory Review Commission
Insurance Department
Milk Marketing Board
Pennsylvania Public Utility Commission
State Board of Nursing

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

No. 383, October 2006

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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.

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2006.

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THE COURTS

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CH. 19]

Correction to Proposed Amendment to Rule 1925; Proposed Recommendation No. 62

The Appellate Court Procedural Rules Committee published a proposed amendment to Pennsylvania Rule of Appellate Procedure 1925 at 36 Pa.B. 5967 (September 30, 2006). The heading of proposed subsection (d) was reflected incorrectly. The correct version of subsection (d) is as follows, with ellipses referring to the existing text of the rule.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 19. PREPARATION AND TRANSMISSION OF RECORD AND RELATED MATTERS

RECORD ON APPEAL FROM LOWER COURT

Rule 1925. Opinion in Support of Order.

* * * * *

[(c)] (d) *Opinions in matters on petition for allowance of appeal.*—Upon receipt of notice of the filing of a petition for allowance of appeal under Rule 1112(b) (appeals by allowance), the appellate court below which entered the order sought to be reviewed, if the reasons for the order do not already appear of record, shall [**forth with**] promptly file of record at least a brief statement, in the form of an opinion, of the reasons for the order.

* * * * *

[Pa.B. Doc. No. 06-2010. Filed for public inspection October 13, 2006, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BEAVER COUNTY

Local Rules of Civil Procedure; No. 10130 of 2001

Order

Local Rules L1910A, L1910B, L1910C, L1910D, L1910E and L1910F, are adopted as follows effective (30) days after publication in the *Pennsylvania Bulletin*. All existing Rules which are inconsistent with the foregoing Rules are revoked when the new Rules become effective.

The Court Administrator of Beaver County shall transmit certified copies of this Order and the Rules as follows:

(1) 7 with the Administrative Office of Pennsylvania Courts;

(2) 2 and a computer diskette containing the text of the Rules with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(3) 1 with the Domestic Relations Procedural Rules Committee of the Supreme Court of Pennsylvania;

(4) 1 copy shall be kept continuously available for public inspection and copying by the Domestic Relations Division of the Court;

(5) 1 copy with the Law Library of Beaver County and,

(6) 1 copy with the *Legal Journal of Beaver County* for publication therein.

By the Court

ROBERT E. KUNSELMAN,
President Judge

1910 ACTIONS FOR SUPPORT

Rule L1910A Procedure

(a) Actions for support shall proceed as prescribed by P.A.R.C.P. 1910.11.

(b) Continuances—A conference scheduled as a result of the filing of a complaint or petition shall be continued by the Domestic Relations Section only if the parties, or their counsel, agree thereto in writing or if an order of Court is obtained directing the same. A motion seeking such an order shall be presented in Motions Court after appropriate notice of same is given to the opposing party or that party's lawyer pursuant to local rule LR206B.

(c) Demand For De Novo Hearing—A demand for de novo hearing filed after the entry of an Interim Order following a Domestic Relations conference should set forth the issues to be raised with specificity. A copy of the demand for de novo hearing is to be served within five days of its filing upon the opposing party or that party's counsel of record.

Rule L1910B Appearance of Counsel

(a) All counsel shall file a Praeceptum for Appearance with the Domestic Relations Section, which includes the attorney's name, business address, telephone and facsimile numbers, and Supreme Court identification number. If counsel fails to enter his or her appearance as prescribed by this Rule, he or she shall not be entitled to receive copies of orders, notices, or other record matters.

(b) Following entry of a final order from the matter for which counsel entered his or her appearance as set forth in L-1910.12(b), counsel may withdraw his or her appearance by filing of record a praecipe to withdraw to which is attached a certificate of service on that attorney's client as well as on the opposing party or that party's counsel forthwith.

Rule L1910C Special Relief Orders

All petitions or motions seeking immediate relief shall be presented to the assigned Motions Judge after notice of same is given to the opposing party or that party's counsel of record pursuant to local rule LR206B.

A copy of any such petition or motion which is anticipated to be contested shall be delivered to the Motions Judge at least twenty four hours prior to presentation.

Rule L1910D Temporary Suspension of Order

(a) An enforcement officer of the Domestic Relations Division who suspends or adjusts any order in the absence of an order to do so, must send written notification of the suspension or adjustment, and the reason therefore, to all parties the same day that the action is taken.

(b) Any party may under circumstances where it is anticipated that continuation of a support order will result in an uncollectible overpayment of that obligation petition the court for a suspension of the obligation in accordance with Rule L1910C.

Rule L1920E Review of Court Files

Parties, and their attorneys of record in the Domestic Relations action, may upon written request at the Domestic Relations Office view the entire file maintained by the Domestic Relations Office, with the exception of the confidential notes of the hearing officers. No documents from the file may be removed from the Domestic Relations Office.

Rule L1920F Marriage Settlement Agreement and Divorce Decree

A party who wishes to terminate an alimony pendente lite obligation or to initiate enforcement of an alimony obligation in accordance with the terms of a divorce decree or a decree with marriage settlement agreement shall forward a true and correct copy of the decree to the Domestic Relations Division with a copy of the request forwarded to the opposing counsel or the opposing party if not represented by counsel. Unless the decree or decree with marriage settlement agreement specifically directs collection of alimony by the Domestic Relations Division, the Domestic Relations Division will not enforce collection without a court order.

[Pa.B. Doc. No. 06-2011. Filed for public inspection October 13, 2006, 9:00 a.m.]

MONTGOMERY COUNTY**Adoption of Local Rule of Criminal Procedure 117*—Coverage: Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail; 06-00001****Order**

And Now, this 19th day of September, 2006, the Court approves and adopts the Montgomery County Local Rule of Criminal Procedure 117*—Coverage: Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail. The Rule shall become effective thirty days after publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in *The Legal Intelligencer*. In further conformity with Pa.R.Crim.P. 105, seven (7) certified copies of the within Order shall be filed by the Court Administrator with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) certified copy shall be filed with the Criminal Procedural Rules Committee. One (1) copy shall be filed with the Prothonotary, one (1) copy with the Clerk of Courts, and (1) copy with the Court Administra-

tor of Montgomery County, one (1) copy with the Law Library of Montgomery County and one (1) copy with each Judge of this Court.

By the Court

S. GERALD CORSO,
President Judge

Rule 117*. Coverage: Issuing Warrants; Preliminary Arraignment and Summary Trials; and Setting and Accepting Bail.

1. In order to comply with the specific coverage requirements of Pa.R.Crim.P. 117, the following schedule for coverage is adopted:

a. All Magisterial District Courts in the 38th Judicial District shall be open to conduct public business during hours approved by the Court and posted in each Magisterial District Court as well as in a conspicuous place within the Montgomery County Courthouse designated by the President Judge.

b. Continuous Twenty-Four (24) hour coverage shall be in accordance with a rotating schedule of on-call Magisterial District Judges filed annually with the Montgomery County Clerk of Courts together with any amendments thereto.

c. During normal office hours, each Magisterial District Judge shall be primarily responsible to conduct all business relating to civil or criminal matters within his or her Magisterial District. Also, each Judge shall provide services pursuant to Pa.R.Crim.P. 117(A)(2)(a). The Magisterial District Judge on Twenty-Four (24) hour duty shall be available if coverage has been prearranged or in the event of an emergency.

d. After normal office hours, during the week, the on-call Magisterial District Judge shall be available to conduct arraignments until 10:00 p.m. and to provide services pursuant to Pa.R.Crim.P. 117(A)(2)(a). Between the hours of 10:00 p.m. and 8:00 a.m., the on-call Judge may defer the performance of Rule 117(A)(2)(a) services until after 8:00 a.m.

e. On weekends and holiday, the on-call Magisterial District Judge shall be available to conduct arraignments from 8:00 a.m. to 10:00 p.m. and provide services pursuant to Pa.R.Crim.P. 117(A)(2)(a). Between the hours of 10:00 p.m. and 8:00 a.m., the on-call Judge may defer the performance of Rule 117(A)(2)(a) services until after 8:00 a.m.

f. The on-call Magisterial District Judge shall be available at all times during the week after normal business hours and at all times during weekends and holidays to issue search warrants, arrest warrants and emergency orders under the Protection From Abuse Act.

2. Bail Before Verdict:

a. During normal office hours, bail may be posted at the Magisterial District Court from which the transcript shall issue.

b. Bail may also be posted, prior to the return of the transcript, on any day and at any time at the Montgomery County Correctional Facility with a correctional officer approved by the Warden of the facility and deputized by the Montgomery County Clerk of Courts.

[Pa.B. Doc. No. 06-2012. Filed for public inspection October 13, 2006, 9:00 a.m.]

NORTHAMPTON COUNTY

Preliminary Hearings—Criminal Homicide Prosecutions, Crimes Code Ch. 25; AD-322-2006

Administrative Order 2006-12

And now, this 26th day of September, 2006, it is hereby ordered that all preliminary hearings in criminal homicide prosecutions, Crimes Code Ch. 25, shall be held at the Northampton County Courthouse.

By the Court

ROBERT A. FREEDBERG,
President Judge

[Pa.B. Doc. No. 06-2013. Filed for public inspection October 13, 2006, 9:00 a.m.]

PIKE COUNTY

Promulgation of Local Rule L.Civ.P. 230.2; No. 1310-2006-Civil

Order

And now, this 25th day of September, 2006, the Court Orders the following:

1. Local Rule of Civil Procedure 230.2 is hereby adopted effective thirty (30) days after publication in the *Pennsylvania Bulletin*;

2. Local Rule of Judicial Administration 1901 as it existed prior to the adoption of Local Rule 230.2 is hereby repealed on the effective date of Local Rule 230.2.

3. The Court Administrator of the 60th Judicial District is hereby Ordered to do the following:

a. File seven (7) certified copies of this *Order* and the pertinent Rules with the Administrative Office of Pennsylvania Courts;

b. File two (2) certified copies and a computer diskette containing this *Order* and the pertinent Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

c. File one (1) certified copy of this *Order* and the pertinent Rule with the Civil Procedural Committee;

d. Provide one (1) copy of this *order* and the Local Rule to each member of the Pike County Bar Association who maintain an active practice in Pike County; and

e. Keep continuously available for public inspection, copies of this Order and the Local Rules.

By the Court

JOSEPH F. KAMEEN,
President Judge

Local Rule 230.2—Termination of Inactive Cases

(a) At the direction of the Court Administrator, the Prothonotary shall create a list of all civil matters in which no steps or proceedings have been taken for two years or more prior thereto. Upon creation of the list the Court Administrator shall serve notice to counsel of record and to the parties for whom no appearance has been entered, as provided by Pa.R.C.P. 230.2 (2).

(b) Parties receiving notice of the proposed termination of their case, as described in paragraph (a) may file a Statement of Intention to Proceed. The Statement of Intention to Proceed shall be filed with the Prothonotary within sixty (60) days from the date the Notice of Proposed Termination is filed. A copy of the Statement of Intention to Proceed shall be served upon the Court Administrator and the opposing party, or counsel, if represented.

(c) If no Statement of Intention to Proceed is filed within sixty (60) days of the Notice of Proposed Termination, the Prothonotary shall enter an order as of course, terminating the matter with prejudice for failure to prosecute.

(d) The Statement of Intention to Proceed shall be in the following form:

(Caption)

Statement of Intention to Proceed

To the Court:

It is hereby certified that, _____
intends to proceed with the above captioned matter.

Date: _____

Attorney for:

[Pa.B. Doc. No. 06-2014. Filed for public inspection October 13, 2006, 9:00 a.m.]

DISCIPLINARY BOARD OF
THE SUPREME COURT

Notice of Suspension

Notice is hereby given that by Order of the Supreme Court of Pennsylvania issued September 28, 2006, Ashly Mae Wisher is suspended from the Bar of this Commonwealth for a period of two years retroactive to August 3, 2005. 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. 06-2015. Filed for public inspection October 13, 2006, 9:00 a.m.]

RULES AND REGULATIONS

Title 7—AGRICULTURE

DEPARTMENT OF AGRICULTURE

[7 PA. CODE CH. 49]

Shellfish

The Department of Agriculture (Department) amends Chapter 49 (relating to shellfish) to read as set forth in Annex A.

Statutory Authority

The Food Act (act) (31 P. S. §§ 20.1—20.18) and section 1705(d) of The Administrative Code of 1929 (71 P. S. § 445(d)) provide the legal authority for this final-form rulemaking.

The act charges the Department with the responsibility to: (1) regulate, register and inspect food establishments in this Commonwealth under section 14(a) of the act (31 P. S. § 20.14(a)); (2) promulgate regulations and food safety standards necessary to the proper enforcement of the food safety requirements in section 13(a) of the act (31 P. S. § 20.13(a)); and (3) construe the statute and its attendant regulations in a manner that is as consistent with Federal statutory and regulatory authority as practicable, and would not unduly burden interstate commerce under section 16 of the act (31 P. S. § 20.16). Section 1705(d) of The Administrative Code of 1929 requires the Department to establish regulatory standards necessary to enforce food safety laws.

Purpose of the Final-Form Rulemaking

The National Shellfish Sanitation Program Model Ordinance (NSSP Model Ordinance) is the product of a collaborative effort among the Department, the Food and Drug Administration, various shellfish regulatory authorities in other states and nations, shellfish industry representatives, academia and consumers. The NSSP Model Ordinance represents the state-of-the-science with respect to shellfish safety, handling and processing and, in the event of a foodborne illness outbreak relating to shellfish, facilitates the trace-back of shellfish to its source harvest area. Food safety science is an evolving body of knowledge. It is the Department's intention to adopt regulatory food safety standards that reflect current recommended National standards and to amend these standards in the future as necessary to track with relevant revisions to these National standards. The NSSP Model Ordinance is reviewed and updated regularly, at meetings of the Interstate Shellfish Sanitation Conference.

The final-form rulemaking: (1) updates the Department's shellfish food safety standards to reflect the current state of food science knowledge; (2) brings these standards into greater conformity with those of other states by establishing standards and procedures recommended in the widely-adopted NSSP Model Ordinance; (3) improves the Department's ability to trace-back foodborne illness outbreaks regarding shellfish; and (4) facilitates interstate and intrastate commerce in shellfish by promoting consistency in shellfish standards among various jurisdictions.

Comments and Responses

Notice of proposed rulemaking was published at 36 Pa.B. 936 (February 25, 2006) affording the public, the Legislature and the Independent Regulatory Review Com-

mission (IRRC) the opportunity to offer comments. Of these, only IRRC offered comments. IRRC's comments, and the Department's responses, follow:

Comment: IRRC recommended that proposed § 49.2 (relating to scope) be revised by inserting a reference to an Internet address at which the NSSP Model Ordinance can be viewed by the regulated community.

Response: The Department has implemented this recommendation in the final-form rulemaking.

Comment: IRRC suggested that proposed § 49.42 (relating to plumbing) be revised to reflect that plumbing should be sized, installed and maintained in accordance with the applicable requirements of the Pennsylvania Construction Code Act (35 P. S. §§ 7210.101—7210.1103).

Response: The Department has implemented this recommendation in the final-form rulemaking.

Comment: IRRC recommended that proposed § 49.53 (relating to utensils and equipment construction) be revised by adding information on the source and availability of the "Shellfish Industry Construction Guide" and a reference to an Internet address at which that document can be viewed by the regulated community.

Response: The Department has implemented this recommendation in the final-form rulemaking.

Fiscal Impact

Commonwealth. The final-form rulemaking imposes no costs and has no fiscal impact on the Commonwealth.

Political subdivisions. The final-form rulemaking imposes no costs and has no fiscal impact upon political subdivisions.

Public sector. The final-form rulemaking imposes no costs and has no fiscal impact on the private sector. Since the NSSP Model Ordinance is the widely-accepted industry standard for shellfish sanitation, the private sector (approximately 95 shellfish dealers) is either already in compliance with this standard or can readily come into compliance with this standard without appreciable costs.

General public. The final-form rulemaking imposes no costs and has no fiscal impact on the general public. The final-form rulemaking enhances public health and safety.

Paperwork Requirements

The final-form rulemaking is not likely to impact upon the paperwork generated by the Department or shellfish facilities.

Effective Date

This final-form rulemaking takes effect upon publication in the *Pennsylvania Bulletin*.

Additional Information

Individuals who need information about the final-form rulemaking should contact Garry Orner, Department of Agriculture, Bureau of Food Safety and Laboratory Services, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 787-4315.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 13, 2006, the Department submitted a copy of the notice of proposed rulemaking, published at 36 Pa.B. 936, to IRRC and the Chairpersons of the House and Senate Standing Committees on Agriculture and Rural Affairs 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 September 6, 2006, 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 September 7, 2006, and approved the final-form rulemaking.

Findings

The Department finds that:

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

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

(3) The amendments that were made to this final-form rulemaking in response to comments received do not enlarge the purpose of the proposal published at 36 Pa.B. 936.

(4) The adoption of the final-form rulemaking in the manner provided in this order is necessary and appropriate for the administration of the authorizing statute.

Order

The Department, acting under the authorizing statutes, orders the following:

(1) The regulations of the Department, 7 Pa. Code Chapter 49, are amending by amending §§ 49.1, 49.3—49.6, 49.31, 49.41, 49.43—49.45, 49.47, 49.51, 49.54—49.56, 49.61 and 49.62, by adding § 49.7 and by deleting §§ 49.11—49.20 and 49.32—49.34 to read as set forth at 36 Pa.B. 936; and by amending §§ 49.2, 49.42 and 49.53 to read as set forth in Annex A.

(2) The Secretary of Agriculture shall submit this order, 36 Pa.B. 936 and Annex A to the Office of General Counsel and the Office of Attorney General for approval as required by law.

(3) The Secretary of Agriculture shall certify and deposit this order, 36 Pa.B. 936 and Annex A with the Legislative Reference Bureau as required by law.

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

DENNIS C WOLFF,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 36 Pa.B. 5941 (September 23, 2006).)

Fiscal Note: Fiscal Note 2-151 remains valid for the final adoption of the subject regulations.

Annex A**TITLE 7. AGRICULTURE****PART III. BUREAU OF FOOD SAFETY AND LABORATORY SERVICES****Subpart A. SOLID FOODS****CHAPTER 49. SHELLFISH****Subchapter A. GENERAL PROVISIONS****§ 49.2. Scope.**

A person who processes, distributes, ships, transports, stores, offers for sale or sells shellfish in this Commonwealth shall comply with this chapter and the NSSP Model Ordinance. The NSSP Model Ordinance can be viewed at www.cfsan.fda.gov/~ear/nss2-toc.html.

Subchapter D. SHELLFISH PROCESSING: SANITARY FACILITIES AND CONTROLS**§ 49.42. Plumbing.**

(a) Plumbing must be designed, constructed and installed in accordance with Chapter 3 of the Pennsylvania Construction Code Act (35 P. S. §§ 7201.301—7201.304), in a manner that prevents contamination of the water supply or the creation of an unsanitary condition.

(b) There may be no cross-connections between the approved pressure water supply and water from a nonapproved source. There may be no fixtures or connections through which the approved pressure supply might be contaminated by backsiphonage. When required, adequate devices shall be installed to protect fixtures and equipment against backflow and backsiphonage.

(c) Blower drains may not be directly connected with the sewers, but shall have a minimum air gap of 4 inches. Corrosion resistant piping having square sanitary threads shall be used to a point of 2 inches above the overflow level of the tank and so constructed as to be easily cleanable.

(d) Drains or waste lines may not be located above shellfish storage or processing areas.

Subchapter E. SHUCKING AREA AND EQUIPMENT**§ 49.53. Utensils and equipment construction.**

(a) Food contact surfaces of utensils and equipment, including those used for the handling of ice, must be designed to be easily cleaned, kept in good repair and constructed of safe material.

(b) *"The Shellfish Industry Equipment Construction Guide,"* developed for use with the Public Health Service-States-Industry Cooperative Program for the Certification of Interstate Shellfish Shippers, as appended to the "Guide for the Control of Molluscan Shellfish" (developed under the purview of the Interstate Shellfish Sanitation Conference and published by the United States Department of Health and Human Services; Public Health Services; Food and Drug Administration) is incorporated by reference. The *"Shellfish Industry Equipment Construction Guide"* can be viewed at www.cfsan.fda.gov/~ear/nss2-43a.html.

(c) Equipment and utensils must be designed, installed and operated in accordance with the "Shellfish Industry Equipment Construction Guide," and the standards and criteria established by the National Sanitation Foundation, unless otherwise established by this chapter.

(d) Devices which use compressed air to circulate wash water around and through the product, must be properly designed and constructed as to be easily dismantled for cleaning, examination and repair. The design and construction will be approved by the Department. Blowers shall follow the guidelines of the "Shellfish Industry Equipment Construction Guide."

(e) Single service articles or containers must be made from clean, sanitary, safe materials and may not impart odors, color or taste, or contribute to the contamination of shellfish. Articles and packages intended for single service use may not be reused.

(f) Pots, pans and utensil washers must be designed, constructed, installed, maintained and operated to comply with the manufacturer's instructions and in accordance with the applicable standards for commercial spray-type washing machines established by the National Sanitation Foundation.

[Pa.B. Doc. No. 06-2016. Filed for public inspection October 13, 2006, 9:00 a.m.]

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 97]

Boating; Personal Floatation Devices

The Fish and Boat Commission (Commission) proposes to amend Chapter 97 (relating to operator provided equipment). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed rulemaking relates to the wearing of personal floatation devices (PFD) when on board boats less than 16 feet in length or a canoe or kayak.

A. *Effective Date*

The proposed rulemaking, if approved on final-form, will go into effect immediately upon publication in the *Pennsylvania Bulletin*.

B. *Contact Person*

For further information on the proposed rulemaking, contact Jason E. Oyler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7827. This proposed rulemaking is available on the Commission's website at www.fish.state.pa.us.

C. *Statutory Authority*

The proposed amendment to § 97.1 (relating to personal floatation devices) is published under the statutory authority of section 5123 of the code (relating to general boating regulations).

D. *Purpose and Background*

The proposed rulemaking is designed to improve, enhance and update the Commission's boating regulations. The specific purpose of the proposed amendment is to improve boating safety and is described in more detail under the summary of proposal. The Commission's Boating Advisory Board considered this matter and recommended that the Commission approve the publication of a proposed rulemaking requiring the wearing of PFDs on small boats, canoes and kayaks during cold weather months (October 1 to May 31).

E. *Summary of Proposal*

From 1996 through 2005, 114 people lost their lives in recreational boating accidents in this Commonwealth. Forty two percent of these boaters died during the cold water/weather months from October 1 through May 31. This is especially disturbing because during those months, participation in recreational boating is greatly reduced. Forty five of the fatalities that occurred during this time period over the last 10 years were boating in unpowered boats and motorboats less than 16 feet in length. This represents 94% of all fatalities occurring during those cold water/weather months and 40% of the fatalities overall.

Unpowered boats and small motorboats are very unstable and most accidents that occur in these boats are the result of capsizing or falling overboard. During the colder months, a mishap such as this often results in a tragedy. Sudden immersion into cold water, hypothermia or the stronger currents common in colder months can

create a situation from which the boater cannot escape. This is especially true if the boater is not wearing a PFD.

The Commission accordingly proposes to amend § 97.1 to require the wearing of Coast Guard approved PFDs by all persons when on board boats less than 16 feet in length or a canoe or kayak during the period from October 1 through May 31. The Commission proposes that this section will read as set forth in Annex A. The Commission also seeks public comments on an alternative proposal that would require all persons to wear Coast Guard approved PFDs on boats less than 16 feet in length or a canoe or kayak on a year-round basis.

Statistics have shown that wearing a PFD will save lives. For the current calendar year, there have been 22 recreational boating accident fatalities thus far (7 of which occurred between January 1, 2006, and May 31, 2006). Of those 22 fatalities, 19 victims were not wearing PFDs. According to the 2005 Pennsylvania Boating Accident Analysis prepared by the Commission, there were 12 recreational boating accident fatalities in this Commonwealth that year. In accidents when PFD use was an important factor, seven of the victims were not wearing a life jacket. According to the 2004 Pennsylvania Boating Accident Analysis, there were 11 recreational boating accident fatalities in this Commonwealth that year. Nine of those victims were not wearing PFDs.

F. *Paperwork*

The proposed rulemaking will not create any new paperwork requirements.

G. *Fiscal Impact*

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no new costs on the private sector or the general public.

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.state.pa.us/Fish/reg comments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

DOUGLAS J. AUSTEN, Ph.D.,
Executive Director

Fiscal Note: 48A-188. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART II. FISH AND BOAT COMMISSION
Subpart C. BOATING
CHAPTER 97. OPERATOR PROVIDED EQUIPMENT

§ 97.1. Personal flotation devices.

* * * * *

(i) Between October 1 and May 31, all persons shall wear a Coast Guard approved Type I, II, III or V PFD when on board boats less than 16 feet in length or any canoe or kayak.

[Pa.B. Doc. No. 06-2017. Filed for public inspection October 13, 2006, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 75]

[L-00060180]

Implementation of the Alternative Energy Portfolio Standards Act of 2004

The Pennsylvania Public Utility Commission (Commission), on July 20, 2006, adopted a proposed rulemaking order which will codify prior Commission interpretations of the Alternative Energy Portfolio Standards Act and resolve issues relevant to its implementation.

Executive Summary

Governor Edward Rendell signed the Alternative Energy Portfolio Standards Act (act) (73 P. S. §§ 1648.1—1648.8) into law on November 30, 2004. The act, which became effective February 28, 2005, establishes an alternative energy portfolio standard for this Commonwealth. The act includes two key mandates: 1) greater reliance on alternative energy sources in serving this Commonwealth's retail electric customers; and 2) the opportunity for customer-generators to interconnect and net meter small alternative energy systems. The General Assembly charged the Commission with implementing and enforcing these mandates, with the assistance of the Department of Environmental Protection. 73 P. S. § 1648.7(a) and (b). The Commission has determined that the act is in pari materia with the Public Utility Code, and that it will develop the necessary regulations to be codified in 52 Pa. Code.

The Commission has already proposed Subchapters A—C (relating to general provisions; net metering; and interconnection).¹¹¹ *Proposed Rulemaking Re Net Metering for Customer-generators pursuant to Section 5 of the Alternative Energy Portfolio Standards Act, 73 P. S. § 1648.5, L-00050174* (Final Rulemaking Order entered June 23, 2006). *Proposed Rulemaking Re Interconnection Standards for Customer-generators pursuant to Section 5 of the Alternative Energy Portfolio Standards Act, 73 P. S. § 1648.5, L-00050175* (Proposed Rulemaking Order entered November 16, 2005).

These proposed regulations represent Subchapter D. These provisions provide for the compliance of electric distribution companies and electric generation suppliers with the mandate to increase their reliance on alternative energy sources. The regulations identify how compliance will be measured, the penalties for noncompliance, the powers and duties of a third party administrator, the mechanism for cost recovery by electric distribution companies and other necessary provisions. The adoption of Subchapter D will essentially complete the Commission's development of the needed regulations to implement the act.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 645.5(a)), on September 27, 2006, the Commission

submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees. A copy of this material is available to the public upon request.

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

Public Meeting held
July 20, 2006

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli, dissenting statement follows; Terrance J. Fitzpatrick, dissenting statement follows

Implementation of the Alternative Energy Portfolio Standards Act of 2004; Doc. No. L-00060180

Proposed Rulemaking Order

The Commission commences this rulemaking process as part of the implementation of the Alternative Energy Portfolio Standards Act of 2004, 73 P. S. §§ 1648.1—1648.8 (the Act). This proposed rulemaking will codify prior Commission interpretations of the Act and resolve other issues relevant to its implementation. The Commission seeks comments from all interested parties on these proposed regulations, at Annex A. Comments shall be due sixty days from the publication of this Order in the *Pennsylvania Bulletin*.

Background

Governor Edward Rendell signed the Act into law on November 30, 2004. The Act, which became effective February 28, 2005, establishes an alternative energy portfolio standard for Pennsylvania. The Act includes two key mandates: one, greater reliance on alternative energy sources in serving Pennsylvania's retail electric customers; two, the opportunity for customer-generators to interconnect and net meter small alternative energy systems. The Pennsylvania General Assembly charged the Commission with implementing and enforcing these mandates, with the assistance of the Pennsylvania Department of Environmental Protection (DEP). 73 P. S. § 1648.7(a) and (b). The Commission has determined that the Act is in pari materia with the Public Utility Code, and that it will develop the necessary regulations to be codified at Title 52 of the *Pennsylvania Code*. 1 Pa.C.S. § 1932.

Accordingly, the Commission initiated an implementation proceeding for the Act via a Secretarial Letter issued on January 7, 2005, at Docket No. M-00051865. The Commission presided over a public technical conference on January 19, 2005, at which stakeholders had the opportunity to provide comments on the implementation process. Subsequently, the Commission established an Alternative Energy Portfolio Standards Working Group (AEPS WG) to provide a forum for input by consumers and their advocates, electric distribution companies (EDC), electric generation suppliers (EGS), state agencies, and other interested parties. The AEPS WG held its first meeting on March 2, 2005. The Commission focused the AEPS WG on the development of the rules necessary for

the participation of customer-generators in this market, as required by the Act, 73 P. S. § 1648.5. The activities of the AEPS WG during 2005 led to the development of the following rules:

- The Commission has proposed final, uniform net metering regulations for customer-generators. *Proposed Rulemaking Re Net Metering for Customer-generators pursuant to Section 5 of the Alternative Energy Portfolio Standards Act, 73 P. S. § 1648.5*, L-00050174 (Final Rulemaking Order entered June 23, 2006). These regulations must be approved by the Independent Regulatory Review Commission (IRRC) and the Pennsylvania Attorney General before taking effect.

- The Commission has proposed uniform interconnection regulations for customer-generators. *Proposed Rulemaking Re Interconnection Standards for Customer-generators pursuant to Section 5 of the Alternative Energy Portfolio Standards Act, 73 P. S. § 1648.5*, L-00050175 (Proposed Rulemaking Order entered November 16, 2005). The interconnection regulations appeared in the *Pennsylvania Bulletin* on February 25, 2006, and the public comment period has concluded. Barring unforeseen developments, final form regulations should be issued for review by IRRC and the Attorney General during the third quarter of 2006.

As the Commission was proceeding with the development of the previously-mentioned regulations, it provided guidance on how other provisions of the Act would be interpreted. The Commission also implemented certain elements of the necessary regulatory framework. These actions include:

- Identification of the fifteen year reporting period schedule. *Implementation of the Alternative Energy Portfolio Standards Act*, Docket No. M-00051865 (Order entered March 23, 2005) (First Implementation Order).

- Identification of the compliance exemption period for each EDC service territory. *Implementation of the Alternative Energy Portfolio Standards Act*, Docket No. M-00051865 (entered March 23, 2005); as modified in *Implementation of the Alternative Energy Portfolio Standards Act*, Docket No. M-00051865 (Order entered July 18, 2005) (Second Implementation Order).

- Establishment of general standards and processes for tracking and verifying demand side management and energy efficiency measures. *Implementation of the Alternative Energy Portfolio Standards Act: Standards for the Participation of Demand Side Management Resources*, Docket No. M-00051865 (Final Order entered September 29, 2005).

- Designation of the alternative energy credit registry. *Implementation of the Alternative Energy Portfolio Standards Act: Designation of the Alternative Energy Credit Registry*, Docket No. M-00051865 (Final Order entered January 31, 2006) (Credit Registry Order). The Commission designated PJM Environmental Information Systems, Inc.'s (PJM-EIS) Generation Attribute Tracking System (GATS) as the credit registry.

- Completion, with the DEP, of an interim alternative energy system qualification process. (Secretarial Letters of December 20, 2005, and January 30, 2006). An application form developed as part of this process is available through the Commission's website. More than 170 alternative energy systems have been qualified and registered with GATS.

- Proposal of standards and processes for qualifying alternative energy systems and certifying alternative

energy credits. *Implementation of the Alternative Energy Portfolio Standards Act: Standards and Processes for Alternative Energy System Qualification and Alternative Energy Credit Certification*, Docket No. M-00051865 (entered January 31, 2006) (January 31 Order). This Tentative Order was published in the *Pennsylvania Bulletin*, and the public comment period has concluded.

This rulemaking will codify many of the statutory interpretations made by the Commission in these Orders. These proposed regulations will also include rules for matters not previously addressed, such as force majeure. These provisions will be codified in 52 Pa. Code Chapter 75, Subchapter D. Subchapters A (general provisions), B (net metering), C (interconnection) of Chapter 75 have already been proposed in the net metering and interconnection rulemakings.

These regulations also include standards and processes for alternative energy resource qualification and alternative energy credit certification. As previously identified, the Commission did issue a Tentative Order on these matters on January 31, 2006. Due to the timing of the Act's compliance schedule, however, it was necessary to rule on several aspects of these issues in the context of the Pennsylvania Power Company's recent default service implementation filing. *Petition of Pennsylvania Power Company for Approval of Interim POLR Supply Plan*, Docket No. P-00052188 (Orders entered April 28, 2006 and May 4, 2006) (Penn Power Order).¹ This rulemaking therefore reflects the holdings from that proceeding on the geographic eligibility of alternative energy resources and whether an alternative energy credit may represent attributes separable from the energy commodity. Given that these important, substantive issues have already been resolved, and to avoid a duplication of action, we find that there would be little value in issuing a final order on the matters addressed in the January 31 Order. Rather, the remaining issues will be resolved through a formal rulemaking process. The Commission has reviewed the comments to the January 31 Order, and found them to be informative and useful in developing these proposed regulations.

Certain other matters related to the Act's implementation remain open before the Commission:

- Pending before the Commission is the litigation on the ownership of alternative energy attributes for contracts entered pursuant to the federal Public Regulatory Policies Act of 1978 (PURPA), which required electric utilities to enter into long-term contracts with independently owned electric generation facilities, some of which relied on alternative energy sources to generate electricity. This matter was referred to the Office of Administrative Law Judge for further proceedings. *Petition for Declaratory Order Regarding Ownership of Alternative Energy Credits and any Environmental Attributes Associated with Non-Utility Generation Facilities Under Contract to Pennsylvania Electric Company and Metropolitan Edison Company*, Docket No. P-00052149 (Order entered March 23, 2005). A Recommended Decision on this matter was issued on July 13, 2006, that concluded that the EDCs owned the alternative energy credits associated with these PURPA contracts.

¹ The Pennsylvania Power Company and DEP each filed a Petition for Review of the Penn Power Order with Commonwealth Court (since consolidated sua sponte by Commonwealth Court). *Pennsylvania Power Company v. Pennsylvania Public Utility Commission*, 1004 CD 2006; *Department of Environmental Protection v. Pennsylvania Public Utility Commission*, 1085 CD 2006. The determinations on geographic scope and energy attributes have been challenged by the Pennsylvania Power Company and DEP, respectively. The Commission will revise this proposed regulation, or a final adopted regulation, if the current interpretations are modified as a result of this litigation.

- The Commission proposed a policy statement on the nonpublic utility status of some alternative energy systems in late 2005. *Implementation of the Alternative Energy Portfolio Standards Act*, Docket No. M-00051865 (Order entered November 16, 2005). The public comment period has concluded. Final adoption of this policy statement is expected in the third quarter of 2006.

- The Commission reopened the default service rulemaking comment period to address the Act's cost-recovery requirements. *Rulemaking Re Electric Distribution Companies' Obligation to Serve Retail Customers at the Conclusion of the Transition Period Pursuant to 66 Pa.C.S. § 2807(e)(2)*, Docket No. L-00040169 (Order entered November 18, 2005). Comments and reply comments on alternative energy cost recovery standards in the context of default service were solicited (Secretarial Letter of February 8, 2006). This second public comment period has concluded. The IRRC stated in a letter dated May 8, 2006, that it had no additional comments, and that the due date for a final default service rulemaking has been extended to April 7, 2008.

- Standards for the receipt, custody and disbursement of alternative compliance payments are in the process of being developed by the Pennsylvania Sustainable Energy Board (PASEB), which is the entity that the Act delegated primary responsibility to for managing these monies.

- On April 12, 2006, the Commission released a Request for Qualifications for parties interested in serving as the alternative energy credits program administrator. Responses were due June 13, 2006.

The previously referenced matters referenced will not be resolved through this rulemaking. Litigation pertaining to the ownership of alternative energy attributes for electricity sold pursuant to PURPA contracts may continue for several years, and to the extent that a regulation is necessary on this point, it can be added later. A final, adopted policy statement on the non-utility status of some alternative energy generators would be codified at 52 Pa. Code Chapter 69, and is thus not within the scope of this rulemaking. Rules for recovery of the Act's costs are proposed in this regulation, but some details will be addressed in the final default service regulations. The PASEB is currently developing standards on the receipt, custody and disbursement of alternative compliance payments, and will make a filing with the Commission later in 2006. The public will have the opportunity to review and comment on the proposed standards before their adoption by the Commission. Finally, the Commission is in the process of selecting a program administrator, and expects to enter into a contract by the end of 2006.

Discussion

As evidenced by its requirements, the intent of the Act is to encourage greater reliance on alternative energy sources in meeting the needs of Pennsylvania's retail electric customers. The Commission has largely completed rulemakings to provide the necessary rules for the growth and participation of customer-generators in the alternative energy market.² The regulations proposed today address the standards and processes that will govern EDC and EGS compliance with the alternative energy portfolio standard portion of the Act.

² Proposed Rulemaking Re Net Metering for Customer-generators pursuant to Section 5 of the Alternative Energy Portfolio Standards Act, 73 P.S. § 1648.5, L-00050174 (Final Rulemaking Order entered June 23, 2006). Proposed Rulemaking Re Interconnection Standards for Customer-generators pursuant to Section 5 of the Alternative Energy Portfolio Standards Act, 73 P.S. § 1648.5, L-00050175 (Proposed Rulemaking Order entered November 16, 2005).

Based on the Commission's reading of the Act, this legislation is intended to promote the efficient utilization of the region's alternative energy resources in a manner that will yield significant economic and environmental benefits for Pennsylvania. As such, these regulations must be conducive to private sector investment in alternative energy resources, compatible with applicable standards for environmental protection, administratively efficient, and favorable to reasonable, market-based electricity rates for retail customers.

The following sections briefly review the provisions of the proposed rulemaking. Interested parties may offer comments on some or all of the provisions, and recommend alternative regulatory language.

A. § 75.51. EDC and EGS obligations.

This section codifies the compliance schedule for EDCs and EGSs that was specified in the First Implementation Order. Consistent with the Penn Power Order, this section acknowledges that compliance will be measured in quantities of alternative energy credits, each of which shall represent one MWh of qualified alternative electric generation or conservation, whether self-generated, purchased along with the electric commodity or separately through a tradable instrument. Compliance will be measured against total sales of electricity to retail customers for the reporting period. This section also codifies the compliance exemption periods from the First and Second Implementation Orders, and identifies the compliance standard for EGSs.

Verification of compliance with the Act will likely require EDCs and EGSs to provide retail sales data more quickly than they have in the past. The Act includes a 90 day true-up period for EDCs and EGSs who failed to secure sufficient alternative energy credits during a reporting period. For the true-up period to be effective, EDCs and EGSs will need to know the status of their compliance soon after the expiration of a reporting period. This will require the program administrator to compare the quantity of alternative energy credits to the level of retail electricity sales during the just concluded reporting period. Ideally, this verification would occur within several weeks of the conclusion of a reporting period.

This will be very difficult under current practices, as EDC retail sales data for a particular month is often several months old when provided to the Commission. Additionally, in some instances, a meter that records sales for the month of May will not be read until near the end of June, well into the true-up period. For the true-up period to be effective, EDCs and EGSs are going to need to provide their monthly sales data more quickly than they have in the past. Otherwise, the true-up period may be largely concluded before an EDC or EGS knows whether they met their compliance obligation for a reporting period. Section 75.51(f) proposes a new standard for the reporting of monthly retail sales data to the Commission and the program administrator. Parties should identify in their comments any technical limitations to providing more timely sales data.

It may be that EDCs and EGSs will err on the side of caution, and procure quantities of alternative energy credits that exceed their forecasted sales for a particular reporting period. It may also be appropriate to consider the degree of exactness the Act requires in measuring compliance, or if a certain margin of error is acceptable. For example, parties may wish to comment on whether it is permissible to utilize some estimated data for the latter months of a reporting period to allow the program

administrator to produce a timely compliance report at the beginning of the true-up period.

B. § 75.52. Fuel and technology standards for alternative energy sources.

This section includes fuel and technology standards for the alternative energy sources identified in the Act. While the Act includes a definition of "alternative energy sources" at 73 P.S. § 1648.2, it does not specifically define what constitutes each particular source.³ Some sources, such as wind and solar photovoltaic, do not include any descriptive language, reflecting the intent that state regulators more fully define the scope of eligibility. Other sources, like low-impact hydropower and municipal solid waste, include time based eligibility restrictions that require clarification. This section provides more specific guidance on which facilities will qualify for alternative energy system status. These fuel source and technology standards are based on the plain language of the Act, DEP's draft technical guidance document distributed in 2005, and comments received through the implementation proceeding. Applicants for alternative energy system status will need to demonstrate reliance on one of these sources or technologies before their facility is qualified for alternative energy system status.

As we noted in the Second Implementation Order, we are assigning the "solar thermal" to the Tier I category. This resource was not assigned to either Tier I or Tier II by definitions included in the Act. 73 P.S. § 1648.2. We conclude that as this resource relies on solar energy, and its use has negligible environmental impact, solar thermal more appropriately belongs in Tier I than Tier II.

For low impact hydropower, we observe that the statutory definition restricts qualification to "incremental" development. We interpret this language to find that the Act limits eligibility to those facilities permitted on or after February 28, 2005 (i.e., the Act's effective date) or capacity additions or efficiency improvements to preexisting plants that were implemented on or after February 28, 2005.⁴

For waste coal, we decline to expressly adopt the recommendation that waste coal from non-permitted disposal sites receive a blanket qualification as an alternative energy source. The Act does expressly permit the Commission, by regulation, to expand the scope of waste coal definition. 73 P.S. § 1648.2. Rather than grant a blanket qualification, the Commission will review requests to utilize non-permitted sites on a case by case basis. Parties who wish to qualify waste coal from a non-permitted site shall be required to file a petition for waiver from this regulation in which they demonstrate the public interest benefits of such relief. The Commission may, at its discretion, grant such a waiver.

Another issue that requires clarification is the scope of the "distributed generation" alternative energy source. The Act identifies this as the "small-scale power generation of electricity and useful thermal energy." This definition does not specify a particular fuel or technology that qualifies. Nor does it define what constitutes "small-scale." At a minimum, we find that this definition would include net-metered and interconnected customer-

³ The definition of "alternative energy source" from the Act is included in the general provisions of § 75.1, and is more specifically defined in the proposed § 75.52 for purposes of alternative energy system qualification.

⁴ We note that similar "incremental" requirements for renewable energy production tax credits exist at the federal level for hydroelectric facilities. 26 U.S.C.A § 45(c)(8). FERC reviews and approves certification of incremental development based on review of a historic average annual hydropower baseline and comparison to the requested increase. A similar standard may be appropriate for Pennsylvania, and comments are solicited on whether this level of detail should be included in this section of the proposed regulation.

generators, particularly in commercial and industrial settings, that utilize Tier II sources. However, it would seem that the General Assembly intended other resources to qualify under this definition. We note that a previous draft of the Act, Printer No. 1945, included the qualification that the distributed generation systems utilize an "alternative energy source." This language was struck in the version of the bill that was passed. It is possible that this action reflects the intent of the General Assembly to include other sources, such as combined heat and power systems that run on natural gas or diesel, in the final, approved version of the Act.

C. § 75.53. Alternative energy system qualification.

This section identifies processes and standards, first proposed in the January 31 Order, for alternative energy system qualification. Applications shall be filed with the alternative energy credit program administrator on a form developed and made available by the Commission. The administrator will verify that the applicant is geographically eligible, consistent with the standard identified in the Act and the Penn Power Order. Facilities must also be in compliance with applicable environmental standards, and rely on an alternative energy source to generate or conserve electricity. Alternative energy system status will be suspended for major environmental violations. Alternative energy credits will not be certified for the duration of the suspension.

D. § 75.54. Alternative energy credit certification.

This section reflects the different start dates for the certification of credits for generation and conservation measures. 73 P.S. § 1648.3(e)(7) and (10). Credits may be certified for qualified generation from the Act's effective date, February 28, 2005. Credits may be certified for qualified conservation measures from the date of the Act's passage, November 30, 2004. Credits may only be certified for that portion of an alternative energy system's output that relies on an alternative energy fuel source or technology. This section also reflects the prohibition against using the same resources to satisfy portfolio standards in more than one jurisdiction, and codifies the Act's delivery requirement.

Finally, this section codifies the finding from the Credits Registry Order that a Pennsylvania alternative energy credit only represents the attributes of energy that can be used to satisfy compliance with § 75.51. Credit or attribute definitions in other states with renewable portfolio standards sometimes include emissions or environmental characteristics.⁵ However, the Act makes no mention of environmental or emissions attributes in the definition of alternative energy credit, or any other section of the Act. Accordingly, the Commission concludes that it has no authority to find that an alternative energy credit includes such values. Generators are of course free to include those attributes in their sales of alternative energy credits. They may also sell, assign or trade them separately. Our expectation is that the disposition of these emissions and environmental attributes will be governed by specific, contractual language, and that parties will not look to the Commission to resolve ownership disputes.⁶

⁵ See "generation attribute", 26 Del. C. § 352 (10); "attribute" and "renewable energy certificate," N.J.A.C. § 14:14-8.2.

⁶ This finding is without prejudice to the Commission's ultimate decision in the pending proceeding regarding the ownership of energy attributes in energy contracts entered into prior to the effective date of the Act. *Petition for Declaratory Order Regarding Ownership of Alternative Energy Credits and any Environmental Attributes Associated with Non-Utility Generation Facilities Under Contract to Pennsylvania Electric Company and Metropolitan Edison Company*, Docket No. P-00052149 (Order entered March 23, 2005; Recommend Decision issued July 13, 2006).

E. § 75.55. Alternative energy credit program administrator.

This section identifies the powers and duties of the program administrator. Consistent with the January 31 Order, the administrator will certify questions of compliance with the applicable environmental regulations and reliance on appropriate alternative energy sources to DEP. DEP's findings will become part of the administrator's determination. To respond to those parties who commented that the January 31 Order would delegate too much authority to DEP, the Commission notes that it retains the ultimate authority to review and modify the decision of the program administrator. The Commission intends to utilize DEP's expertise in environmental matters to facilitate the efficient and correct implementation of the Act. A decision of the administrator may be appealed pursuant to 52 Pa. Code § 5.44. If the administrator's decision was incorrect on the law or facts, it will be modified by the Commission.

The administrator will also be responsible for verifying compliance with the obligations identified in § 75.51. The administrator will prepare reports documenting compliance at the end of each reporting and true-up period. The administrator will recommend levels of alternative compliance payments for those EDCs and EGSs who do not satisfy the requirements of § 75.51. EDCs and EGSs shall be required to make available all necessary information to the administrator as part of the verification of compliance.

As noted in the discussion of § 75.51, the administrator's ability to verify compliance in a timely manner after a reporting period may be constrained by delays in providing retail sales data. Accordingly, the regulation allows the administrator 45 days to provide a report on EDC and EGS compliance with § 75.51.

F. § 75.56. Alternative compliance payments.

This section identifies standards for determining alternative compliance payments, consistent with the provisions of the Act. 73 P. S. § 1648.3(f) and (g). If an EDC or EGS disagrees with the recommended level of payment, they may request a hearing before the Office of Administrative Law Judge. As mentioned earlier in this Order, the PASEB is drafting language on the receipt, custody, and disbursement of alternative compliance payments which will be included in proposed governing bylaws and filed with the Commission.

Section 1648.3(e)(9) of the Act authorizes the Commission to utilize up to 5% of the alternative compliance payments for administrative expenses. This section also authorizes the Commission to impose administrative fees on "an alternative energy credit transaction." This section touches on the manner that the program administrator will be compensated for its services. Parties may wish to comment on whether it would be more appropriate for costs to be recovered through the traditional utility assessment mechanism or by charging fees to EDCs and EGSs for alternative energy credit transactions. For example, the Commission could charge fees for the certification alternative energy credits used for compliance with § 75.51.

G. § 75.57. General force majeure.

This section proposes standards and processes for force majeure determinations, and their relationship to alternative compliance payments. These provisions also reflect a change in thinking on this issue by the Commission.

Initially, the Commissions' view, as stated in the Second Implementation Order, was that the costs of alternative

compliance payments should not be recoverable by EDCs. The Commission and other parties were concerned that allowing alternative compliance payments to be recoverable would discourage the development of new, alternative energy resources. EDCs would find it more efficient to simply make a payment rather than procure credits from alternative energy sources. However, the Commission has concluded that the practical effect of disallowing recovery in all circumstances would be EDCs and EGSs acquiring alternative energy credits at any price, regardless of the costs to ratepayers. We do not believe that the public interest is served by EDCs and EGSs purchasing excessively priced alternative energy credits, the costs of which will be passed on to Pennsylvania's retail customers. The Commission is concerned about the magnitude of the electricity rate increases that retail customers will experience once the generation rate caps expire, and does not wish the Act's implementation to materially contribute to any potential price shock.

Instead, the Commission will use the force majeure and alternative compliance payment provisions of the Act in concert to establish a de facto price cap for alternative energy credits. Under these proposed regulations, the Commission will review the state of the alternative energy market prior to each reporting period. Separate force majeure determinations will be made for the Tier I obligation, solar photovoltaic obligation, and Tier II obligation. If it appears that there are insufficient quantities of credits to meet one or more of these obligations, the Commission will find that force majeure exists for that obligation for that reporting period. The Commission will also find that force majeure exists if the average market price for non-solar photovoltaic credits exceeds \$45 for a significant period of time. EDCs and EGSs who have not already acquired or contracted for the purchase of credits for that reporting period will be permitted to pay an alternative compliance payment of \$45 for each credit they need to satisfy their obligations. EDCs may recover such payments from ratepayers as a cost of compliance with the Act. These payments will be subject to Commission review as part of the cost-recovery process. If the record shows that the EDC could have met their obligations through credits acquired for less than \$45, then cost recovery for some portion of these payments will be disallowed. We note that a similar approach has been adopted in other states with renewable portfolio standards, including New Jersey, Maryland and Massachusetts. N.J.A.C. § 14:4-8.10; Maryland Public Utilities Code, § 7-706; 225 CMR § 14.08(4).

The solar photovoltaic requirement presents unique challenges. The Act's market price standard for solar photovoltaic alternative compliance payments would appear to preclude a price cap for related force majeure determinations. Rather, the Commission will limit itself to reviewing the availability of solar photovoltaic resources when making force majeure determinations for this resource. If solar photovoltaic resources are not available in sufficient quantities, alternative compliance payments may be made at the applicable market price and the associated costs recovered from ratepayers by EDCs. Alternatively, the Commission may reduce the level of required solar photovoltaic compliance for the reporting period. These payments will be used by the sustainable energy funds and dedicated to projects that will increase the amount of solar photovoltaic resources available for compliance. 73 P. S. § 1648.3(g)(2).

We find that this approach provides the needed regulatory certainty to allow EDCs, EGSs, and alternative energy project developers to engage in the necessary

strategic planning and long-term investments that the Act requires. This standard also serves the public interest by protecting ratepayers from any excessive alternative energy prices that may result during the development of this new market.

H. § 75.58. *Special force majeure.*

The Act requires the Commission to provide for a force majeure mechanism as part of the true-up period. 73 P. S. § 1648.3(e)(5). This section would only need to be used during those reporting periods where the Commission had declined to make a general force majeure determination for one or more of the compliance obligations. The Commission recognizes that circumstances may change during the interval between the beginning and conclusion of a reporting period that requires such a determination. For example, an EDC or EGS may unexpectedly acquire significantly more customer load over the course of a reporting period and fall short of meeting their obligations under § 75.51. In such a situation, there is no guarantee that the EDC or EGS could procure sufficient alternative energy credits during the true-up period to bring itself into compliance. The Commission will therefore review requests for special force majeure determinations on a case by case basis during the true-up period.

I. § 75.59. *Alternative energy cost-recovery.*

EDCs⁷ may fully recover the reasonable and prudently incurred costs of complying with Act 213 from ratepayers. This includes the costs for purchases of alternative energy or alternative energy credits, payments to credit program administrators, and costs levied by regional transmission organizations to ensure that alternative resources are reliable. 73 P. S. § 1648.3(a)(3). These costs are to be recovered "pursuant to an automatic energy adjustment clause under 66 Pa.C.S. § 1307" and are considered "a cost of generation supply under 66 Pa.C.S. § 2807." 73 P. S. § 1648.3(a)(3). Section 2807 of the Public Utility Code includes the legal standard governing the acquisition of and recovery for costs for electricity provided to an EDC's retail electric customers at the conclusion of the transition period:

(3) If a customer contracts for electric energy and it is not delivered or if a customer does not choose an alternative electric generation supplier, the electric distribution company or commission-approved alternative supplier shall acquire electric energy at prevailing market prices to serve that customer and shall recover fully all reasonable costs.

66 Pa.C.S. § 2807(e)(3). Given this requirement of the Act, we find that the alternative energy delivered to retail customers after the conclusion of the stranded cost recovery period is a component of the default service provided by EDCs.

Section 1307 of the Public Utility Code includes standards and processes for automatic adjustment clauses. Costs collected pursuant to these clauses are subject to annual audits. 66 Pa.C.S. § 1307(d). Each EDC utilizing these types of mechanisms must file a report every twelve months identifying revenues collected pursuant to the clause, the costs actually incurred, and the reasons for the difference. 66 Pa.C.S. § 1307(e)(1). The Commission is required to hold public hearings on the substance of

⁷ In Section 75.59 of the proposed regulations, the Commission substitutes the term "default service provider" for EDC. The proposed default service regulations use this term for any party, EDC or otherwise, that provides default service after the conclusion of the transition period. This is because the default service regulations recognize that parties other than an incumbent EDC may be the provider of last resort after the conclusion of the transition period. "Default service provider" is a defined term in the proposed default service regulations issued at Docket No. L-00040169.

these reports. 66 Pa.C.S. § 1307(e)(2). Finally, customers are entitled to refunds for over collection, and public utilities may recover from customers additional costs in the event of under collection. 66 Pa.C.S. § 1307(e)(3).

Initially, the Commission considered including the substance of the Act's cost-recovery regulations in the final form version of its default service regulations. *Rulemaking Re Electric Distribution Companies' Obligation to Serve Retail Customers at the Conclusion of the Transition Period Pursuant to 66 Pa.C.S. § 2807(e)(2)*, Docket No. L-00040169 (Order entered December 16, 2004). However, in order to ensure sufficient opportunity for meaningful public comment on these matters, we are including the necessary cost-recovery provisions in this proposed rulemaking. Given the overlap with default service, this rulemaking and the final default service regulations will include necessary cross-references. For example, these proposed regulations cross-reference the standards for competitive procurement processes in the default service rulemaking.

Because section 2807(e)(3) requires energy procured for default service to be acquired at "prevailing market prices," the Commission interprets 73 P. S. § 1648.3(a)(3) to mean that EDCs should use competitive processes to meet the requirements of § 75.51. However, this interpretation does not preclude the use of long-term, bilateral contracts between an EDC and an alternative energy generator as part of a reasonably balanced portfolio of alternative energy generation supply resources.⁸ The Commission recognizes that EDCs may pursue different strategies to acquire alternative and traditional forms of energy to serve retail customers. For example, an EDC might choose to enter into contracts of varying durations to acquire electricity from traditional energy sources, and at the same time enter into several long term contracts to satisfy its obligations under § 75.51. However, the EDC must still use some type of competitive process to acquire alternative energy in order to demonstrate that retail customers are being provided alternative energy at the most reasonable rates.

EDCs costs and revenues for alternative energy compliance will be reconciled on an annual basis consistent with 66 Pa.C.S. § 1307(e)(3). The Commission will also conduct annual audits of these costs. 66 Pa.C.S. § 1307(d).

J. § 75.60. *Alternative energy market integrity.*

This section is intended to preserve the viability of the voluntary market for alternative or renewable energy in Pennsylvania. Some parties to this implementation proceeding have expressed concerns that the adoption of an alternative energy portfolio standard will lead to the end of voluntary purchases of electricity by retail customers from renewable energy sources. The Commission finds that the public interest is served by ensuring a level playing field between mandatory and voluntary alternative energy offerings to retail customers. This section proposes certain requirements for the marketing of alternative energy sources by EDCs and EGS. These restrictions are similar to the requirements for green energy marketing found at 52 Pa. Code § 54.6(c).

The proposed standard does present a number of issues in its implementation. For example, an EDC or EGS may have multiple generation offerings it markets to retail customers. Some of these plans may rely on traditional fuels, while others rely on "alternative energy." EGS

⁸ See *Rulemaking Re Electric Distribution Companies' Obligation to Serve Retail Customers at the Conclusion of the Transition Period Pursuant to 66 Pa.C.S. § 2807(e)(2)*, Docket No. L-00040169 (Order entered November 18, 2005).

offerings may even vary by EDC service territory. Comments are welcome on how EDCs and EGSs should distinguish between their traditional and alternative energy generation offerings, and the level of specificity required when marketing this information.

K. § 75.61. Banking of alternative energy credits.

This section codifies prior interpretations of the banking provisions of the Act from the First and Second Implementation Orders. The most problematic part of the banking provisions involves the apparent restriction placed on banking credits from alternative energy systems existing at the time of the Act's effective date during the cost-recovery period. 73 P. S. § 1648.3(e)(7). The Act appears to prohibit the banking of credits from these alternative energy systems in quantities equal to their sales to Pennsylvania retail customers during the twelve month period preceding the effective date of the Act, February 28, 2005. The Commission offered one interpretation of this provision in its Implementation Order, and received a number of comments in response.

The Commission has considered as an example an alternative energy system that sold 10,000 MWh of alternative energy to an EDC, which was in turn sold to Pennsylvania retail customers, during the period of February 28, 2004 through February 28, 2005. The language of the Act would appear to suggest that an EDC or EGS could only bank alternative energy credits for sales made by that same alternative energy system in excess of 10,000 MWh per reporting period during their cost-recovery period. Such an interpretation effectively discourages the acquisition of alternative energy and credits from resources already existing at the time of the Act's effective date. While this incremental requirement may encourage the development of new resources, it largely nullifies the cost-recovery period banking provision of the Act. It may also negatively impact Pennsylvania located resources the most, as they are more likely to have been used in retail sales to Pennsylvania customers. The effect of this provision may be to cause EDCs and EGSs to meet their initial requirements from resources located mostly outside of Pennsylvania. The Commission welcomes comments on how this provision of the Act may be interpreted in a way consistent with the intent of the General Assembly. In applying the rules of statutory construction, the Commission is to avoid results that are absurd, unreasonable, or that render a statute ineffective. 1 Pa.C.S. § 1922.

L. § 75.62. Alternative energy credit registry.

This section codifies the Commission's authority to designate a credit registry. 73 P. S. § 1648.3(e)(8). At this time, the Commission has designated PJM-EIS's GATS as the credit registry required by the Act. EDCs and EGSs are required to make all information within the registry available to the Commission and the program administrator so that they can carry out their responsibilities under the Act, including verification of compliance and the tracking of credit prices. As the needs of the Commission in regards to implementing the Act may change over time, as will available technologies, the Commission will not permanently designate any particular party or technology as the credit registry in this rulemaking.

Conclusion

Accordingly, under sections 501 and 2807(e) of the Public Utility Code (66 Pa.C.S. §§ 501 and 2807(e)); sections 1648.7(a) and 1648.3(e)(2) of the Alternative Energy Portfolio Standards Act of 2004 (73 P. S. §§ 1648.7(a) and 1648.3(e)(2)); sections 201 and 202 of

the act of July 31, 1968 (P. L. 769 No. 240) (45 P. S. §§ 1201 and 1202), known as the Commonwealth Documents Law, and the regulations promulgated at 1 Pa. Code §§ 7.1, 7.2 and 7.5; section 204(b) of the Commonwealth Attorneys Act (71 P. S. § 732.204(b)); section 745.5 of the Regulatory Review Act (71 P. S. § 745.5); and section 612 of The Administrative Code of 1929 (71 P. S. § 232) and the regulations promulgated at 4 Pa. Code §§ 7.231—7.234, the Commission proposes adoption of the regulations set forth in Annex A; *Therefore,*

It Is Ordered That:

1. The proposed rulemaking at L-00060180 will consider the regulations set forth in Annex A.
2. The Secretary shall submit this order and Annex A to the Office of Attorney General for review as to form and legality.
3. The Secretary shall submit this order and Annex A to the Governor's Budget Office for review of fiscal impact.
4. The Secretary shall submit this order and Annex A for review by the designated standing committees of both houses of the General Assembly and for review by IRRC.
5. The Secretary shall deposit this order and Annex A with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
6. An original and 15 copies of written comments referencing the docket number of the proposed rulemaking must be submitted within 60 days of publication in the *Pennsylvania Bulletin* to the Pennsylvania Public Utility Commission, Attn.: Secretary, P. O. Box 3265, Harrisburg, PA. 17105-3265.
7. The contact person for this rulemaking is Shane M. Rooney, (717) 787-2871.

JAMES J. MCNULTY,
Secretary

Fiscal Note: 57-252. (1) General Fund; (2) Implementing Year 2006-07 is \$200,000; (3) 1st Succeeding Year 2007-08 is \$200,000; 2nd Succeeding Year 2008-09 is \$200,000; 3rd Succeeding Year 2009-10 is \$200,000; 4th Succeeding Year 2010-11 is \$200,000; 5th Succeeding Year 2011-12 is \$200,000; (4) 2005-06 Program—\$0; 2004-05 Program—\$0; 2003-04 Program—\$0; (7) General Government Operations; (8) recommends adoption. These costs will be recovered through the annual utility assessment mechanism.

**Dissenting Statement of Commissioner
Terrance J. Fitzpatrick**

Public Meeting
July 20, 2006

Implementation of the Alternative Energy Portfolio Standards Act of 2004; JUL-2006-L-0042; L-00060180*

This matter involves a proposed rulemaking order designed to implement the Alternative Energy Portfolio Standards Act, (Act) 73 P. S. §§ 1648.1—1648.8. For the reasons set forth below, I respectfully dissent.

First, I disagree with Section 75.53(d) of the proposed regulations, which provides:

(d) The alternative energy credits associated with a qualified alternative system located outside of Pennsylvania shall be eligible for compliance purposes only in the portions of Pennsylvania within the boundaries of the same RTO control areas as that alternative energy system.

This determination of the eligibility of out-of-state alternative energy sources to meet the requirements of the Act follows the recent decision by a majority of the Commission in *Petition of Pennsylvania Power Company for Approval of Interim POLR Supply Plan*, Dkt. No. P-00052188, Opinion and Order entered April 28, 2006, pp. 134-141. I disagreed with this aspect of the *Penn Power* decision, and Commissioner Pizzingrilli and I issued a Joint Statement⁹ explaining why we believe that this interpretation conflicts with the plain language of Section 1648.4 of the Act, 73 P.S. § 1648.4, which provides that energy from alternative sources within “any” regional transmission organization that serves “any” part of the Commonwealth “shall be eligible to meet the compliance requirements of the Act.” For this same reason, I believe that § 75.53(d) of the proposed regulations is inconsistent with the Act.

Second, I disagree with § 75.52(b)(2) of the proposed regulations to the extent it provides that the Commission may, in its discretion, grant petitions to allow waste coal from “non-permitted sites” to qualify for alternative energy resource status. This case-by-case approach is inconsistent with the Act, which provides eligibility for “other waste coal combustion meeting alternate eligibility requirements established by regulation.” 73 P.S. § 1648.2 (definition of “Alternative energy source,” no. 10) (emphasis added). In my view, the language in the Act providing for eligibility requirements to be established “by regulation” precludes a case-by-case approach to determining eligibility.

Third, I disagree with the requirement that the administrator must refer applications to the Department of Environmental Protection (DEP) for the purposes of determining environmental compliance and whether the applicant meets the requirements for alternative energy sources. See, proposed § 75.55 (4), (5). The administrator is required to follow DEP’s advice on these issues. See, proposed § 75.55(6). These provisions give DEP a decision-making role within the formal adjudicatory process under the Act. However, the proposed regulations do not preclude DEP from later becoming involved in these same proceedings in another role—as a party-litigant. It is clear to me from DEP’s intervention in the *Penn Power* proceeding, supra, and its subsequent appeal to Commonwealth Court, that it intends to litigate to pursue its interpretation of the Act. DEP’s approach causes me to question the propriety of allowing it to also serve in a dual role as part of the decision-making process. To avoid this situation, I would allow DEP to make its views known as a party on the issues of environmental compliance and eligibility; however, I would not require the administrator to follow the advice of DEP on these issues.

Finally, I disagree with language in the proposed rulemaking order (p. 19) suggesting that electric utilities may enter into long-term contracts with alternative energy sources, at least to the extent that such contracts establish a fixed price that does not move with current wholesale prices. In my view, such contracts are anti-competitive and are inconsistent with the requirement

that utilities procure electricity at “prevailing market prices” to serve customers who do not shop. 66 Pa.C.S. § 2807(e)(3).¹⁰

While I look forward to the comments of interested parties on these issues and others included in this proposed rulemaking order, for the above reasons, I respectfully dissent.

**Dissenting Statement of Commissioner
Kim Pizzingrilli**

Today the Commission commences a rulemaking process as part of the implementation of the Alternative Energy Portfolio Standards Act of 2004. While I support the initiation of the proposed regulations, as they codify prior decisions made by this Commission, I respectfully dissent in part.

Specifically, the proposed regulation includes the Commission’s finding in *Petition of Pennsylvania Power Company for Approval of Interim POLR Supply Plan*, Docket No. P-00052188 (Orders entered April 28, 2006 and May 4, 2006)¹¹ (Penn Power Order) wherein the majority adopted a restrictive interpretation of Section 1648.4 of the Act by limiting the geographic eligibility of alternative energy resources. Section 75.53 (relating to Alternative energy system qualification) of the proposed regulation requires that in order to qualify for alternative energy system status, it must be physically located in either the Commonwealth of Pennsylvania or the control area of a RTO that manages a portion of the electric transmission system in Pennsylvania. Subsection 75.53(d), further restricts eligibility as follows:

(d) The alternative energy credits associated with a qualified alternative system located outside of Pennsylvania shall be eligible for compliance purposes only in the portions of Pennsylvania within the boundaries of the same RTO control area as that alternative energy system.

Consistent with my position in the Penn Power Order, I must dissent from the proposed language found in Section 75.53(d). In a Joint Statement with Commissioner Terry Fitzpatrick, I dissented from the restrictive interpretation in the Order, as I believe that all out of state energy systems that are located within the PJM and MISO control areas qualify for alternative energy status for use anywhere in Pennsylvania. Section 1648.4 of the Act contains no language that substantiates restricting the qualification of facilities to the control areas to which they are physically located. Expressly, the Act provides that facilities located within the MISO or PJM control areas “. . . shall be eligible to meet the compliance requirements of this act.” 73 P.S. § 1648.4.

Therefore, I dissent from the proposed regulations respective to the geographic eligibility restriction set forth in Section 75.53(d).

Annex A

**TITLE 52. PUBLIC UTILITIES
PART I. PUBLIC UTILITY COMMISSION
Subpart C. FIXED SERVICE UTILITIES
CHAPTER 75. ALTERNATIVE ENERGY
PORTFOLIO STANDARDS**

¹⁰ See, also, Dissenting Statement of Commissioner Terrance J. Fitzpatrick, *Rulemaking Re: Electric Distribution Companies Obligations to Serve Retail Customers*, Docket Nos. L-00040169, M-00051865, Order entered November 18, 2005.

¹¹ I noted that the Pennsylvania Power Company filed a Petition for Review of the Penn Power Order with Commonwealth Court relative to the geographic scope determination. *Pennsylvania Power Company v. Pennsylvania Public Utility Commission*, 1004 CD 2006; *Department of Environmental Protection v. Pennsylvania Public Utility Commission*, 1085 CD 2006.

⁹ Joint Dissenting Statement of Commissioners Kim Prizzingrilli and Terrance J. Fitzpatrick, *Petition of Pennsylvania Power Company for Approval of an Interim Provider of Last Resort Supply Plan*, Docket No. P-00052188, Order entered April 28, 2006.

Subchapter D. ALTERNATIVE ENERGY PORTFOLIO REQUIREMENT

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

Sec.	
75.51.	EDC and EGS obligations.
75.52.	Fuel and technology standards for alternative energy sources.
75.53.	Alternative energy system qualification.
75.54.	Alternative energy credit certification.
75.55.	Alternative energy credit program administrator.
75.56.	Alternative compliance payments.
75.57.	General force majeure.
75.58.	Special force majeure.
75.59.	Alternative energy cost-recovery.
75.60.	Alternative energy market integrity.
75.61.	Banking of alternative energy credits.
75.62.	Alternative energy credit registry.

§ 75.51. EDC and EGS obligations.

(a) EDCs and EGSs shall comply with the act through the acquisition of certified alternative energy credits, each of which shall represent one MWh of qualified alternative electric generation or conservation, whether self-generated, purchased along with the electric commodity or separately through a tradable instrument.

(b) For each reporting period, EDCs and EGSs shall acquire alternative energy credits in quantities equal to a percentage of their total retail sales of electricity to all retail electric customers for that reporting period, as measured in MWh. The required quantities of alternative energy credits for each reporting period is identified in the following schedule:

(1) For June 1, 2006, through May 31, 2007: The Tier I requirement is 1.5% of all retail sales, the solar photovoltaic requirement is .0013% of Tier I sales, and the Tier II requirement is 4.2% of all retail sales.

(2) For June 1, 2007, through May 31, 2008: The Tier I requirement is 1.5% of all retail sales, the solar photovoltaic requirement is .0013% of Tier I sales, and the Tier II requirement is 4.2% of all retail sales.

(3) For June 1, 2008, through May 31, 2009: The Tier I requirement is 2% of all retail sales, the solar photovoltaic requirement is .0013% of Tier I sales, and the Tier II requirement is 4.2% of all retail sales.

(4) For June 1, 2009, through May 31, 2010: The Tier I requirement is 2.5% of all retail sales, the solar photovoltaic requirement is .0013% of Tier I sales, and the Tier II requirement is 4.2% of all retail sales.

(5) For June 1, 2010, through May 31, 2011: The Tier I requirement is 3% of all retail sales, the solar photovoltaic requirement is .0203% of Tier I sales, and the Tier II requirement is 6.2% of all retail sales.

(6) For June 1, 2011, through May 31, 2012: The Tier I requirement is 3.5% of all retail sales, the solar photovoltaic requirement is .0203% of Tier I sales, and the Tier II requirement is 6.2% of all retail sales.

(7) For June 1, 2012, through May 31, 2013: The Tier I requirement is 4% of all retail sales, the solar photovoltaic requirement is .0203% of Tier I sales, and the Tier II requirement is 6.2% of all retail sales.

(8) For June 1, 2013, through May 31, 2014: The Tier I requirement is 4.5% of all retail sales, the solar photovoltaic requirement is .0203% of Tier I sales, and the Tier II requirement is 6.2% of all retail sales.

(9) For June 1, 2014, through May 31, 2015: The Tier I requirement is 5% of all retail sales, the solar photovoltaic requirement is .0203% of Tier I sales, and the Tier II requirement is 6.2% of all retail sales.

(10) For June 1, 2015, through May 31, 2016: The Tier I requirement is 5.5% of all retail sales, the solar photovoltaic requirement is .25% of Tier I sales, and the Tier II requirement is 8.2% of all retail sales.

(11) For June 1, 2016, through May 31, 2017: The Tier I requirement is 6% of all retail sales, the solar photovoltaic requirement is .25% of Tier I sales, and the Tier II requirement is 8.2% of all retail sales.

(12) For June 1, 2017, through May 31, 2018: The Tier I requirement is 6.5% of all retail sales, the solar photovoltaic requirement is .25% of Tier I sales, and the Tier II requirement is 8.2% of all retail sales.

(13) For June 1, 2018, through May 31, 2019: The Tier I requirement is 7% of all retail sales, the solar photovoltaic requirement is .25% of Tier I sales, and the Tier II requirement is 8.2% of all retail sales.

(14) For June 1, 2019, through May 31, 2020: The Tier I requirement is 7.5% of all retail sales, the solar photovoltaic requirement is .25% of Tier I sales, and the Tier II requirement is 8.2% of all retail sales.

(15) For June 1, 2020, through May 31, 2021, and each successive twelve month period thereafter: The Tier I requirement is 8% of all retail sales, the solar photovoltaic requirement is .5% of Tier I sales, and the Tier II requirement is 10% of all retail sales.

(c) EDCs are exempt from these requirements for the duration of their cost-recovery period. An EDC shall be required to comply with the requirements in effect during the reporting period, as identified in subsection (b), in which its exemption expires.

(d) EGSs are exempt from these requirements in the service territories of EDCs in their cost-recovery period. EGS compliance shall be measured against their total MWh sales to all retail electric customers in all EDC service territories that have exited their cost-recovery periods.

(e) A 90 day true-up period shall commence at the end of each reporting period. EDCs and EGSs not in compliance with this chapter at the end of a reporting period, as determined by the program administrator under § 75.55(c)(2) (relating to alternative energy credit program administrator), may acquire additional alternative energy credits during the true-up period to satisfy the requirements of this chapter.

(f) EDCs shall provide monthly reports to the program administrator documenting total deliveries of electricity to all retail electric customers within their service territory. Separate totals shall be reported for each load serving entity active in the EDC's service territory. Reports shall be submitted to the program administrator within 45 days from the end of each month.

§ 75.52. Fuel and technology standards for alternative energy sources.

(a) Alternative energy system status may be granted to existing or new facilities, except where provided otherwise, including those interconnected and net-metered by customer generators, that generate electricity through the following Tier I alternative energy fuel sources and technologies:

(1) *Solar photovoltaic.* Electricity generated from solar photovoltaic technologies that utilize solar energy

(2) *Solar thermal.* Electricity generated from solar thermal technologies that utilize solar energy.

(3) *Wind*. Electricity generated through use of wind-mills, wind turbines, or other technologies that utilize wind energy.

(4) *Low-impact hydropower*. Electricity generated from any technology that produces electric power by harnessing the hydroelectric potential of moving water impoundments, provided that the facility:

(i) Was permitted on or after February 28, 2005, or represents capacity additions or efficiency improvements to a preexisting facility implemented on or after February 28, 2005.

(ii) Does not adversely change existing impacts to aquatic systems.

(iii) Meets the certification standards established by the Low Impact Hydropower Institute and American Rivers, Inc., or their successors.

(iv) Provides an adequate water flow for protection of aquatic life and for safe and effective fish passage.

(v) Protects against erosion.

(vi) Protects cultural and historic resources.

(5) *Geothermal energy*. Electricity produced by extracting hot water or steam from geothermal reserves in the earth's crust and supplied to steam turbines that drive generators to produce electricity.

(6) *Biomass energy*. Electricity generated utilizing the following:

(i) Organic material from a plant that is grown for the purpose of being used to produce electricity or is protected by the Federal Conservation Reserve Program (CRP) and provided further that production on CRP lands does not prevent achievement of the water quality protection, soil erosion prevention or wildlife enhancement purposes for which the land was primarily set aside. This may include switchgrass and other warm seasonal grasses, hybrid willow and hybrid poplar.

(ii) Solid, nonhazardous, cellulosic waste material segregated from other waste materials, such as waste pallets, crates, landscape or right-of-way tree trimmings or agricultural sources, including orchard tree crops, vineyards, grain, legumes, sugar and other crop by-products or residues. This includes bark, sawdust and clean, untreated wood chips from lumber mills, manufacturers or other producers that otherwise meet the definition of solid, nonhazardous, cellulosic waste material segregated from other waste materials.

(7) *Biologically derived methane gas*. Electricity produced from methane from the anaerobic digestion of organic materials from yard waste, such as grass clippings and leaves, food waste, animal waste and sewage sludge. This source also includes landfill methane gas.

(8) *Coal mine methane*. Electricity produced from methane gas emitting from abandoned or working coal mines, specifically fugitive methane released from its natural geologic sequestration as a result of coal-mining activity and vented to the atmosphere, or destroyed without useful energy recovery. This source does not include commercially developed coal bed methane.

(9) *Fuel cells*. Electricity produced from an electrochemical device that converts chemical energy in a hydrogen-rich fuel directly into electricity, heat and water without combustion.

(b) Alternative energy system status may be granted to existing or new facilities, except where provided other-

wise, that generate or conserve electricity through the following Tier II alternative energy fuel sources and technologies:

(1) *Large scale hydropower*. Electricity produced by harnessing the hydroelectric potential of moving water impoundments, including pumped storage that does not meet the requirements of low-impact hydropower.

(2) *Waste coal*. Electricity generated from the combustion of waste coal in facilities when the waste coal was disposed of or abandoned prior to July 31, 1982, or disposed of thereafter in a permitted coal refuse disposal site regardless of when disposed of. Facilities combusting waste coal shall use, at a minimum, a combined fluidized bed boiler and be outfitted with a limestone injection system and a fabric filter particulate removal system. Alternative energy credits shall be calculated based upon the proportion of waste coal utilized to produce electricity at the facility. Applicants may petition for waste coal from nonpermitted sites to be qualified for alternative energy resource status. The Commission may grant the petitions at its discretion.

(3) *Demand-side management*. The conservation of electricity through:

(i) Energy efficiency technologies, management practices or other strategies in residential, commercial, industrial, institutional or government customers that reduce electricity consumption by those customers.

(ii) Load management or demand response technologies, management practices or other strategies in residential, commercial, industrial, institutional and government customers that shift electric load from periods of higher demand to periods of lower demand.

(iii) Industrial by-product technologies consisting of the use of a by-product from an industrial process, including the reuse of energy from exhaust gases or other manufacturing by-products, used in the direct production of electricity at the facility of a customer.

(4) *Distributed generation system*. Small-scale power generation of electricity and useful thermal energy.

(5) *Integrated combined coal gasification technology (ICCG)*. Electricity generated from combined cycle format with a gas turbine driven by the combusted syngas, while exhaust gases are heat exchanged with water/steam to generate superheated steam to drive a steam turbine. Alternative energy credits shall only be certified for electricity produced by ICCG technology. The use of ICCG to create feedstocks for manufacturing or liquid fuels not used to generate electricity may not be eligible for the certification of alternative energy credits.

(6) *Municipal solid waste*. Electricity generated from waste to energy facilities permitted by the Department on or before February 28, 2005, which the Department has determined to be in compliance with current environmental standards, including applicable requirements of the Clean Air Act (42 U.S.C.A. §§ 7401—7618) and associated permit restrictions and applicable requirements of Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

(7) *Wood pulping and manufacturing*. Electricity generated by utilizing by-products of the pulping process and wood manufacturing process, including bark, wood chips, sawdust and lignin in spent pulping liquors.

§ 75.53. Alternative energy system qualification.

(a) An application for alternative energy system status shall be submitted on a form developed and made avail-

able by the Commission. A copy of the application form will be made available on the Commission's public internet domain. An application shall be verified by oath or affirmation as required in § 1.36 (relating to verification).

(b) A completed application and supporting attachments shall be filed with the alternative energy credit program administrator, and any other parties that may be designated by the Commission.

(c) A facility shall be qualified for alternative energy system status if it is physically located in either:

(1) This Commonwealth.

(2) The control area of an RTO that manages a portion of the electric transmission system in this Commonwealth.

(d) The alternative energy credits associated with a qualified alternative system located outside of this Commonwealth shall be eligible for compliance purposes only in the portions of this Commonwealth within the boundaries of the same RTO control area as that alternative energy system.

(e) A facility shall be qualified for alternative energy system status if it generates electricity from or conserves electricity through a Tier I or Tier II alternative energy source identified in § 75.52 (relating to fuel and technology standards for alternative energy sources).

(f) A facility shall be qualified if the Department has verified compliance with applicable environmental regulations, and if it has obtained necessary State and Federal environmental permits for operations.

(g) Alternative energy system applicants shall provide the Department with all information necessary to verify compliance with applicable environmental regulations and § 75.52.

(h) The Commission may suspend or revoke the alternative energy system status of a facility, after notice and opportunity to be heard, for major violations of environmental regulations, or failure to satisfy the requirements of an alternative energy source in § 75.52. Major environmental violations shall be defined as those that cause significant harm to the environment or public health and result in a compliance order or penalty assessed by the Department. Alternative energy credits may not be certified for that facility for a period beginning with the suspension or revocation of alternative energy system status, as evidenced by formal Commission action, through the time that alternative energy system status is restored.

§ 75.54. Alternative energy credit certification.

(a) An alternative energy credit may be certified by the Commission for each MWh of electricity generated by qualified alternative energy systems on or after February 28, 2005.

(b) An alternative energy credit may be certified by the Commission for each MWh of electricity conserved by qualified alternative energy systems on or after November 30, 2004.

(c) An alternative energy credit may not be certified for a MWh of electricity generation or electricity conservation that has already been used to satisfy another state's renewable energy portfolio standard, alternative energy portfolio standard, or other comparable standard.

(d) An alternative energy credit shall be certified for that portion of a qualified alternative energy system's

electric generation that is consumed within or delivered to the distribution system of an EDC in this Commonwealth or the control area of an RTO that manages a portion of this Commonwealth's transmission system.

(e) When an alternative energy system relies on more than one fuel source or technology, alternative energy credits shall be certified for that portion of the electric generation that is derived from an alternative energy fuel source or technology as identified in § 75.52.

(f) Alternative energy credit certification shall be verified by metered data under standards approved by the Commission.

(g) An alternative energy credit represents the attributes of 1 MWh of electric generation that may be used to satisfy the requirements of § 75.51 (relating to EDC and EGS obligations). A certified alternative energy credit does not automatically include environmental, emissions or other attributes associated with 1 MWh of electric generation. Parties may bundle the attributes unrelated to compliance with § 75.51 with an alternative energy credit, or, alternatively, sell, assign, or trade them separately.

§ 75.55. Alternative energy credit program administrator.

(a) The Commission may select an independent entity to act as a program administrator and perform administrative functions necessary to the implementation of this chapter. If an independent entity is not selected to act as a program administrator, the Commission will perform the functions identified in this section.

(b) The program administrator will have the following powers and duties in regard to alternative energy system qualification:

(1) Distribute, receive, and review applications for alternative energy system qualification.

(2) Reject applications that are incomplete or do not adhere to the application instructions.

(3) Determine whether an application satisfies the geographic eligibility standard in § 75.53(c) (relating to alternative energy system qualification) and reject applications that fail this standard.

(4) Refer verification of the application's compliance with applicable environmental regulations to the Department.

(5) Refer verification of the application's compliance with § 75.52 (relating to fuel and technology standards for alternative energy sources) to the Department.

(6) Reject applications that the Department advises to be noncompliant with environmental regulations or § 75.52.

(7) Qualify applicants for alternative energy system status who have filed a complete application, adhered to application instructions, satisfied the geographic eligibility standard, complied with environmental regulations, and utilized an alternative energy fuel source or technology consistent with § 75.52.

(8) The program administrator will provide written notice to applicants of its qualification decision within 30 days of receipt of a complete application form.

(c) The program administrator shall have the following powers and duties regarding the verification of compliance with this chapter:

(1) At the end of each reporting period, the program administrator shall verify EDC and EGS compliance with § 75.51 (relating to EDC and EGS obligations), and provide written notice to each EDC and EGS of their compliance status within 45 days of the end of the reporting period.

(2) At the end of each true-up period, the administrator shall verify compliance with § 75.51 for EDCs and EGSs who were in violation of § 75.51 at the end of the reporting period. The administrator will provide written notice to each EDC and EGS of their compliance status within 15 days of the end of the true-up period.

(3) EDCs and EGSs shall provide all information to the program administrator necessary to verify compliance with § 75.51.

(4) The program administrator shall provide a report to the Commission within 45 days of the end of each reporting period and true-up period that identifies the compliance status of all EDCs and EGSs. The report provided after the end of the true-up period shall propose alternative compliance payment amounts for each EDC and EGS that is noncompliant with § 75.51 for that reporting period. As part of this report the administrator shall identify the average market value of alternative energy credits derived from solar photovoltaic energy sold in the reporting period for each RTO that manages a portion of this Commonwealth's transmission system.

(d) The program administrator shall have the following powers and duties relating to alternative energy credit certification:

(1) The program administrator shall certify alternative energy credits for the portion of a qualified alternative energy system's electric generation that is consumed within or delivered to the distribution system of an EDC in this Commonwealth or the control area of an RTO that manages a portion of this Commonwealth's transmission system.

(2) The program administrator may not certify alternative energy credit for a MWh of electricity generation or electricity conservation that has already been used to satisfy another state's renewable energy portfolio standard, alternative energy portfolio standard, or other comparable standard.

(e) A decision of the program administrator may be appealed consistent with § 5.44 (relating to petitions for appeal from actions of staff).

(f) The Commission may delegate other responsibilities to the program administrator as may be necessary for the implementation of the act.

§ 75.56. Alternative compliance payments.

(a) Within 15 days of receipt of the report identified in § 75.55(c)(4) (relating to alternative energy credit program administrator), the Commission will provide written notice to each EDC and EGS that was noncompliant with § 75.51 (relating to EDC and EGS obligations) of their alternative compliance payment for that reporting period.

(b) Each EDC and EGS shall be assessed an alternative compliance payment according to the following formula:

(1) For noncompliance with the solar photovoltaic requirements identified in § 75.51, an EDC and EGS shall make an alternative compliance payment equal to the number of additional alternative credits necessary for compliance times 200% the average market value for

solar photovoltaic alternative energy credits sold during the reporting period in the RTO control area where the noncompliance occurred.

(2) For noncompliance with other requirements identified in § 75.51, an EDC and EGS shall make an alternative compliance payment equal to \$45 times the number of additional alternative energy credits necessary for compliance in that reporting period.

(3) The costs of alternative compliance payments made under this section may not be recoverable from ratepayers.

(c) EDCs and EGSs shall advise the Commission in writing within 15 days of the issuance of this notice of their acceptance of the alternative compliance payment determination or, if they wish to contest the determination, file a petition to modify the level of the alternative compliance payment. The petition shall include documentation supporting the proposed modification. The Commission will refer the petition to the Office of Administrative Law Judge for further proceedings as may be necessary. Failure of an EDC or EGS to respond to the Commission within 15 days of the issuance of this notice shall be deemed an acceptance of the alternative compliance payment determination.

(d) EDCs and EGSs shall send their alternative compliance payments to a special fund designated by the Commission within 30 days of acceptance of their payment determination, or the conclusion of proceedings before the Commission regarding the modification of the level of payment.

(e) Alternative compliance payments shall be made available to the sustainable energy funds established through the Commission's orders entered under 66 Pa.C.S. § 2806(f) (relating to Commission review of restructuring filings), under procedures and standards proposed by the Pennsylvania Sustainable Energy Board and approved by the Commission.

(f) Alternative compliance payments made available to the sustainable energy funds shall be utilized solely for projects that increase the amount of electric energy generated from alternative energy resources for purposes of compliance with § 75.51.

(g) The Commission may utilize up to 5% of alternative compliance payments made by EDCs and EGSs for administrative expenses directly associated with the implementation of this chapter, including the costs of the program administrator.

§ 75.57. General force majeure.

(a) At least 30 days prior to the beginning of a reporting period, the Commission will issue an order declaring whether force majeure exists for that reporting period. The order will include separate force majeure determinations for the Tier I alternative energy source, Tier II alternative energy source, and solar photovoltaic requirements of § 75.51 (relating to EDC and EGS obligations).

(b) The Commission may find that force majeure exists if there are insufficient alternative energy credits to satisfy the aggregate Tier I alternative energy source, Tier II alternative energy source, and solar photovoltaic obligation for all EDCs and EGSs under § 75.51 for that reporting period.

(c) The Commission may find that force majeure exists for the nonsolar photovoltaic requirement of § 75.51 if the average price for a nonsolar photovoltaic alternative

energy credit purchased by an EDC and EGS in this Commonwealth exceeds \$45 in the 6 month period ending 30 days prior to the issuance of the order referenced in subsection (a).

(d) If the Commission determines that force majeure exists for a reporting period for, EDCs and EGSs shall have the option of making alternative compliance payments in lieu of compliance with § 75.51 for that reporting period.

(1) This payment shall equal \$ 45 for each alternative energy credit needed to satisfy the Tier I and Tier II requirements of § 75.51.

(2) For the solar photovoltaic requirement, EDCs and EGSs shall have the option of making an alternative compliance payment equal to the market value of solar photovoltaic credits in the applicable RTO service territory, or the Commission may choose to reduce the required level of solar photovoltaic compliance for that reporting period.

(3) A payment shall be accompanied by a statement filed with the Commission and verified by oath of affirmation, consistent with § 1.36 (relating to verification), that the EDC or EGS has made a good faith effort to comply with the requirements of this chapter, that they are unable to acquire a sufficient quantity of alternative energy credits to meet their obligations under § 75.51, and that an alternative compliance payment is the least cost method of compliance.

(4) The option to make an alternative compliance payment in lieu of compliance with § 75.51 may not be available to EDCs and EGSs that have already acquired sufficient alternative energy credits for compliance with the requirements of that reporting period.

(e) Alternative compliance payments made by EDCs under subsection (d) shall be deemed a cost of compliance with this chapter and may be recovered under § 75.59 (relating to alternative energy cost-recovery).

(f) EDCs and EGSs shall provide the Commission information necessary for it to render a force majeure determination.

§ 75.58. Special force majeure.

(a) Within 45 days of the conclusion of a reporting period for which the Commission did not find force majeure to exist for the Tier I alternative energy source, Tier II alternative energy source, and solar photovoltaic requirements of § 75.51 (relating to EDC and EGS obligations), an EDC or EGS not in compliance with § 75.51 may petition the Commission for a force majeure determination.

(b) The Commission will provide public notice of all requests for a force majeure determination during the true-up period.

(c) The Commission may find that force majeure exists when there are insufficient alternative energy credits to satisfy the Tier I alternative energy source, Tier II alternative energy source, and solar photovoltaic obligations for all EDCs and EGSs requesting force majeure determinations under this section.

(d) The Commission may find that force majeure exists for the nonsolar photovoltaic requirement of § 75.51 when the average price for a nonsolar photovoltaic alternative energy credit purchased by an EDC and EGS in this Commonwealth exceeds \$45 for the just concluded reporting period in § 75.57(a) (relating to general force majeure).

(e) If the Commission determines that force majeure exists for the true-up period, an EDC or EGS requesting a force majeure determination shall have the option of making alternative compliance payments in lieu of compliance with § 75.51 for the just concluded reporting period, consistent with the standard identified in § 75.57. Payments shall be accompanied by a statement filed with the Commission and verified by oath of affirmation, consistent with § 1.36 (relating to verification), that the following apply:

(i) The EDC or EGS has made a good faith effort to comply with this chapter.

(ii) The EDC or EGS is unable to acquire a sufficient quantity of alternative energy credits to meet their obligations under § 75.51.

(iii) An alternative compliance payment is the least cost method of compliance.

(f) Alternative compliance payments made by EDCs under subsection (e) shall be deemed a cost of compliance with this chapter and may be recovered under § 75.59 (relating to alternative energy cost-recovery).

(g) EDCs and EGSs shall provide the Commission all information necessary for it to render a special force majeure determination.

§ 75.59. Alternative energy cost-recovery.

(a) A default service provider may recover from default service customers the following reasonable and prudently incurred costs for compliance with the act:

(1) The costs of electricity generated by an alternative energy system, purchased by a default service provider, and delivered to default service customers for purposes of compliance with § 75.51 (relating to EDC and EGS obligations).

(2) The costs of alternative energy credits purchased and used within the same reporting period for purposes of compliance with § 75.51.

(3) The costs of alternative energy credits purchased in one reporting period and banked for use in later reporting periods, consistent with § 75.61 (relating to banking of alternative energy credits).

(4) The costs of alternative energy credits purchased in the true-up period to satisfy compliance obligations for the most recently concluded reporting period, consistent with § 75.51(e).

(5) Payments to the alternative energy credits program administrator for its costs of administering an alternative energy credits program, consistent with § 75.55 (relating to alternative energy credit program administrator).

(6) Payments to a third party for its costs in operating an alternative energy credits registry, consistent with § 75.62 (relating to alternative energy credit registry).

(7) The costs levied by a regional transmission organization to ensure that alternative energy sources are reliable.

(8) The costs of alternative compliance payments made under §§ 75.57 and 75.58 (relating to general force majeure; and special force majeure).

(b) A default service provider shall demonstrate compliance with the requirements of § 75.51 and the default service provisions of Chapter 54 (relating to electricity generation customer choice) by identifying a competitive

procurement process for acquiring alternative energy credits in default service implementation plans filed with the Commission.

(c) A competitive procurement process for alternative energy and alternative energy credits must comply with the standards for competitive procurement processes identified in the default service provisions in Chapter 54.

(d) The costs of compliance with the alternative energy portfolio standards act shall be recovered through an automatic adjustment clause within the meaning of 66 Pa.C.S. § 1307 (relating to sliding scale of rates; adjustments) according to the following standards:

(1) Costs incurred by a default service provider during the cost-recovery period shall be deferred as a regulatory asset and fully recovered with a return on the unamortized balance during the first full 12-month reporting period after the expiration of the cost-recovery period in the EDC service territory where it is acting as the default service provider.

(2) Costs incurred by a default service provider after the expiration of a cost-recovery period shall be recovered during the reporting period in which they are incurred, except as provided for in paragraph (7).

(3) The default service implementation plan shall include a schedule of rates for the recovery of these costs as required under 66 Pa.C.S. § 1307(a).

(4) A default service provider shall file a report with the Commission within 30 days of the conclusion of each reporting period that includes the information identified in 66 Pa.C.S. § 1307(e)(1).

(5) The Commission will hold public hearings on the substance of these reports, and other matters pertaining to this subject, as required by 66 Pa.C.S. § 1307(e)(2).

(6) The Commission will order the default service provider to provide refunds to or recover additional costs from default service customers consistent with 66 Pa.C.S. § 1307(e)(3).

(7) The costs of alternative energy credits purchased by the default service provider during the true-up period under section 3(e)(5) of the act (73 P. S. § 1648.3(e)(5)) shall be recovered during the reporting period in which these costs are incurred.

(e) The Commission will perform fuel costs audits, on at least an annual basis, of each default service provider that recovers costs using the automatic adjustment clause provided for under this section.

§ 75.60. Alternative energy market integrity.

(a) Sales of electricity by EDCs and EGSs to retail electric customers marketed as deriving from alternative energy sources that exceed the requirements of § 75.51 (relating to EDC and EGS obligations) at the time of the sale shall be supported by alternative energy credits separate from and in addition to alternative energy credits counted for compliance with § 75.51.

(b) When EDCs and EGSs market their generation as deriving from alternative energy sources, they shall include information to substantiate their claims. Disclosure of alternative energy sources shall be traceable to specific alternative energy sources by an auditable contract trail or equivalent, such as a tradable commodity system, that provides verification that the alternative energy source claimed has been sold only once to a retail customer.

§ 75.61. Banking of alternative energy credits.

(a) An EDC and EGS may bank alternative energy credits certified in one reporting period for use in either or both of the two immediately following reporting periods.

(b) An EDC and EGS may bank alternative energy credits certified during a cost-recovery period for use in either:

(1) The reporting period in which the cost-recovery period expires, and the reporting period that immediately follows.

(2) The first two full, 12-month reporting periods for which compliance with § 75.51 (relating to EDC and EGS obligations) is required after the expiration of the cost-recovery period.

(c) Alternative energy credits acquired by EDCs and EGSs not used within the time limits identified in subsections (a) and (b) shall be retired within the alternative energy credits registry and not available for the compliance requirements of this chapter.

(d) EDCs and EGSs shall satisfy the requirements of this chapter for the present reporting period before banking alternative energy credits produced in that same reporting period for use in either or both of the two subsequent reporting periods.

(e) The Commission will determine the volume of sales, measured in MWh, by EDCs and EGSs to retail customers in the 12-month period that immediately preceded the effective date of the act derived from specific alternative energy systems. EDCs and EGSs may bank credits during the cost-recovery period for the generation output of qualified alternative energy systems that exceed their volume of alternative energy sales to retail customers during this 12-month period.

§ 75.62. Alternative energy credit registry.

(a) The Commission will designate an alternative energy credit registry to track the creation and transfer of certified alternative energy credits among qualified alternative energy systems, EDCs and EGSs. EDCs and EGSs shall record the price paid for each alternative energy credit in the alternative energy credit registry.

(b) The Commission may direct EDCs and EGSs to enter into agreements with an alternative energy credit registry to verify compliance with this chapter and for compliance with section 3(e)(8) of the act (73 P. S. § 1648.3(e)(8)). EDCs and EGSs shall comply with the rules, policies, and procedures of the designated alternative energy credit registry.

(c) EDCs and EGSs shall provide the Commission and the program administrator with access to information in this registry necessary to verify compliance with this chapter and for compliance with section 3(e)(8) of the act.

(d) The prices paid for individual credits will be treated as confidential information by the Commission. Aggregate pricing data on alternative energy credits will be made available to the public by the Commission or the program administrator on a regular basis.

[Pa.B. Doc. No. 06-2018. Filed for public inspection October 13, 2006, 9:00 a.m.]

[52 PA. CODE CH. 67]

[L-00060177]

Service Interruption

The Pennsylvania Public Utility Commission (Commission), on May 4, 2006, adopted a proposed rulemaking order which amends Chapter 67 (relating to service outages) to include a definition of "service interruption" as it pertains to water utilities.

Executive Summary

Title 66 of the *Pennsylvania Consolidated Statutes* contains provisions that address a utility's character of services and its facilities. In addition, the statute also has provisions regarding the Commission's administrative authority and regulations. See 66 Pa.C.S. §§ 501 and 1501 (relating to general powers; and character of service and facilities). Specifically, 66 Pa.C.S. § 1501 provides:

Every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and shall make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and public. Such service also shall be reasonably continuous and without unreasonable interruptions or delay. . . .

In addition, 66 Pa.C.S. § 501 provides:

(a) . . . In addition to any powers expressly enumerated in this part, the commission shall have full power and authority, and it shall be its duty to enforce, execute and carry out, by its regulations, orders, or otherwise, all and singular, the provisions of this part, and the full intent thereof; and shall have the power to rescind or modify any such regulations or orders . . .

(b) . . . The commission may make such regulations, not inconsistent with law, as may be necessary or proper in the exercise of its powers or for the performance of its duties. . . .

In early December 2005 there was a fluoride release incident at the Pennsylvania American Water Company's (PAWC) Yellow Breeches Water Treatment Plant in Fairview Township, Cumberland County. The incident affected approximately 34,000 customers of PAWC located in eastern Cumberland County and northern York County. As a result of the incident PAWC issued a "Do Not Consume" advisory.

By a December 23, 2005 order, Commission staff conducted an investigation into the cause of the high fluoride incident, the level of compliance by PAWC with the Public Utility Code and the Commission's regulations regarding safe and reliable water service, the applicable notification procedures, whether the problems were addressed and whether any improvements in the notification procedures were warranted. The Final Investigation Order and Release of Staff Report addressed the several areas of concern noted in the Commission's December 23, 2005 order specifically, the operational response of PAWC, the timeliness and adequacy of the public notice, the adequacy of alternative drinking water supplies, compliance

with 52 Pa. Code § 67.1 (relating to notice to Commission), additional steps to inform and assist consumers, and the obligation to update emergency response plans.

The Commission's regulations provide that a utility shall notify the Commission by telephone within 1 hour after a preliminary assessment of conditions reasonably indicates that there is an unscheduled service interruption affecting 2,500 or 5%, whichever is less, of a utility's total customers in a single incident of 6 or more projected consecutive hours. 52 Pa. Code § 67.1(b).

In the context of the Commission's fluoride spill investigation, PAWC asserted that the term "service interruption" is not defined in the regulation and stated that the common understanding of this term requires an outage, supply cut off or cessation of service. PAWC contended that the incident did not result in the loss of service (i.e., customers had water that could be used for all purposes other than consumption). The Commission disagreed with PAWC's interpretation that the requirement in the Commission's regulations to notify the Commission of an incident by telephone is only triggered when there is a total outage of service.

The Commission formally commences this rulemaking to amend its regulations to clarify what the Commission deems a "service interruption" under § 67.1. The Commission proposes to provide clarity by noting that the term "service interruption" pertains to quantity and quality. The exact proposed language is set forth in Annex A.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 27, 2006, the Commission submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees. A copy of this material is available to the public upon request.

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

Public Meeting held
May 4, 2006

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

Proposed Rulemaking for Revision to Chapter 67 of Title 52 of the PA Code Pertaining to Service Outages;
Docket No. L-00060177

Proposed Rulemaking Order

By the Commission:

On March 10, 2006, the Commission adopted the Final Investigation Order and Release of Staff Report at Docket No. I-00050109 regarding the December 2005 fluoride release incident at the Pennsylvania American Water Company's (PAWC) Yellow Breeches Water Treatment

Plant in Fairview Township, Cumberland County. Pursuant to the March 10, 2006 Order, the Commission formally commences this rulemaking to amend our regulations to clarify what the Commission deems a "service interruption" under 52 Pa. Code § 67.1.

Background

By a December 23, 2005 order, Commission staff conducted an investigation into the cause of the high fluoride incident, the level of compliance by PAWC with the Public Utility Code and our Commission's regulations regarding safe and reliable water service and the applicable notification procedures. The investigation also addressed whether these procedures were complied with and whether any improvements in the notification procedures were warranted. As part of its inquiry, Commission staff met with representatives from the Department of Environmental Protection (DEP), the Cumberland County Emergency Management Services, PAWC and the Office of Consumer Advocate.

The Final Investigation Order and Release of Staff Report addressed several areas of concern noted in the Commission's December 23, 2005 order specifically, the operational response of PAWC, the timeliness and adequacy of the public notice, the adequacy of alternative drinking water supplies, compliance with 52 Pa. Code § 67.1 (Notice to Commission), additional steps to inform and assist consumers, and the obligation to update emergency response plans.

Discussion

This proposed rulemaking addresses the issue of notice to the Commission regarding service outages, 52 Pa. Code § 67.1. The Commission's regulations provide that a utility shall notify the Commission by telephone within one hour after a preliminary assessment of conditions reasonably indicates that there is an unscheduled service interruption affecting 2,500 or 5%, whichever is less, of a utility's total customers in a single incident of six or more projected consecutive hours. 52 Pa. Code § 67.1(b).

In the context of the fluoride spill investigation, PAWC asserted that the term "service interruption" is not defined in regulation and stated that the common understanding of this term requires an outage, supply cut off or cessation of service. PAWC contended that the incident did not result in the loss of service, (i.e., customers had water that could be used for all purposes other than consumption).

The Commission disagreed with PAWC's interpretation that the requirement in our regulations to notify the Commission of an incident by telephone is only triggered when there is a total outage of service. Water for consumption is the most vital and important aspect of service provided by a water utility and if consumers cannot drink it, then from their perspective and ours, service has been interrupted.

Chapter 67 (Service Outages) consists only of § 67.1 (General provisions). Section 67.1 uses the phrase "service interruption" but the phrase is not defined. In the March 10, 2006 Order, the Commission determined that is necessary to take the additional step of amending Commission regulations to ensure that regulated water utilities have a clear understanding of what the Commission deems a "service interruption."

In its March 10, 2006 Order, the Commission placed the water industry on notice that "service interruption" covers any interruption of service that affects the quantity or quality of water delivered to the customer. In arriving at that conclusion, the Commission took administrative notice that a similar DEP regulation defines a "service interruption" as "affecting quantity or quality of the water delivered to the customer." 25 Pa. Code § 109.708 (emphasis added). As noted earlier, water for consumption is the most vital and important aspect of service provided by a water utility, and if consumers cannot drink it, then from their perspective, and the Commission's, service has been interrupted. In addition, since the Commission and DEP work closely on water related matters issues, the Commission finds it reasonable to have the same regulatory definition of "service interruption."

Therefore, the Commission proposes to amend § 67.1 as set forth in "Annex A," to include a definition of "service interruption" as it pertains to water utilities.

Conclusion

The Commission seeks comment from the water industry and the statutory advocates, as well as from any other interested member of the public regarding the proposed change in our regulation. Interested parties will have 30 days from publication of this Order to file comments. Since the proposed amendment is concise and uncomplicated and we are committed to completing the amendment to our procedural regulations in a timely fashion, we will not provide for reply comments. Accordingly, pursuant to section 501 of the Public Utility Code, 66 Pa.C.S. § 501, the act of July 31, 1968 (P. L. 769, No. 240), known as the Commonwealth Documents Law, and regulations promulgated there under at 1 Pa. Code §§ 7.1—7.4, we amend the regulation as noted above and as set forth in Annex A; *Therefore,*

It Is Ordered That:

1. A rulemaking proceeding is hereby initiated at this docket to consider the revisions to Commission regulation in § 67.1 as set forth in Annex A.
2. The Secretary shall submit a copy of this order and Annex A to the Office of Attorney General for preliminary review as to form and legality.
3. The Secretary shall submit a copy of this order and Annex A to the Governor's Budget Office for review of fiscal impact.
4. The Secretary shall submit this order and Annex A for review and comments by the Independent Regulatory Review Commission and the designated Legislative Standing Committees.
5. The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.
6. A copy of this order and Annex A shall be served upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, the central and regional offices of the Department of Environmental Protection, the Pennsylvania Chapter of the National Association of Water Companies and upon jurisdictional water and wastewater utilities.

7. Interested persons may submit an original and 15 copies of comments referencing the docket number of the proposed rulemaking within 30 days of publication in the *Pennsylvania Bulletin* to the Pennsylvania Public Utility Commission, Attn: Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265. One copy of a diskette containing the comments in electronic format should also be submitted. A courtesy copy of written comments will be served upon the Commission's Law Bureau, Attn: Assistant Counsel Kimberly Hafner.

8. Comments should include any proposed language for revision and a clear explanation for the recommendation.

9. The contact person for this rulemaking is Kimberly Hafner, Assistant Counsel, Law Bureau, (717) 787-5000. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Sherri DelBiondo, Regulatory Coordinator, Law Bureau, (717) 772-4579.

JAMES J. MCNULTY,
Secretary

Fiscal Note: 57-249. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 67. SERVICE OUTAGES

§ 67.1 General provisions.

(a) Electric, gas, water and telephone utilities holding certificates of public convenience under 66 Pa.C.S. §§ 1101 and 1102 (relating to organization of public utilities and beginning of service; and enumeration of acts requiring certificate) shall adopt the following steps to notify the Commission with regard to unscheduled service interruptions. **The term "service interruption," when pertaining to water service provided by a water utility under the Commission's jurisdiction, covers an interruption of service affecting the quantity or quality of water delivered to the customers.**

* * * * *

[Pa.B. Doc. No. 06-2019. Filed for public inspection October 13, 2006, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending October 3, 2006.

BANKING INSTITUTIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-29-06	Orrstown Bank Shippensburg Cumberland County	Shippensburg	Approved
#6804	Purchase of assets/assumption of liabilities of one branch office of Omega Bank, State College, Located at: 1110 East Simpson Street Mechanicsburg Cumberland County		

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-25-06	Farmers and Merchants Trust Company of Chambersburg Chambersburg Franklin County	518 North Antrim Way Greencastle Franklin County	Opened
9-28-06	First Commonwealth Bank Indiana Indiana County	5167 William Flynn Highway Gibsonia Allegheny County	Filed

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-26-06	1st Summit Bank Johnstown Cambria County	<i>To:</i> 600 Main Street Johnstown Cambria County <i>From:</i> 516 Main Street Johnstown Cambria County	Filed
9-28-06	First Commonwealth Bank Indiana Indiana County	<i>To:</i> Corner of Wagner Road and Center Commons Boulevard Center Township Beaver County <i>From:</i> 693 Beaver Valley Mall Center Township Beaver County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-29-06	Omega Bank State College Centre County	1110 East Simpson Street Mechanicsburg Cumberland County	Approved

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
10-1-06	Freedom Credit Union, Philadelphia, and SE Family Federal Credit Union, Philadelphia Surviving Institution— Freedom Credit Union, Philadelphia	Philadelphia	Effective
10-2-06	North Districts Community Credit Union, Gibsonia, and Glenshaw Federal Credit Union, Glenshaw Surviving Institution— North Districts Community Credit Union, Gibsonia	Gibsonia	Effective

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

VICTORIA A. REIDER,
Acting Secretary

[Pa.B. Doc. No. 06-2020. Filed for public inspection October 13, 2006, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Revised Uniform County Application for Homestead and Farmstead Exclusions

Under section 341(h) of the Homestead Tax Relief Act, Act 1 of Special Session 1 of 2006 (act), the Department of Community and Economic Development (Department) gives notice of a revised County Application for Homestead and Farmstead Exclusions for use by assessors under section 341(h) of the act. The application and instructions for completion of the application follow as Annex A. Electronic copies of the application are available at www.newpa.com. This application replaces the application that was published on November 5, 2005. This form will remain in effect until changed by a notice in the *Pennsylvania Bulletin*.

Further information can be obtained from the Department of Community and Economic Development, Customer Service Center, Commonwealth Keystone Building, 400 North Street, Fourth Floor, Harrisburg, PA 17120-0225, (800) 379-7448, ra-dcedcs@state.pa.us.

DENNIS YABLONSKY,
Secretary

NOTICES

Annex A

PROPERTY TAX RELIEF
_____ COUNTY
APPLICATION FOR HOMESTEAD AND FARMSTEAD EXCLUSIONS
Please read the instructions before completing this application.

Basic Information

1. Name of Property Owner(s) _____
2. Property Address _____
3. Municipality _____ 4. School District _____
5. Mailing Address of Property Owner (if different than property address) _____
6. Phone Number of Property Owner: Daytime _____ Evening _____

Homestead Information

7. Do you use this property as your primary residence? _____ Yes _____ No
8. Do you claim anywhere else as your primary residence? _____ Yes _____ No
9. Is your residence part of a cooperative where some or all of the property taxes are paid jointly? _____ Yes _____ No
If so, what is your proportionate share of ownership? _____%
10. Is your property used for something other than your primary residence, such as a business or rental property? _____ Yes _____ No
If so, what percentage of this property is used for business or rental property? _____%
11. Please provide the tax parcel number for this property (located on your tax bill). _____
(If you do not know the parcel number or do not have a tax bill, call your tax collector or the county assessor.)

Farmstead Information
(Only applicable to buildings and structures used for commercial agricultural production.)

12. Does this property include at least ten contiguous acres of farm land? _____ Yes _____ No
13. Are there buildings and structures on the property that are used primarily to:
 - a. Produce or store any farm product for purposes of commercial agricultural production? _____ Yes _____ No
 - b. House animals raised or maintained on the farm for the purpose of commercial agricultural production? _____ Yes _____ No
 - c. Store machinery or equipment used on the farm for the purpose of commercial agricultural production? _____ Yes _____ No
14. If you answered yes to questions 13 a, b, or c, do any farm buildings or structures already receive a property tax abatement under any other law? _____ Yes _____ No

I hereby certify that all the above information is true and correct.

Signature(s) _____ Date _____

This application must be signed by an owner for whom this property is the primary residence. Any person who knowingly files an application which is false in any material matter shall be subject to payment of taxes due, plus interest, plus penalty and shall be subject to prosecution as a misdemeanor of the third degree and a fine of up to \$2,500.

OFFICIAL USE ONLY

Date Filed _____ Reviewed by _____ Date Reviewed _____ Applicable Years _____ Approved _____ Denied _____	Homestead Value _____ Farmstead Value _____ Assessment Information: Land _____ Improvements _____ TOTAL _____
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Revised 9-22-06

Instructions Property Tax Relief Application for Homestead & Farmstead Exclusions

The Taxpayer Relief Act, Act 1 of Special Session 1 of 2006, was signed into law by Governor Rendell on June 27, 2006. The Taxpayer Relief Act provides two separate mechanisms to reduce your property tax bill. First, each school district, except the Pittsburgh, Scranton and Philadelphia School Districts, is required to conduct a voter referendum in 2007 to determine whether to impose an additional local income tax to be used to reduce property taxes. Second, the Taxpayer Relief Act also provides for property tax reduction allocations to be distributed by the Commonwealth to each school district. Either type of property tax reduction will be through a "homestead or farmstead exclusion."

Under a homestead or farmstead property tax exclusion, the assessed value of each homestead or farmstead is reduced by the amount of the exclusion before the property tax is computed. You are not guaranteed a homestead or farmstead exclusion unless and until an additional income tax for purposes of granting a homestead or farmstead exclusion is approved by voter referendum or sufficient funds have been collected to permit property tax reduction allocations to be made by the Commonwealth. If an additional income tax is approved by the voters at the 2007 referendum, initial property tax reductions funded by this mechanism will take effect July 1, 2007. Initial property tax reductions funded by allocations from the Commonwealth may not take effect until at least July 1, 2008.

To receive school property tax relief for tax years beginning July 1 or January 1, this form must be filed by the preceding March 1. Your school district is required to notify you by December 31 of each year if your property is not approved for the homestead or farmstead exclusion or if your approval is due to expire.

BASIC INFORMATION

1. Fill in your name and the name of other owners, such as a co-owner of the property. The application must be signed by an owner for whom the property is his or her primary residence. If the property has more than one owner, signatures of additional owners are not required.
2. Fill in the address of the property for which you are seeking an exclusion.
3. Fill in your municipality. If you are not sure what your municipality is, contact your local tax collector or county assessment office (____-____-____).
4. Fill in your school district. If you are not sure what your school district is, contact your local tax collector or county assessment office (____-____-____).
5. If your mailing address differs from the address of the property for which you are seeking a homestead exclusion, fill in your mailing address.
6. List phone numbers where you can be reached during the day, and the evening, if you are unavailable during the day.

HOMESTEAD INFORMATION

7. Only a primary residence of an owner of the property may receive the homestead exclusion. This is where you intend to reside permanently until you move to another home. You may be asked to provide proof that this property is your primary residence, such as your driver's license, your voter registration card, your personal income tax form or your local earned income tax form.
8. Do you have another residence which you claim as your primary residence? For instance, do you claim another state as your primary residence, or another county in Pennsylvania? The homestead exclusion can only be claimed once, for a place of primary residence. You may not claim this property as your primary residence if you claim another property as a primary residence or if you receive a homestead tax abatement or other homestead benefit from any other county or state.
9. If you live in a unit of a cooperative and you pay all or a portion of your real property taxes jointly through a management agent or association, rather than paying your taxes separately from other units, check yes. If you answered yes, please indicate your proportionate share of ownership. You may be asked to provide a contact to confirm this information.

HOMESTEAD INFORMATION (continued)

- 10. Check yes if the property for which you are seeking a homestead exclusion is used for other purposes, such as a business or rental property. For example, do you claim part of your home as a home office or deduct expenses for the business use of your home on your state or federal tax? If you answered yes, please indicate what percentage of the property is used as business or rental property.
- 11. If known, fill in the parcel number of the property for which you are seeking a homestead exclusion. You can find the parcel number on your real property tax bill. If you do not have a real property tax bill, call your local tax collector or county assessment office (____-____-____).

FARMSTEAD INFORMATION

(Only applicable to buildings and structures used for commercial agricultural production.)

Only complete this section (questions 13, 14 a, b, and c, and 15) if you are applying for a farmstead exclusion. If you answer yes to questions 13 a, b and c, you may be asked to provide proof that the buildings and structures are used for commercial agricultural activity, such as the net income or loss schedule from your state or federal income tax forms.

- 12. Only buildings and structures on farms which are at least ten contiguous acres in area and used as the primary residence of an owner are eligible for a farmstead exclusion. Land is not eligible for the farmstead exclusion. If your property includes at least ten contiguous acres of farm land, check yes.
- 13. Check yes if the buildings or structures are used primarily to:
 - a. Produce or store farm products produced on the farm for the purpose of commercial agricultural production.
 - b. House animals raised or maintained on the farm for the purpose of commercial agricultural production.
 - c. Store agricultural supplies or machinery and equipment used on the farm in commercial agricultural production.
- 14. Check yes if any farm buildings or structures receive an abatement of property tax under any other law.

Change in Use

If your property is approved as homestead or farmstead property and the use changes so that the property no longer qualifies for the homestead or farmstead exclusion, you must notify the assessor within 45 days of the change in use. If the use of your property changes and you are not sure if it still qualifies for the homestead or farmstead exclusion, you should contact the assessor.

False or Fraudulent Applications

The assessor may select, randomly or otherwise, applications to review for false or fraudulent information. Any person who files an application that contains false information, or who does not notify the assessor of a change in use which no longer qualifies as homestead or farmstead property, will:

- Be required to pay the taxes which would have been due but for the false application, plus interest.
- Be required to pay a penalty equal to 10% of the unpaid taxes.
- If convicted of filing a false application, be guilty of a misdemeanor of the third degree and be sentenced to pay a fine not exceeding \$2,500.

This application must be signed by an owner for whom this property is his or her primary residence. If the property has more than one owner, signatures of additional owners are not required. By signing this application, the applicant is affirming or swearing that all information contained in the application is true and correct.

Applications must be filed on or before March 1st of each year unless an application has been filed within the preceding three years. Please return to:

For Questions on the Homestead or Farmstead Exclusion, please contact your local tax collector or the _____ County Assessment office at ____-____-____, office hours ____ to ____, Monday through Friday.

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, October 25, 2006, at 12:30 p.m. at Weaber, Inc., Lebanon Valley Business Park, 25 Keystone Drive, Lebanon, PA.

Questions concerning this meeting or agenda items should 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 F. DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 06-2022. Filed for public inspection October 13, 2006, 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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0063347 (Minor Sewage)	Wayne Romanishan, Jr. 195 East Moorestown Road Wind Gap, PA 18091-9725	Bushkill Township Northampton County	UNT to Bushkill Creek 1F	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed#)	EPA Waived Y/N ?
PAS603503 (Stormwater)	Royal Green Corporation P. O. Box 9 Temple, PA 19560	Berks County Ontelaunee Township	Schuylkill River 3-C	Y
PA0087033 (Sew)	Rachel Esh 6352 McClays Mill Road Newburg, PA 17240	Franklin County LurganTownship	UNT to Conodoquinet Creek 7-B	Y

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

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

PA0093131, Sewage. **Oakview Golf Club**, 160 Ralston Road, Slippery Rock, PA 16057. This existing facility is located in Slippery Rock Township, **Butler County**.

Description of Proposed Activity: A new NPDES permit for an existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Camp Allegheny intake on the Slippery Rock Creek located in Wayne Township, **Lawrence County** and is approximately 18 miles below point of discharge.

The receiving stream, the UNT to Slippery Rock Creek, is in Watershed 20C and classified for CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.011 mgd.

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX		
CBOD ₅			
(5-1 to 10-31)	20		40
(11-1 to 4-30)	25		50
Total Suspended Solids	30		60
NH ₃ -N			
(5-1 to 10-31)	4		8
(11-1 to 4-30)	12		24
Fecal Coliform*			
(5-1 to 9-30)*	200/100		1,000/100
(10-1 to- 4-30)*	2,000/100		

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	1.4		3.3
Dissolved Oxygen		minimum of 3 mg/l at all times	
pH		6.0 to 9.0 standard units at all times	

* As a geometric mean

XX—Monitor and report on monthly DMRs.

Special Conditions: Total Residual Chlorine Minimization.

The EPA waiver is in effect.

PA0239925, Sewage. **Alex J. and Rosa C. McLelland**, 30361 Brown Road, Townville, PA 16360. This proposed facility is located in Richmond Township, **Crawford County**.

Description of Proposed Activity: application for a new 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 Emlenton Water Company is located on the Allegheny River and approximately 90 miles below point of discharge.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX		
CBOD ₅	10		20
Total Suspended Solids	10		20
Fecal Coliform	200/100 ml		
Total Residual Chlorine	XX		
pH		6.0 to 9.0 standard units at all times	

XX—Monitor and report on AMRs.

The EPA waiver is in effect.

PA0239895, Sewage. **Ronald McCall SFTF**, 312 Holyoke Road, Butler, PA 16001. This proposed facility is located in Center Township, **Butler County**.

Description of Proposed Activity: discharge of treated sewage.

The receiving water is the Little Connoquenessing Creek. The receiving stream is in State Water Plan 20-C and is classified for the following uses: CWF, aquatic life, water supply and recreation. The nearest downstream potable water supply, Harmony Borough Water Co., is located on Little Connoquenessing Creek and is approximately 15 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX		
CBOD ₅	10		20
Total Suspended Solids	20		40
Fecal Coliform	200/100 ml as a geometric average		
pH		6.0 to 9.0 standard units at all times	

XX—Monitor and report.

The EPA waiver is in effect.

PA0239917, Sewage. **Susan Tassone SFTF**, 10856 Eureka Road, Edinboro, PA 16412. This proposed facility is located at 10856 Eureka Road in Franklin Township, **Erie County**.

Description of Proposed Activity: The applicant requests an NPDES permit for the discharge of treated domestic sewage from an SFTF serving a single dwelling. Treatment consists of a septic tank, dosing tank sand filter and ultraviolet light disinfection.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, there is no downstream potable water supply affected by this discharge.

The receiving stream unnamed swale to Cussewago Creek is in Watershed 16-D and classified for WWF, MF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 mgd.

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	monitor and report		
CBOD ₅	10		20
Total Suspended Solids	10		20
Ultraviolet Light	monitor and report		
Fecal Coliform	200/100 ml as a geometric average		
pH	6.0 to 9.0 standard units at all times		

The EPA waiver is in effect.

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

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

WQM Permit No. 0606406, Sewerage, **Amity Township**, 2004 Weavertown Road, Douglassville, PA 19518. This proposed facility is located in Amity Township, **Berks County**.

Description of Proposed Action/Activity: Construction/Operation of the Weavertown Road Pump Station.

WQM Permit No. 280402, Amendment 06-1, Sewerage, **Hampden Township Sewer Authority**, 230 South Sporting Hill Road, Mechanicsburg, PA 17055. This proposed facility is located in Hampden Township, **Cumberland County**.

Description of Proposed Action/Activity: Application for additions and alterations at the Roth Lane Wastewater Treatment Plant and the abandonment of the Pinebrook Wastewater Treatment Plant.

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

WQM Permit No. 6106403, Sewerage, **City of Oil City**, 21 Seneca Street, Oil City, PA 16301-1359. This proposed facility is located in City of Oil City, **Venango County**.

Description of Proposed Action/Activity: This project is for modifications to the wastewater treatment facility in accordance with Phase I improvements and also for the installation of a new pump station to serve 11 unsewered homes in the City.

WQM Permit No. 1006405, Sewerage, **Ronald McCall**, 312 Holyoke Road, Butler, PA 16001. This proposed facility is located in Center Township, **Butler County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

WQM Permit No. WQG018500, Sewerage, **Alex J. and Rosa C. McLellan**, 30361 Brown Road, Townville, PA 16360. This proposed facility is located in Richmond Township, **Crawford County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

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

V. NPDES Applications for 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.

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI024506025	Marshalls Creek Dev. Corp. P. O. Box 1158 Marshalls Creek, PA 18335-1158	Monroe	Middle Smithfield Township	Bushkill Creek HQ-CWF

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI024806024	Ashley Dev. Corp. 559 Main St. Suite 300 Bethlehem, PA 18018	Northampton	Upper Nazareth Township and Lower Nazareth Township	Monocacy Creek HQ-CWF and Schoeneck Creek WWF

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)

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

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

Application No. 1072503-MA1, Minor Amendment, Public Water Supply

Applicant **Department of Conservation and Natural Resources Moraine State Park**

Township or Borough	Worth Township, Butler County
Responsible Official	Larry Geibel, Water Plant Operator Moraine State Park 225 Pleasant Valley Road Portersville PA 16051-9650
Consulting Engineer	John P. Jaskolka, P. E. Department of Conservation and Natural Resources Facility Design and Construction P. O. Box 287 Prospect PA 16052
Application Received Date	09/19/2006
Description of Action	Chemical feed modifications from gas to liquid chlorine, adding caustic soda to adjust pH and move potassium permanganate to max contact time.
Application No. 6206503 , Public Water Supply	
Applicant	Pine Grove Township Municipal Authority
Township or Borough	Pine Grove Township Warren County
Responsible Official	James Schrecongost, Chairperson Consulting Engineer Jed A. Fiscus, Project Manager Northwest Engineering, Inc. P. O. Box Q Tidioute. PA 16351
Application Received Date	09/25/2006
Description of Action	Replacement and extension of water pipeline and replacement of potable water storage tank control building.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. Minor Amendment, Public Water Supply.

Applicant	Brodhead Creek Regional Authority
Stroud Township	Monroe County
Responsible Official	Kenneth Brown, Manager Brodhead Creek Regional Authority 410 Stokes Avenue East Stroudsburg, PA 18301
Type of Facility	PWS
Consulting Engineer	Russell D. Scott, IV, P. E. RKR Hess Associates, Inc. P. O. Box 268 East Stroudsburg, PA 18301
Application Received Date	September 25, 2006
Description of Action	Construction permit approving installation of distribution system piping, a PRV station and related appurtenances.

WATER ALLOCATIONS

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

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

WA40-1001, Water Allocations. **United Water Pennsylvania**, 4211 East Park Circle, Harrisburg, PA 17111, Service area includes portions of Dallas Township, Kingston Township and Dallas Borough, **Luzerne County**. United Water Pennsylvania is requesting the right to purchase up to 200,000 gpd, based on a 30-day average, from the Pennsylvania American Water Company (Huntsville Water system) also located in Dallas Township, Luzerne 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 demon-

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

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

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

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

Northeast Regional Field Office: Ronald S. Brezinski, Regional Environmental Cleanup, Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

774 Main Street Property (Former Stauffer Chevrolet), North Union Township, **Schuylkill County**. James P. Cinelli, P. E., Liberty Environmental, Inc., 105 North 5th Street, Suite 201, Reading, PA 19601 has submitted a Notice of Intent to Remediate (on behalf of his client, James O'Brien, trust advisor for the Claude M. Staffer estate, FNBM Trust & Financial Services, 260 Sunbury Street, Minersville, PA 17954) concerning the remediation of soils found or suspected to have been contaminated with unleaded/leaded gasoline constituents related to one or more former underground storage tanks. The applicant proposes to meet the Statewide health standard. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future. The proposed future use of the property is continuation as a commercial property.

2 Edie Lane Property, Palmer Township, **Northampton County**. MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 has submitted a Notice of Intent to Remediate (on behalf of their client, Maria Szabo, Sculac Drive, Bethlehem, PA) concerning the remediation of soils found or suspected to have been contaminated with No. 2 fuel oil constituents related to a former underground storage tank. The applicant proposes to meet the State-

wide Health Standard. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future. The proposed future use of the property is continuation as a private residence.

1110 Northampton Street Property, City of Easton, **Northampton County**. Thomas Gillespie, Principal, Environmental Liability Management, Inc., 4920 York Road, Suite 290, P. O. Box 306, Holicong, PA 18928 has submitted a Notice of Intent to Remediate (on behalf of his client, MCS Industries, 2280 Newlins Mill Road, Easton, PA 18045) concerning the remediation of soils found or suspected to have been contaminated with No. 2 fuel oil constituents associated with a former underground unregulated heating oil tank. The applicant proposes to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future. The proposed future use of the property is continuation as a commercial facility.

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

Shippensburg Borough Property, Shippensburg Township, **Cumberland County**. Cummings Riter Consultants, Inc., 10 Duff Road, Suite 500, Pittsburgh, PA 15235, on behalf of Shippensburg Investors, LP, 1500 Market Street, 3000 Centre Square West, Philadelphia, PA 19102, submitted a Notice of Intent to Remediate a property contaminated with nonmedia solids. The property was a former municipal dump and the intended future use is for vehicular access to a planned commercial and industrial development. The applicant intends to remediate to the Site-Specific Standard.

Palmyra Recycling Center, Palmyra Borough, **Lebanon County**. STV, Inc., 205 West Welsh Drive, Douglasville, PA 19518, on behalf of WM Recycle America, LLC, 123 East High Street, Palmyra, PA 17078, submitted a Notice of Intent to Remediate site soils contaminated with metals and PCBs. The property is nonresidential and will continue to be used as a recycling center. The applicant seeks to remediate to the Site-Specific Standard.

Lot 1A, Former Teledyen Readco Holdings, LLC, Spring Garden Township, **Lancaster County**. Gannett Fleming, Inc., 805 Estelle Drive, Suite 102, Lancaster, PA 17601-2131, on behalf of York College of Pennsylvania, 439 Country Club Road, York, PA 17403, submitted a Notice of Intent to Remediate site soils contaminated with arsenic, iron and toluene. The future use of the property is residential. The applicant seeks to remediate to the Site-Specific Standard.

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

Matthews Motor Company, Covington Township, **Tioga County**. Teeter Environmental Services, Inc., R. R. 1, Box 124B, Sayre, PA 18840 on behalf of Matthews Motor Company, 1856 North Williamson Road, Covington, PA 16917 has submitted a Notice of Intent to Remediate groundwater contaminated with leaded gasoline. The applicant proposes to remediate the site to meet the Site-Specific Standard.

Montour Oil Service Company Bulk Fuel Storage Facility, Montoursville Borough, **Lycoming County**. Converse Consultants, 2738 West College Avenue, State College, PA 16801 on behalf of Montour Oil Service Company, 112 Broad St., Montoursville, PA 17701 has submitted a Notice of Intent to Remediate soil and

groundwater contaminated with No. 2 fuel oil. The applicant proposes to remediate the site to meet the Site-Specific Standard. The property will continue to be used as a bulk fuel storage facility.

Palmer Station, Farmington Township, **Tioga County**. PPL Gas Utilities Corporation 2 N. 9th St. GENTW17, Allentown, PA 18101 has submitted a Notice of Intent to Remediate soil contaminated with arsenic and methylene chloride. The applicant proposes to remediate the site to meet the Statewide Health Standard. The future use of the property will be nonresidential. The Notice of Intent to Remediate was reported to have been published in the *Free Press Courier* and *The Gazette* on September 6, 2006.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745.

Hopewell Shopping Center, Hopewell Township, **Beaver County**. Mark L. Orzechowski, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of Marvin Schreiber, The Schreiber Company, 235 Alpha Drive, Pittsburgh, PA 15238, and Doug Schreiber, The Schreiber Company, 235 Alpha Drive, Pittsburgh, PA 15235 has submitted a Notice of Intent to Remediate. The site is located within the Hopewell Shopping Center, and is the former location of a dry cleaning store. Subsurface investigations have identified tetrachloroethene in site soils and vinyl chloride in site groundwater. Institutional controls will limit future site use to nonresidential and prohibit groundwater use for potable or agricultural purposes. The current and future use of the property is a shopping center.

Robertshaw Controls Facility (Former), Borough of Youngwood, **Westmoreland County**. Timothy S. Evans, American Geosciences, Inc., 3925 Reed Blvd., Suite 400, Murrysville, PA 15668-1848 on behalf of Jack H. Millstein, Jr., Millstein Industries, LLC, P. O. Box K, Youngwood, PA 15697 and Steven P. Sacco, Robertshaw Controls Company c/o Invensys Foxboro, 33 Commercial Street, C41-2E, Foxboro, MA 02035 has submitted a Notice of Intent to Remediate. Impacts at the site are related principally to historical industrial activities. The primary constituents to be addressed include trichloroethene (TCE) and several degradation products of TCE. Historically, the site contained multiple buildings and tenants but all but one has been demolished. The intended purpose of the site is to remain commercial/light industrial.

McMurray Town Center, Peters Township, **Washington County**. Mark S. Holsing, Skelly and Loy, Inc., 2500 Eldo Road, Suite 2, Monroeville, PA 15146 on behalf of Brian Clinton, WIN DB, Ltd., a Florida Limited Partnership, 2901 Rigsby Lane, Safety Harbor, FL 34695, and Geno Levi, Geno Levi Sal, 232 Fox Run, Venetia, PA 15367 has submitted a Notice of Intent to Remediate site soil and groundwater contamination from a historical retail petroleum sales facility. Impact to soil and groundwater in excess of MSC's were identified as a result of leaded or unleaded gasoline releases. The site is intended to be a commercial development.

Heppenstall Facility (Former) Eppenstall Facility, Lawrenceville, **Allegheny County**. Mark L. Orzechowski, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of Bill Widdoes, Regional Industrial Development Corporation of Southwestern PA, 425 6th Street, Suite 500, Pittsburgh, PA 15219 has submitted a Notice of Intent to Remediate. The

former Heppenstall Facility was a forging and machining plant located in the Lawrenceville section of Pittsburgh. The plant operated from the early 1900s to the late 1970s and is currently idle. Lead and nickel surface samples were identified above Statewide Health Standards. The future use of the site is nonresidential.

U. S. Steel Carrie Furance Property, Swissvale, Rankin, Whitaker, Munhall and City of Pittsburgh, **Allegheny County**. Michael R. Dowling, KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of Redevelopment Authority Allegheny County, 425 Sixth Avenue, Suite 800, Pittsburgh, PA 15219 has submitted a Notice of Intent to Remediate soils contaminated with lead, heavy metals and PAHs. Heavy metals also found in groundwater. The site is 169 acres traversing Rankin, Swissvale, Whitaker, Munhall and Pittsburgh. The intended use is a mixed-use facility, including residential, light industrial and commercial applications.

Kirby I-79 Off-Ramp Toluene Spill, Whitely Township, **Greene County**. Peggy Carpenter, CP Environmental Group, Inc., 1092 Fifth Avenue, New Kensington, PA 15068 on behalf of Richard Marker, Pennsylvania Department of Transportation, District 12, P. O. Box 459, Uniontown, PA 15401, and Mark Ritts, Distribution Technologies, Inc., 14841 Sperry Road, Newbury, Ohio 44065 has submitted a Notice of Intent to Remediate. On December 15, 2004, a tanker truck containing toluene traveling south on interstate 79 left the roadway and overturned on the northbound exit lane embankment immediately south of the Kirby interchange. The accident was caused by a fatal heart attack experienced by the driver. Approximately 2250 gallons of toluene was released from the tanker to surface soil. Soil and groundwater remediation have been ongoing. Two quarters of soil and groundwater sampling have met residential Statewide Health Standards. The site has been and will remain an unused steep embankment for the I-79 northbound Kirby exit.

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

Caparo Steel, Farrell, Mercer County, Environmental Management Associates on behalf of Caparo Steel Company has submitted a Notice of Intent to Remediate AOC 12—Central Fuel Storage Area consisting of demolition of the pump-house and excavation/removal of two underground storage tanks and surrounding soils. Soils have been impacted by oil, PPL, VOC and SVOC and will be remediated to the Statewide Health Standards of Act II. The facility was formerly used a storage area to assist in the operation of steam and utility boilers. Future use of the site will be industrial and nonresidential plant purposes.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit Application No 101100. Waste Management Disposal Services of Pennsylvania, Inc. Mountain View Reclamation landfill (9446 Letzburg Road

Greencastle, PA 17225-9317), **Franklin County**. For expansion and increase in daily volumes. The application was determined to be administratively complete on September 14, 2006. Under the provisions of 25 Pa. Code § 271.202 (b)(1) and (2) of the Municipal Waste Regulations, the applicant, Department of Environmental Protection (Department) and the host municipalities have negotiated an application review timeline. The time negotiated is 680 calendar days of Department review time beginning August 22, 2006.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

Permit ID No.100172. Arden Landfill, Inc., 625 Cherrington Parkway, Moon Township, PA 15108. Arden Landfill, 200 Rangos Lane, Washington, PA 15301. Application for the permit renewal of a municipal waste landfill in Chartiers Township, **Washington County**, was received in the Regional Office on October 2, 2006.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

PLAN APPROVALS

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

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

ERC 38-05003: Carmeuse Lime, Inc. (3 Clear Springs Road, Annville, PA 17003) for ERC (emission reduction credits) from the shutdown of two rotary lime kilns at the Millard lime plant in North Londonderry Township, **Lebanon County**.

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

14-399-016A: Spectrum Control, Inc. (1900 West College Avenue, State College, PA 16801) for the construction of a ceramic capacitor manufacturing facility in Ferguson Township, **Centre County**.

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

20-296A: HomerWood Hardwood Flooring (1026 Industrial Drive, Titusville, PA 16354) to construct a surface coating operation in the City of Titusville, **Crawford County**.

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

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

66-315-047: Procter & Gamble Paper Products Company (P. O. Box 32, Route 7, Mehoopany, PA 18629) for the upgrade of their existing 5M paper machine at the facility. The facility wants to install a paper machine/room dust control system for paper machine 5M. PM emissions will increase 3.3 tpy from the facility. The Procter & Gamble Paper Products Company is a major facility subject to Title V permitting requirements and is located in Washington Township, **Wyoming County**. The company currently has a Title V Permit 66-00001. The Operating Permit will include testing, monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements. The 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. For further details, contact Mark J. Wejkszner at (570) 826-2511 within 30 days after publication date.

35-399-043: Sandvik Materials Technology (P. O. Box 1220, Scranton, PA 18501-1220) for the installation of a new dust collection system for their Primary and Final Saws in the Tube Mill at the facility located in Clarks Summit, **Lackawanna County**. This facility is a non-Title V facility. The PM emissions after control will be 0.013 tpy. There will be no malodorous emissions past the property line. The company will operate the facility and maintain the system in accordance with the good engineering practices to assure proper operation of the system.

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

49-00052A: Butter Krust Baking Company (249 North Eleventh Street, Northumberland PA 17801-2433) has submitted an application (#49-00052A) to the Pennsylvania Department of Environmental Protection (Department) for a plan approval to construct and operate a natural gas-fired bread oven (Source ID P104) and the installation of a catalytic oxidizer (ID C104) to control the VOC emissions from Source ID P104 at their facility located in Northumberland Borough, **Northumberland County**.

The Department's review of the plan approval application and information submitted by Butter Krust Baking Company indicates that the proposed bread oven and catalytic oxidizer will meet all applicable air quality requirements pertaining to air contaminant sources and the emission of air contaminants, including the Best Available Technology (BAT) requirements under 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department intends to issue a plan approval for the construction of the bread oven and installation of a catalytic oxidizer to control VOC emissions. Additionally, if the Department determines that the bread oven with a catalytic oxidizer are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into the State-only operating permit #49-00052 by means of an administrative amendment pursuant to 25 Pa. Code §§ 127.450.

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

1. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, this plan approval is issued for the construction and operation of a natural-gas fired baking oven, 4.6 mmBtu/hr rated heat input, manufactured by Stewart Systems, Inc., model 040198-D700 (Source ID P104). The air contaminant emissions from Source ID P104 shall be controlled by a natural-gas fired, catalytic oxidizer, 1.0 mmBtu/hr rated heat input, manufactured by CSM Worldwide, Inc. model 30A (ID C104).

2. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, VOC, NO_x, PM/PM₁₀, SO_x and CO emissions from the exhaust of ID C104 associated with Source ID P104 shall not exceed 0.52 lb/hr, 0.85 lb/hr, 0.03 lb/hr 0.0046 lb/hr and 0.19 lb/hr respectively.

3. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the PM emissions shall not exceed 0.005 grains per dry standard cubic foot from the exhaust of ID C104 associated with Source ID P104.

4. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the VOC destruction efficiency achieved by the catalytic oxidizer shall be at a minimum

of 95%. However, the catalytic oxidizer shall be designed to achieve VOC destruction efficiency greater than 98%.

5. Under the BAT of 25 Pa. Code § 123.21, no person may permit the emission of sulfur oxides expressed as SO₂, into the outdoor atmosphere from Source ID P101 in a manner such that the concentration of the sulfur oxides in the effluent gas exceeds 500 parts per million, by volume, dry basis.

6. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not emit into the outdoor atmosphere of visible air contaminants in a manner that the opacity from ID C104 associated with Source ID P104 is equal to or greater than 10% at any time.

7. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall only use natural gas as fuel for Source ID P104 and ID C104.

8. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, ID C104 shall be equipped with instrumentation to monitor the pressure drop across the catalytic bed on a continuous basis. Additionally, the permittee shall inspect and record the pressure drop across the catalytic bed of ID C104, at least once per day, to determine if the catalyst is plugged, blocked or damaged and to ensure that ID C104 is operating as designed.

9. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not operate Source ID P104 without the simultaneous operation of ID C104 at any time.

10. Within 120 days from the commencement of operation of Source ID P104, the permittee shall perform a VOC stack test on ID C104 associated with Source ID P104 to verify compliance with the VOC emission limitation and the VOC destruction efficiency requirements. Simultaneous testing of the inlet and outlet of ID C104 (two sampling trains running simultaneously) is required. The testing is to be performed with an inlet temperature range of 600° F to 650° F for ID C104. The permittee shall continuously monitor the inlet and outlet temperature of ID C104 during the duration of the stack test. Additionally the pressure drop across the catalytic bed shall be continuously recorded during the test. The testing is to be performed using EPA reference method test procedures acceptable to the Department. Subsequently the Department may increase the required minimum VOC destruction efficiency and establish the pressure drop range of ID C104 based upon these stack test results.

11. The permittee shall keep records of the following information for Source ID P104:

- (a) Stack test reports.
- (b) The identity and quantity of baking product produced on a monthly basis.
- (c) The supporting calculations on a monthly basis to verify compliance with the VOC, NO_x, PM/PM₁₀, SO_x and CO emission limitations from the exhaust of ID C104 associated with Source ID P104.
- (d) The inlet and outlet temperature readings of ID C104 shall be recorded continuously while ID C104 is operating (including start-up and shutdown), via a chart recorder or similar device. The dates and times of all data that is generated by the inlet and outlet temperature monitor recording system associated with ID C104.

(e) Pressure drop across the catalytic bed of ID C104, at least once per day.

These records shall be kept for a minimum of 5 years and made available to the Department upon request.

12. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the inlet temperature of the catalytic bed of ID C104 shall not drop below 650° F at any time. The permittee shall install, operate, calibrate and maintain instrumentation for the continuous measurement of the inlet and outlet gas stream temperatures of the catalyst bed of ID C104 to assure a minimum inlet temperature of 650° F is achieved during normal operation. Additionally, ID C104 shall be equipped with instrumentation that alerts the operator when any of the following conditions occur:

- (a) Low inlet temperature and high outlet temperature of the catalytic bed.
- (b) Low and high gas pressure.
- (c) Low process fan pressure.
- (d) Low combustion fan pressure.
- (e) Flameout, detected by a UV scanner.

13. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall develop and implement a catalyst management plan, that at a minimum, shall include testing of the catalyst material and a determination of the oxidizer capabilities to comply with the plan approval requirements. Additionally, the permittee shall submit the catalyst management plan to the Department 30 days prior to the start-up of the oxidizer. As part of the catalyst management plan, the permittee shall test or sample on an annual basis the catalyst elements from each catalyst layer of the oxidizer and compare the VOC destruction efficiency potential of the used catalyst to the potential of new or clean catalyst. Based on the analysis performed as above, the permittee shall replace the entire catalyst, or add additional clean layers to the catalyst bed to meet the VOC destruction efficiency requirements of the oxidizer.

A copy of the plan approval application and the Department's review are available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at (570) 327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Chief, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-0512.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.

PA-03-00027B: Reliant Energy Northeast Management Company (121 Champion Way, Suite 200, Canonsburg, PA 15317) for installation of a Flue Gas Desulfurization system (FGD) to control emissions from two existing pulverized coal-fired boilers at their Keystone Power Station located in Plumcreek Township, **Armstrong County**.

Under 25 Pa. Code § 127.44(a), the Department of Environmental Protection (Department) intends to issue a Plan Approval to Reliant Energy Northeast Management Company (121 Champion Way, Suite 200, Canonsburg, PA 15317) to authorize the installation of a FGD to control

emissions from two existing pulverized coal-fired boilers at their Keystone Power Station located in Plumcreek Township, Armstrong County.

The applicant has provided information that the FGD scrubbers are designed to remove approximately 98% of the pollutant SO₂ from the boiler stack emissions. PM, PM10, PM25, acid gases and other contaminants are also expected to decrease as a result of this project. Data provided by the applicant indicates that CO, NOx, and VOC emission rates will not be impacted by this project. Actual emission rates for all other psd pollutants such as lead, fluorides and sulfuric acid mist are either expected to decrease or remain at current levels with the FGD in operation. Stack testing to confirm emission rates of the above pollutants will be required. Therefore, since the emission rates of those pollutants listed in 40 CFR 52.21(23) are expected to either decrease or remain unaffected by the installation of the FGD scrubber, this project is not subject to 40 CFR Part 52 requirements.

The Department's definition of major modification retains an exemption from our nonattainment new source review provisions in 25 Pa. Code Chapter 127, Subchapter E for pollution control projects unless the Department determines that the change renders the source less environmentally beneficial. The department has determined that the scrubber installation is an environmentally beneficial pollution control project and that the requirements of subchapter of 25 Pa. Code Chapter 127 are not applicable.

The Department requested that reliant conduct modeling analysis to demonstrate that the operation of the FGD will not cause or contribute to violations of the National Ambient Air Quality Standards (NAAQS). Reliant's modeling adequately demonstrated that the FGD installation will not cause or contribute to a NAAQS violation or to a violation of any Pennsylvania ambient air quality standard. The plan approval special conditions listed contain emission limitations which are at least as stringent as those used in the model.

For the Department to assure compliance with all applicable standards, the Department proposes to place the following Special Conditions on the Plan Approval:

1. This Plan Approval is to allow the installation of a FGD system on the two existing identical boilers each rated at (8,292 mmBtu/hr) at the at Keystone Power Plant located at Plumcreek Township, Armstrong County (25 Pa. Code § 127.12b).

2. This Plan Approval also authorizes the installation of limestone and gypsum handling equipment and ancillary support processes in conjunction with the FGD at Keystone Power Plant located at Plumcreek Township, Armstrong County (25 Pa. Code § 127.12b).

3. Visible emissions from the boiler stack shall not equal or exceed 20% opacity for a period or periods aggregating more than 3 minutes in any 1 hour or equal or exceed 60% opacity at any time (25 Pa. Code § 123.41).

4. In accordance with 25 Pa. Code § 123.46(c), each unit, after the installation of the FGD is exempt from the requirements of 25 Pa. Code § 123.46(b), relating to the installation and operation of a continuous opacity monitoring device.

5. The owner/operator shall read and record Visible Emissions for at least 1 hour each calendar week from the boiler stack, using EPA Reference Method 9, found at 40 CFR 60, Appendix A, unless atmospheric conditions make such readings impossible (25 Pa. Code § 127.12b).

6. The owner/operator shall continue to, certify, maintain and operate a CEM system for monitoring SO₂, NO₂) and stack gas flow from each boiler. Oxygen or CO₂ shall be monitored at each location where SOx and NOx are monitored in accordance with the requirements of 25 Pa. Code Chapter 139.

7. The SO₂ emission rate discharged to the atmosphere from each of the Main Boilers (Sources 031 and 032) shall not exceed the following limits (25 Pa. Code § 127.12b):

(a) 1.20 lbs of SO₂/mmBtu of heat input on a 30 day rolling average basis.

8. The PM emission rate from the boilersd shall not exceed 0.1 lb/mmBtu of heat input (25 Pa. Code § 123.11).

9. The PM10 emission rate, both filterable and condensable, from the boilers shall not exceed 0.1 lb/mmBtu of heat input (25 Pa. Code § 127.12b).

10. Stack testing to determine the mass emission rate of PM, PM10, H₂SO₄, Hg, CO, VOC, lead, fluorides and HCL shall be conducted within 180 days of commencement of operation of the FGD on each boiler (25 Pa. Code § 127.12b and § 139.11):

a) Filterable PM10 testing shall be by EPA Method 5, 5B, 201 or 201A; condensable PM10 testing shall be by EPA Method 202 or other Department approved methods.

b) All stack testing shall be conducted in accordance with the provisions of 25 Pa. Code Chapter 139 and the Department's Source Testing Manual.

c) The owner/operator shall submit three copies of a pretest protocol to the Department for review at least 60 days prior to performance of any stack test. All stack test methods shall be identified in the pretest protocol.

d) The owner/operator shall notify the Regional Air Quality Manager at least 15 days prior to any stack test so that an observer may be present at the time of the test.

e) All relevant operating parameters (such as boiler steam flow, exhaust gas, gross megawatts, heat input and stack flue gas volumetric flow rate; pressure drop across absorber and mist eliminator, pH and flow rate of scrubbing liquid, and the like) shall be recorded at appropriate intervals throughout the duration of stack test. Operating data recorded shall be sufficient to establish that the units and the air cleaning devices are being operated at maximum routine operating conditions. A discussion of the recorded operating parameters and values shall be included in the test report.

f) The owner/operator shall submit three copies of the stack test report to the Department within 60 days of the completion of testing.

11. The owner/operator shall install, operate, and maintain devices to monitor and record the following parameters at a frequency of at least once per day (25 Pa. Code § 127.12b):

a) Absorber pressure differential.

b) Flue gas pressure drop across mist eliminators, in w.g.

c) Absorber inlet and outlet temperature.

d) Absorber reaction tank pH (bleed lines to primary hydroclone banks).

e) Absorber reaction tank gypsum slurry density (bleed lines to primary hydroclone banks).

12. The owner/operator shall submit an annual report for a period of 5 years after the installation of the FGD and support process that compares the actual annual emissions of PM and PM10 to the baseline emissions plus the increase in emissions attributed to demand growth to verify that the threshold for applicability of the Prevention of Significant Deterioration Regulations (40 CFR 52.21) are not exceeded.

13. The owner/operator shall develop and implement an operation and maintenance (O & M) plan for the new FGD systems within 180 days after startup (25 Pa. Code § 127.12b).

14. The owner/operator shall submit a Compliance Assurance Monitoring (CAM) plan for the operation of the FGD. The CAM plan shall be submitted with the application for an administrative amendment to the facility's Title V Operating Permit to incorporate the changes authorized under this Plan Approval (25 Pa. Code § 127.12b).

15. All logs and required records shall be maintained on site for a minimum of 5 years and shall be made available to the Department upon request (25 Pa. Code § 127.12b).

16. If construction, modification or installation is not commenced within 18 months of the issuance of the plan approval or if there is more than an 18-month lapse in construction, modification or installation, a new plan approval application that meets the requirements of the rules and regulations of the Department. (25 Pa. Code § 127.13).

17. This Plan Approval authorizes the temporary operation of the sources covered by this Plan Approval provided the following conditions are met (25 Pa. Code § 127.12b):

(a) The owner/operator shall submit written Notice of the Completion of Construction and the operator's intent to commence operation at least 5 days prior to the completion of construction. The Notice shall state the date when construction will be completed and the date when the operator expects to commence operation.

(b) Operation of the sources covered by this Plan Approval is authorized only to facilitate the start-up and shakedown of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit, or to permit the evaluation of the source for compliance with all applicable regulations and requirements.

(c) Upon receipt of the Notice of the Completion of Construction from the owner/operator the Department shall authorize a 180-day Period of Temporary Operation of the sources from the date of commencement of operation. The Notice submitted by the owner/operator, prior to the expiration of this Plan Approval, shall modify the Plan Approval expiration date. The new Plan Approval expiration date shall be 180 days from the date of commencement of operation.

(d) Upon determination by the owner/operator that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval the owner/operator shall contact the Department's reviewing engineer and schedule the Initial Operating Permit Inspection.

e) Upon completion of Initial Operating Permit Inspection and determination by the Department that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval the owner/operator shall submit an administrative amendment to the Title V Operating Permit to the Department at least 60 days prior to the expiration date of the Plan Approval.

(f) The owner/operator may request an extension of the 180-day Period of Temporary Operation if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of the Period of Temporary Operation and shall provide a description of the compliance status of the source. The extension request shall include a detailed schedule for establishing compliance and the reasons compliance has not been established. This Period of Temporary Operation may be extended for additional limited periods, each not to exceed 120-days, by submitting an extension request as described previously.

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

LIMESTONE MATERIAL HANDLING OPERATION

Restrictions

(a) The limestone material handling equipment is subject to 40 CFR 60.670, Subpart 000.

Per 40 CFR 60.672, the emissions of particulate matter from non-metallic mineral processing plants are subject to the following limitations:

Point source (stack) emissions of PM from nonmetallic mineral processing plants are subject to the following limitations:

- The rate of emissions from point emission sources (such as bin vent filters) shall not exceed 0.022 gr/DSCF (40 CFR 60.672 (a)(1)).
- The opacity of emissions from point emission sources shall not exceed 7 % (40 CFR 60.672 (a)(2)).

Fugitive source (nonstack) emissions of PM from non-metallic mineral processing plants are subject to the following limitations:

- The opacity of emissions from grinding mills, screens (except truck dumping), storage bins and enclosed truck or railcar operations shall not exceed 10% (40 CFR 60.672(b) and (d)).
- The opacity of emissions from crushers shall not exceed 10% (40 CFR 60.672 (b)).

Opacity shall be measured using EPA Reference Method 9, from 40 CFR 60, Appendix A.

(b) In accordance with 40 CFR 60.4, copies of all requests, reports, applications, submittals and other communications shall be forwarded to both the Environmental Protection Agency (EPA) and the Department at the following addresses unless otherwise noted:

Director, Air, Toxics, and Radiation Environmental Protection Agency Region III 841 Chestnut Street Philadelphia, PA 19107	Department of Environmental Protection Regional Air Quality Manager Office of Air Quality 400 Waterfront Drive Pittsburgh, PA 15222-4745
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(c) Owner/operator shall provide the EPA with the notifications required by 40 CFR 60.7. Required notifications may include but are not necessarily limited to: date of commencement of construction (within 30 days after starting construction), date of anticipated start-up (30—60 days prior to equipment start-up), actual start-up date (within 15 days after equipment start-up), physical or operational changes (60 days or as soon as practicable before equipment start-up), opacity observations (within 30 days) and performance test (60 days before testing).

Recordkeeping Requirements (25 Pa. Code § 127.12b)

(a) To quantify emissions of PM and PM10 from the operations associated with the above source, the permittee shall maintain accurate and comprehensive records of the following information:

- (1) The total amount of limestone delivered by railcar each month.
- (2) The total amount of limestone delivered by truck each month.

(b) All records shall be maintained at the facility for a minimum of 5 years and shall be made available to the Department upon request.

Monitoring Requirements (25 Pa. Code § 127.12b)

(a) The permittee shall install, operate and maintain instrumentation to continuously monitor the differential pressure across the collector.

(b) To ensure that fugitive emissions are not occurring during reclaiming limestone into the silo or when lime is being transferred into the lime silo, the permittee shall, at least weekly when the source is in operation, observe the silo bin vent for the presence of visible fugitive emissions.

Recordkeeping Requirements (25 Pa. Code § 127.12b)

(a) For the purpose of quantifying PM and PM10 emissions from the operation of the source, the permittee shall maintain records of the amount of limestone delivered to the facility during each month.

(b) All records shall be maintained at the facility for a period of 5 years and shall be made available to the Department upon request.

Work Practice Requirements (25 Pa. Code § 127.12b)

(a) A sufficient quantity of spare fabric collector bags shall be kept on hand at all times to replace any worn or damaged bags due to deterioration resulting from routine operation of the source.

Additional Requirements (Additional authority for this permit condition is derived from 25 Pa. Code §§ 127.1 and 127.12)

Within 15 days of selecting the specific bin vent fabric collector, the permittee shall submit vendor-supplied specifications to the Department, which includes the

guaranteed maximum concentration of PM in the exhaust in units of grains per dry standard cubic foot.

a) All railcars delivering limestone shall be unloaded inside of an enclosure and shall be unloaded through the bottom of the railcars into a track level hopper.

b) Limestone shall be reclaimed from the active limestone storage pile only by use of the underground reclaim system associated with the respective storage pile.

GYPSUM MATERIAL HANDLING OPERATIONS

Recordkeeping Requirements (25 Pa. Code § 127.12b)

(a) To quantify the emissions of PM and PM10 from the operations associated with source, the permittee shall maintain accurate and comprehensive records of the amount of gypsum sludge handled or processed on a monthly basis.

(b) The records shall be maintained at the facility for a period of 5 years and be made available to the Department upon request.

Group Description: Material Handling Sources included in this group:

LIMESTONE MATERIAL HANDLING OPERATIONS

GYPSUM MATERIAL HANDLING OPERATIONS

RESTRICTIONS

(25 Pa. Code § 127.12b)

(a) All conveyors associated with limestone and gypsum handling operations, shall be fully enclosed or equipped with 3-sided covers (top and two sides) except those conveyors or portions of conveyors, which are located underground or inside a fully enclosed building.

Work Practice Requirements (25 Pa. Code § 127.12b)

(a) An operable water truck shall be available at all times for use in the control of fugitive PM from roadways, stockpiles, and the like, during operations of the above sources. The water truck shall be equipped with a pressurized water spray bar as well as with a pressurized spray gun or hose connection. The permittee shall use the water truck, weather permitting, whenever the potential for fugitive emissions is present. When use of the water truck presents an icing hazard, a dry vacuum sweeper shall be used to control haul road dust.

(b) The permittee shall not operate nonvacuum type road sweepers on the roadways associated with the above sources.

(c) If, at any time, any component of the operations is determined by the Department to be causing the emission of fugitive PM in excess of the limitations specified in 25 Pa. Code §§ 123.1 and 123.2 or in excess of the level which the Department considers to be the "minimum attainable through the use of the best available technology" or in excess requirements under 40 CFR 60 672, the permittee shall, upon notification by the Department, immediately install additional water sprays and/or take such other control measures as are necessary to reduce the fugitive PM to acceptable levels.

(d) The permittee shall establish, and enforce, a vehicle speed limit of 15 miles per hour on the roadways associated with the sources. This speed limit shall be posted in highly visible locations along the respective roadways.

(e) All trucks loaded with lime, limestone or gypsum that enter or exit the facility by means of a public roadway shall either be fully enclosed or have their loads tarped. This requirement shall be posted in highly visible locations within the facility.

(f) A truck tire wash station shall be available for use, weather permitting, whenever offsite truck shipments of gypsum occur.

Emergency Quench Pumps

Emission Restrictions.

(a) Emissions from each diesel-fired engine, associated with the installation of the FGD, shall not exceed the following limits: (25 Pa. Code, § 127.1)

- (1) 6.9 gms of NO_x /bhp-hr
- (2) 2.6 gms of CO/bhp-hr
- (3) 1.0 gms of THC/bhp-hr
- (4) 0.4 gm of PM/bhp-hr

(b) The permittee shall not allow emissions of SO_x from each engine so that the concentration of SO_x, expressed as SO₂, in the effluent gas exceeds 500 parts per million by volume, dry basis. (25 Pa. Code § 123.21)

(c) To assure compliance with paragraph (a), the permittee shall limit the sulfur content of the diesel fuel used in the engines to 0.2% (by weight) or less. (25 Pa. Code § 123.21)

(d) Visible emissions from each diesel engine shall not exceed the following limitations: Equal to or greater than 10% for a period or periods aggregating more than 3 minutes in any 1 hour; and equal to or greater than 30% at any time. (25 Pa. Code § 127.1)

(e) The permittee shall not permit the emissions into the outdoor atmosphere of particulate matter from the diesel-fired engines in a manner that the effluent gas exceeds .04 grain per dry standard cubic foot. (25 Pa. Code § 127.13)

Operational Limitations

Operation of each Emergency Quench Pump shall be limited to 500 hours per year.

Recordkeeping Requirements

(a) The permittee shall record the number of hours each engine operates on a monthly basis.

(b) The permittee shall keep records of the amount, type, and analysis of fuel used in each engine on a monthly basis. (25 Pa. Code § 127.12b)

Additional Requirements

Within 15 days of selecting the specific diesel-fired engines to be constructed at the site, the permittee shall submit vendor supplied unit-specific emission data for the engines to the Department. (25 Pa. Code § 127.12b)

Copies of the application, Department's analysis and other documents used in evaluation of the application are available for public inspection during normal business hours at Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

Persons wishing to provide the Department with additional information that they believe should be considered

prior to the issuance of the Plan Approval may submit the information to the Department at the previous address. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed Plan Approval (specify the Plan Approval number).
- Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval. Written comments should be directed to Mark A. Wayner, P. E., Regional Air Quality Program Manager, Department of Environmental Protection, Southwest Region—Field Operation, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

For additional information you may contact the following at the same address Noor-Un Nahar, New Source Review Section, Air Quality Program, (412) 442-5225.

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

AMS 06050: Sunoco, Inc.—R & M (3144 Passyunk Avenue, Philadelphia, PA 19145) for the Installation of ReVAP technology on the 433 Hydrofluoric Acid Alkylation Unit (HFAU), including new storage and receiving facility for the ReVAP additive, and new cells for the 433 Cooling Tower, in the City of Philadelphia, **Philadelphia County**. The plan approval will also increase the maximum daily alkylate throughput capacity of the 433 HFAU from 22,500 barrels per day to 30,000 barrels per day on a rolling 365-day average and increase the permitted maximum operating limit of the 433 Isostripper H-1 Heater from 243 mmBtu/hr to 260 mmBtu/hr. Allowable emissions increases from the project will be 95.01 tons per year for NO_x, 86.19 tons per year for CO, 7.35 tons per year for VOCs, 36.35 tons per year for SO_x and 11.27 tons per year for PM.

Air Management Services proposes to place in the plan approval the following conditions to ensure compliance with all applicable regulatory requirements:

1. The HFAU shall be operated in accordance with the specifications in the application (as approved herein).
2. Sunoco, Inc. (R & M) (Sunoco) shall operate the HFAU in accordance with 40 CFR 60 Subparts A, GGG, 40 CFR 63 Subparts A, CC, 25 Pa. Code §§ 127.1, 123.13, 123.22, 123.41, 129.55, 129.58 and 129.91 and Air Management Regulation II, III and V whichever is more restrictive.
3. This plan approval may be terminated, suspended or revoked and reissued in accordance with 25 Pa. Code § 127.13a. If AMS or the Environmental Protection Agency determines that the owner or operator of Sunoco is liable for violations of the New Source Review or Prevention of Significant Deterioration Requirements, Sunoco shall submit an application to amend this plan approval and or any subsequently amended operating permit.
4. Upon notification, Sunoco shall remodel for SO₂ to demonstrate compliance with National Ambient Air Quality Standards (NAAQS) when AMS has cause to believe that the attainment or maintenance of the NAAQS is in jeopardy.

5. The allowable emissions for the H-1 Heater shall not exceed the following limits:

POLLUTANTS

Total PM/PM10
SO₂
CO
NOx
VOC

Concentration	EMISSION LIMITS (lbs/mmBtu)	Tons/year
0.00745		8.5
0.033		37.6
0.0985		112.2
0.035		39.9
0.0065		7.4

Notes:

a. Compliance with lbs/mmBtu emission limits shall be based on hourly continuous emission monitor data for NOx and three one-hour stack tests, if required by AMS, for the other pollutants.

b. Tons per year emission limits are on a rolling 365-day basis. Compliance with these limits shall be based on continuous emission monitor data for NOx and stack test data (if required) or AP-42 emission factors, daily fuel usage, and fuel Btu content for the other pollutants.

c. Total PM/PM10 emission limits include filterable particulate, as measured by Method 5, and condensable particulate, as measured by Method 202.

d. PM, CO and SO₂ concentration limits assure compliance with 25 Pa. Code §§ 123.11 and 123.22, AMR II § VII, and AMR VIII § II.

6. Sunoco may not permit the emission into the outdoor atmosphere of visible air contaminants in a manner that the opacity of the emission is either of the following: (25 Pa Code § 123.41)

a. Equal to or greater than 20% for a period or periods aggregating more than 3 minutes in any 1 hour.

b. Equal to or greater than 60% at any time.

7. Sunoco shall not permit at any time the emission into the outdoor atmosphere of any malodorous air contaminants, in a manner that malodors are detectable outside its boundary. (25 Pa. Code § 123.31(b))

8. The HFAU production rate shall be limited to 30,000 barrels per day calculated on a 365-day rolling average basis.

9. The H-1 Heater shall operate with ultra low-NOx burners and with a heat input limit of 260 mmBtu/hr (24-hour average).

10. Fuel oil usage for the No. 3 Boiler House shall be limited to 18,611,250 gallons per rolling 12-month period.

11. Sunoco shall meet the requirements of 40 CFR 60, Subpart GGG (references VV) for fugitives associated with the 433 HFAU. For equipment in organic HAP service, Sunoco shall comply with the requirements for fugitives in 40 CFR 63, Subpart CC (references 40 CFR 60 Subpart VV).

12. In accordance with 25 Pa. Code § 129.55(d), the purging of VOCs during a unit turnaround shall be performed in a manner as to direct the VOC vapors to a fuel gas system, flare, or vapor recovery system until the initial pressure in the equipment reaches 19.7 psia.

13. If at any time AMS has cause to believe that air contaminant emissions from the H-1 Heater may be in excess of the limitations specified in Condition 5, Sunoco shall be required to conduct whatever test are deemed necessary by AMS to determine the actual emission rates.

14. The H-1 Heater shall be equipped with NOx and O₂ continuous emission monitors and recorders at the

outlet for compliance determination with the NOx emission limitation. The continuous monitors must conform to USEPA performance specifications in 25 Pa. Code § 123.31 and the PA DEP Continuous Source Monitoring Manual (PA CSMM). The Phase II performance testing of each continuous monitor shall occur within 60 days after achieving maximum production rate, but no later than 90 days after restarting the unit.

15. Sunoco shall record the HFAU production rate daily and on a 365-day rolling average, calculated daily.

16. Sunoco shall record the H-1 Heater operating rate in mmBtu/hr hourly and on a 24-hour average, calculated hourly.

17. Sunoco shall calculate and record the fuel oil usage for the No. 3 Boiler House monthly for a rolling 12-month period.

18. Sunoco shall submit CEM and production reports to Air Management Services on a quarterly basis. CEM reports must meet the requirements of the PA CSMM.

19. Any notifications required, as a result of any condition herein should be directed to Chief of Source Registration, Air Management Services, 321 University Avenue, Philadelphia, PA 19104.

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

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

29-03007: Mellott Wood Preserving Company, Inc. (1398 Sawmill Road, Needmore, PA 17238) for the renewal of the State-only operating permit for their wood-fired boilers located at the facility in Belfast Township, **Fulton County**. The permit renewal will include all of the previous requirements including emission limits, monitoring and recordkeeping to ensure the facility complies with the applicable requirements.

36-03030: ICM of Pennsylvania, Inc. (638 Lancaster Avenue, Malvern, PA 19355) for operation of portable crushing and screening plants at the Talmage quarry located in Upper Leacock Township, **Lancaster County**. This is a non-Title V (State-only) facility. The State-only operating permit shall contain testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the facility's previous operating permit.

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

17-00044: Metaltech, Inc. (3547 Watson Highway, DuBois, PA 15801) for the operation of a powdered metal parts manufacturing facility in Sandy Township, **Clearfield County**.

The facility incorporates four sintering furnaces, two endothermic gas generators, a sizing operation, an oil impregnator, a rust inhibitor dipping operation and a solvent parts washer. The air contaminant emissions from the facility are not expected to exceed 17.08 tons of VOCs, 2.66 tons of PM including PM10, .78 ton of NOx and .33 ton of CO per year.

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

The Department of Environmental Protection (Department) proposes to incorporate into the operating permit to be issued conditions requiring compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants as well as conditions previously established in Operating Permit 17-399-018, issued on March 31, 2001, and amended on August 25, 2005.

The conditions previously established in Operating Permit 17-399-018 include:

1. No lubricant or lubricant blend shall be used in the parts processed through the three sintering furnaces formerly operated pursuant to Operating Permit 17-399-018 other than those specified herein.

2. The temperature of the three sintering furnaces formerly operated pursuant to Operating Permit 17-399-1018 shall be monitored and shall not be allowed to exceed 2,100° F.

3. The stacks of the three sintering furnaces formerly operated pursuant to Operating Permit 17-399-018 shall not be cleaned by using high temperature clean up ("burnout") procedures.

4. The materials used in the sizing operation shall consist only of 30W oil and Kensol 30 (or an alternative VOC-containing material determined by the Department of Environmental Protection to have an equivalent, or lower, air contaminant emission potential).

5. The Kensol 30 (and any alternate materials) used in the sizing operation shall be stored in closed containers when not in actual use.

6. Records shall be maintained of the amount of Kensol 30 (and any alternate materials) used in the sizing operation.

The Department additionally proposes to incorporate a condition into the operating permit to be issued which was previously established in Operating Permit 17-399-018 but which is being modified:

7. No more than a combined total of 500 gallons of Kensol 30 (and any alternate materials) shall be used in the sizing operation in any 12-consecutive month period (modified from 3,000 gallons)

The Department additionally proposes to incorporate conditions into the operating permit to be issued which were conditions of a Request for Determination form approved by the Department on June 10, 2003, for the three sintering furnaces formerly operated under Operating Permit 17-399-018:

8. The furnaces shall be equipped with a flame curtain located between the parts entry and preheat zone.

9. The furnace atmosphere shall contain at least 3% hydrogen any time parts are being sintered.

10. The furnaces shall not be used to process parts which have previously been treated with oil.

11. The PM emission rate from the furnaces while processing parts containing metal-bearing lubricants shall not exceed .15 pound per hour.

The Department additionally proposes to incorporate into the operating permit to be issued Conditions 8—11 for the fourth sintering furnace existing onsite as well as the following condition:

12. The metal powders used to make parts processed through the fourth furnace shall not contain more than .75% organic lubricant by weight.

The Department additionally proposes to incorporate several new conditions into the operating permit to be issued including:

13. The materials used in the sizing operation, rust inhibitor operation, oil impregnator and solvent parts washer shall not contain any HAPs.

14. The VOC emissions from the oil impregnator shall not exceed 8.0 tons in any 12-consecutive month period.

15. No more than 2,000 gallons of VOC-containing material shall be used in the rust inhibitor operation in any 12-consecutive month period.

16. Records shall be maintained of the identity and amount of VOC-containing materials used each month in the rust inhibitor operation, oil impregnator and solvent parts washer.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Mark Wayner, Facilities Permitting Chief, (412) 442-4174.

56-00304: Somerset Welding & Steel, Inc., 10558 Somerset Pike, Somerset, PA 15501) for operation of spray booths/shotblasters at Somerset Plant in Lincoln Township, **Somerset County**.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of an application is available for inspection at the district mining office indicated before an application. Where a 401 Water Quality Certification is needed for any aspect of a 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*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

* The parameter is applicable at all times.

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

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

32841319 and NPDES Permit No. 0004588. The Florence Mining Company (P. O. Box 51, New Florence, PA 15944). To renew the permit for the Florence No. 1 (Robinson) Mine in West Wheatfield and East Wheatfield Townships, **Indiana County** and related NPDES permit for water treatment only. No additional discharges. Application received: July 14, 2006.

03961301. NPDES Permit No. PA0214787. Rosebud Mining Company (301 Market Street, Kittanning, PA 16201). To revise the permit for the Tracy Lynn Mine in Kiskiminetas Township, **Armstrong County** to add underground and subsidence control plan area acres. Underground Acres Proposed 500.0, SCP Acres Proposed 500.0. No additional discharges. Application received: September 9, 2006.

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

65990102 and NPDES Permit No. PA0202479. AMFIRE Mining Co., LLC (One Energy Place, Suite 2800, Latrobe, PA 15650). Renewal application for reclamation only to an existing bituminous surface mine, located in Fairfield Township, **Westmoreland County**, affecting 91 acres. Receiving streams: UNTs to the

Conemaugh River, 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: September 25, 2006.

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

17980121 and NPDES No. PA0238147. R. J. Coal Co. (P. O. Box 277, LaJose, PA 15753). Permit renewal for the continued operation and restoration of a bituminous surface mine in Bloom Township, **Clearfield County**, affecting 87.6 acres. Receiving streams: UNT to Bilgers Run to Anderson Creek to West Branch of Susquehanna River, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: September 22, 2006.

17990102 and NPDES No. PA0238236. River Hill Coal Co., Inc. (P. O. Box 141, Kylertown, PA 16847). Permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Decatur Township, **Clearfield County**, affecting 344.2 acres. Receiving stream: Laurel Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: September 14, 2006.

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

54930102T3. No. 1 Contracting Corp. (49 South Main Street, Ashley, PA 18706). Transfer of an existing anthracite surface mine operation from Harriman Coal Corp. (a/k/a Rausch Creek Land, LP) in Porter Township, **Schuylkill County** affecting 460.0 acres, receiving stream: none. Application received: September 20, 2006.

40020201T. South Tamaqua Coal Pockets, Inc. (804 West Penn Pike, Tamaqua, PA 18252). transfer of an existing anthracite coal refuse reprocessing operation from Rossi Excavating Company in Hazle Township, **Luzerne County** affecting 113.0 acres, receiving stream: none. Application received: September 20, 2006.

*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 ¹ pH ¹		greater than 6.0; less than 9.0	

¹ The parameter is applicable at all times.

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

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

26970401 and NPDES Permit No. PA0202100. Laurel Aggregates, Inc. (P. O. Box 1209, Morgantown, WV 26507). Revision for additional acreage to an existing noncoal surface mine, located in Springhill Township, **Fayette County**, affecting 254.52. Receiving streams: Rubles run and UNTs to Rubles Run, classified for the following use: WWF. There is not potable water supply intake within 10 miles downstream from the point of discharge. Revision application received: September 25, 2006.

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

10960304. Quality Aggregates, Inc. (200 Neville Road, Neville Island, PA 15225-0347). Renewal of NPDES Permit No. PA0227218, Washington Township, **Butler County**. Receiving streams: UNTs to South Branch Slippery Rock Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received: September 25, 2006.

37060305. Neshannock Sand & Gravel, Inc. (R. D. 6, Box 344, New Castle, PA 16101). Commencement, operation and restoration of a sand and gravel operation in Scott Township, **Lawrence County** affecting 40.7 acres. Receiving streams: UNT No. 1 to Slippery Rock Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: September 27, 2006.

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

67000301C and NPDES Permit No. 0224065. Oldcastle Stone Products (550 S. Biesecker Road, Thomasville, PA 17364). Renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Jackson Township, **York County**, receiving stream: UNT to Little Conewago Creek, classified for the following use: TSF. Application received: September 22, 2006.

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

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

E40-662. John G. Nackley, 215 Hillside Drive, Dallas, PA 18612, in Harveys Lake Borough, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To modify and maintain an existing pile supported boat dock and boathouse structure in Harveys Lake (HQ-CWF) with work consisting of the construction of a 720 square foot addition to an existing structure having a surface area of approximately 1,343 square feet. The project is located on the northeast side of the lake at Pole No. 55. (Harveys Lake, PA Quadrangle N: 22.0 inches; W: 4.0 inches).

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

E17-423. Clearfield County, 203 East Market Street, Clearfield, PA 16830. **Burnside Township**, Road No. 315 (T-315) Bridge Replacement across West Branch Susquehanna River in Burnside Township, Clearfield County, ACOE Baltimore District (Burnside, PA Quadrangle N: 7.9 inches; W: 3.2 inches).

To remove an existing structure and construct, operate and maintain a two-span prestressed spread box beam bridge to carry T-315 over West Branch Susquehanna River (WWF). The two-span bridge shall be constructed with a minimum clear span of 170 feet along the roadway centerline, and an underclearance of 14.1 feet. Construction of in-stream bridge appurtenances and temporary

structures shall be conducted during stream low flow and dry work conditions by dams and pumping, fluming or diverting stream flow around work areas. The bridge replacement project will permanently impact 0.05 acres of wetlands and 110 feet of stream channel that is located at the western right-of-way of SR 0219, at the intersection of T-315 and SR 0219. This permit also authorizes construction, operation, maintenance and removal of temporary cofferdams, stream diversions and roadway crossings. All temporary structures shall be constructed of clean rock, which is free of fines. Upon project completion, all temporary structures shall be removed with the disturbed areas restored to original contours and elevations. The Department deems the 0.05 acres of wetland permanently impacted by the project as de minimis, and as such, the permittee shall not be required to construct replacement wetland to mitigate the permanent impact.

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

E11-322. Cambria County Conservation District, 401 Candlelight Drive, Pittsburgh, PA 15931. To construct and maintain a stream channel in Chest Creek, Borough of Patton, **Cambria County**, Baltimore ACOE District. (Hastings, PA Quadrangle N: 2.0 inches; W: 2.8 inches; and Latitude: 40° 38' 10" Longitude: 78° 38' 43"). The applicant proposes to construct and maintain a stream channel improvement project for the purpose of enhancing the water quality of Chest Creek. The project consists of construction of stream bank protection with rock ripraps, gravel bar removal, log vanes and log barbs for a length of 2,100 feet of Chest Creek (CWF) extending downstream of SR 36 Bridge.

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>
PA0061042 Sewage	Miller's Country Store, LLC 1148 Old Trail Road Clarks Summit, PA 18411	Lackawanna Glenburn Township	Wet Weather Channel to Ackerly Creek 4F	Y
PA0060241	Laird Technologies P. O. Box 650 Delaware Water Gap, PA 18327-0650	Delaware Water Gap Borough, Monroe County	Cherry Creek CWF 1E	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>
A0088757 (Industrial Waste)	Eric Powell Mount Union Municipal Authority Nine West Market Street P. O. Box 90 Mount Union, PA 17066	Huntingdon County Shirley Township	Singus Gap Run 12-C	Y
PA0081396 (Sewage)	Irvin Peifer Laurelwood Mobile Home Park P. O. Box 506 Elizabethtown, PA 17022	York County Newberry Township	UNT Bennett Run 7-F	Y
PA0086762 (Industrial Waste)	Paul Yelenik IESI Blue Ridge Landfill Corporation P. O. Box 399 Scotland, PA 17257	Franklin County Greene Township	UNT Phillaman Run 13-C	Y
PA0088455 (Industrial Waste)	David Rice Rice Fruit Company 2760 Carlisle Road Gardners, PA 17324	Adams County Menallen Township	UNT Opossum Creek 7-F	Y
PA0087173 (Industrial Waste)	High Point Baptist Chapel P. O. Box 188 Geigerstown, PA 19523	Berks County Robeson Township	Hay Creek 3-C	Y
PAR10Y6551	York College of PA 439 Country Club Road York, PA 17405	York County Spring Garden Township	Codorus and Oil Creeks	Y
PAR100140R	Cross Keys Center, LP 751 Frederick Street Hanover, PA 17331	Adams County Berwick Township	UNT Pine Run WWF	Y
PAR100509R	Hurst Brothers Development Company 154 E Farmersville Road Ephrata PA 17522	Lancaster County Ephrata Township	Middle Creek WWF	Y
PAR100518R	Hemphshade Partners 255 Butler Avenue Suite 203 Lancaster, PA 17601	Lancaster County East Hempfield Township	UNT Little Conestoga Creek CWF	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>
PA0000167	Union Electric Steel Corporation—Erie 726 Bell Avenue P. O. Box 465 Carnegie, PA 15106	City of Erie Erie County	UNT to West Branch Cascade Creek 15-CA	Y
PA0103641	Orchard Terrace WWTP— Wilmington Township Sewer Authority 669 Wilson Mill Road New Castle, PA 16105	Wilmington Township Lawrence County	UNT to Little Neshannock Creek 20-A	Y

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

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

NPDES Permit No. PA0027120, Sewage, **City of Warren**, 318 West Third Avenue, Warren, PA 16365. This proposed facility is located in City of Warren, **Warren County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to the Allegheny River in Watershed 16-B.

NPDES Permit No. PA0020401, Sewage, **Johnsonburg Municipal Authority**, 520 A Market Street, Johnsonburg, PA 15845. This proposed facility is located in Johnsonburg Borough, **Elk County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to the Clarion River in Watershed 17-A.

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

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

WQM Permit No. 6706409, Sewerage, **Sheldon Williams, Dillsburg Area Authority**, 98 West Church Street, Dillsburg, PA 17019. This proposed facility is located in Carroll Township, **York County**.

Description of Proposed Action/Activity: Approves the construction/operation of sewerage facilities consisting of a suction lift pump station which will receive flow from the existing Monroe Acres development and the West Shore Evangelical Free Church. Future connections will be from the Meadows of Ashcombe development. 2,340 feet of 4-inch diameter force main and 19,900 feet of gravity sewer.

WQM Permit No. 2806405, Sewerage, **Ray and Rubie Wingert**, 2635 Grand Point Road, Chambersburg, PA 17201. This proposed facility is located in Greene Township, **Franklin County**.

Description of Proposed Action/Activity: Approves the construction/operation of a small flow individual residence spray irrigation system for denitrification consisting of a septic tank, Ecoflo filter, chlorine disinfection and sprayfield to serve Lot No. 15.

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

WQM Permit No. WQG018495, Sewerage, **Loretta J. Nelson**, P. O. Box 103, Mill Village, PA 16427. This proposed facility is located in Mill Village Borough, **Erie County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

WQM Permit No. WQG018486, Sewerage, **Richard A. Monroe**, 8355 Cold Spring Road, Girard, PA 16417. This proposed facility is located in Girard Township, **Erie County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

WQM Permit No. WQG018501, Sewerage, **John Brandt**, 8313 Lewis Road, Harborcreek, PA 16421. This proposed facility is located in Harborcreek Township, **Erie County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

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

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024805028	Blue Ridge Dev., LLC 7253 Airport Rd. Bath, PA 18014	Northampton	Bushkill Township Bushkill Creek	HQ-CWF

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

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032806002	Loretta Deshong P. O. Box 343 South Mountain, PA 17261	Franklin	Quincy Township	UNT Rocky Mountain Creek, tributary to Conococheague Creek and UNT to Racoon 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 Single Residence Sewage Treatment Plants
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
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	CAFOs
PAG-13	Stormwater Discharges from MS4

General Permit Type—PAG-2

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lower Saucon Township Northampton County	PAG2004806034	Harold F. and Linda Oberkotter 115 Island Creek Dr. Vero Beach, FL 32963	Tributaries to Saucon Creek CWF	Northampton County Cons. Dist. (610) 746-1971
South Abington Township Lackawanna County	PAG2003506022	Anthony Mazonkey 580 Third Ave. Kingston, PA 18704	Leggetts Creek CWF	Lackawanna County Cons. Dist. (570) 281-9495
Smithfield Township Monroe County	PAG2004506001	East Stroudsburg Area School District 321 N. Courtland St. P. O. Box 298 East Stroudsburg, PA 18301	Brodhead Creek TSF, MF	Monroe County Cons. Dist. (570) 629-3060

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<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
West Lampeter Township Lancaster County	PAG2003606047	Lancaster County Vo-Tech School Auth P. O. Box 527 Willow Street, PA 17584	UNT Big Spring Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Elizabethtown Boro Lancaster County	PAG2003606081	Masonic Home One Masonic Drive Elizabethtown, PA 17022	Conoy Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
West Donegal Township Lancaster County	PAG2003606089	Robert L. Gruber 48 S Market St. Elizabethtown, PA 17022	Conoy Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Ephrata Township Lancaster County	PAG2003606092	Dennis Martin 1717 West Main St. Ephrata, PA 17522	Indian Run TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Manor Township Lancaster County	PAG2003606093	Timothy J. Naumann 3904b Abel Dr. Columbia, PA 17512	Little Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Earl Township Lancaster County	PAG2003606096	BHH Realty, LP 20 S Groffdale Rd. Leola, PA 17540	UNT Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster PA 17601 (717) 299-5361 Ext. 5
Manheim Township Lancaster County	PAG2003606097	Steven Horst 205 Granite Run Dr. Suite 280 Lancaster, PA 17601	Little Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster PA 17601 (717) 299-5361 Ext. 5
Lititz Boro Lancaster County	PAG2003606099	Lititz Borough 7 S. Broad St. Lititz, PA 17543	Lititz Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Manor Township Lancaster County	PAG2003606102	James Stauffer 365 Weaver Rd. Lancaster, PA 17603	UNT Little Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
East Lampeter Township Lancaster County	PAG2003606106	Lancaster Mennonite High School 2176 Lincoon Highway East Lancaster, PA 17602	Mill Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5

*Facility Location:
Municipality &
County**Permit No.**Applicant Name & Address**Receiving
Water/Use**Contact Office &
Phone No.*

Manheim Township
Lancaster County

PAG2003606110

Lancaster Country Club
1466 New Holland Pike
Lancaster, PA 17601

Conestoga River
WWF

Lancaster County
Conservation District
1383 Arcadia Road
Room 200
Lancaster, PA 17601
(717) 299-5361, Ext. 5

East Cocalico
Township
Lancaster County

PAG2003606111

Department of Transportation
2140 Herr St.
Harrisburg, PA 17103

Little Cocalico Creek
TSF

Lancaster County
Conservation District
1383 Arcadia Road
Room 200
Lancaster, PA 17601
(717) 299-5361, Ext. 5

East Donegal
Township
Lancaster County

PAG2003606112

Glaxosmithkline Biologicals
325 N. Bridge St.
Marietta, PA 17547

Susquehanna River
WWF

Lancaster County
Conservation District
1383 Arcadia Road
Room 200
Lancaster, PA 17601
(717) 299-5361, Ext. 5

Windsor Township
York County

PAG2006706030

Stone Mill-Laurel Vistas
Perry Cisney
Perry Cisney, Inc.
1721 Paulson Drive
York, PA 17402

Fishing Creek
TSF

York County
Conservation District
118 Pleasant Acres
Road
York, PA 17402
(717) 840-7430

Loganville Borough
Springfield Township
York County

PAG2006704132

Loganville Bypass
Loganville Borough
P. O. Box 88
Loganville PA 17342
Springfield Township
9211 Susquehanna Trail South
Seven Valleys, PA 17360

Unt to East Branch
Codorus Creek
CWF

York County
Conservation District
118 Pleasant Acres
Road
York, PA 17402
(717) 840-7430

West Manheim
Township
York County

PAG2006706006

West Manheim Township Park
31 Fairview Dr.
Hanover, PA 17331

UNT South Branch
of Conewago Creek
WWF

York County
Conservation District
118 Pleasant Acres
Road
York, PA 17402
(717) 840-7430

Windsor Township
York County

PAG2006706073

Deerfield Crossing
Century 21 Heritage Realty
1 Waterford Professional Center
York, PA 17402

UNT to Beaver
Creek
CWF

York County
Conservation District
118 Pleasant Acres
Road
York, PA 17402
(717) 840-7430

Lower Windsor
Township
York County

PAG2006706016

The Fields at E. Prospect
John N. Bowers, Jr.
1219 Willow St Pike
Lancaster, PA 17602

Cabin and
Canadochly Creeks
WWF, WWF

York County
Conservation District
118 Pleasant Acres
Road
York, PA 17402
(717) 840-7430

Hanover Borough
Penn Township
York County

PAG2006706070

Eisenhower Shopping Village
Scotto/Malvone
Armando Malvone
496 Eisenhower Drive
Hanover, PA 17331

Unt to S Branch
Conewago Creek
CWF

York County
Conservation District
118 Pleasant Acres
Road
York, PA 17402
(717) 840-7430

Lower Windsor
Township
York County

PAG2006706049

Dennis Newcomer
761 Woods Drive
York, PA 17402

Cabin Creek
WWF

York County
Conservation District
118 Pleasant Acres
Road
York, PA 17402
(717) 840-7430

NOTICES

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<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Manchester Township West Manchester Township York County	PAG2006704124	SR 4001 Sec 006 Roadway Reconstruction Jeffrey Weaver Department of Transportation 2140 Herr Street Harrisburg, PA 17103	Willis Run WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Tyrone Township Adams County	PAG2000104011(1)	Ira Reed, Production Manager Hillandale Gettysburg, LP 370 Spicer Road Gettysburg, PA 17325	UNT to Plum Run WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Liberty Township Adams County	PAG2000106020	Paul C. Goetz 1021 Boyle Road Fairfield, PA 17320	Flat Run (Monacacy) WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Conewago Township Adams County	PAG2000106032	Laverne Leese BJML Enterprises 982 Bollinger Road Littlestown, PA 17340	UNT to South Branch Conewago Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Conewago Township Adams County	PAG2000105032	Larry R. Redding 10 Lafayette, Box G Hanover, PA 17331	Plum Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Straban Township Adams County	PAG2000106008	Pastor Patrick Clady Hunterstown Church of God c/o 13589 Blue Ridge Avenue Blue Ridge Summit, PA 17214	UNT to Beaverdam Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Centre County Gregg Township	PAG2001406014	Louis and Naomi Peachey Subdivision 116 Palled Drive Rebersburg, PA 16872	Penns Creek CWF	Centre County Conservation District 414 Holmes Avenue, Suite 4 Bellefonte, PA 16823 (814) 355-6817
Clearfield County Lawrence Township	PAG2001703014 (1)	Clearfield-Lawrence Township Joint Airport Authority 800 Airport Road Clearfield, PA 16830	Wolf Run CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Northumberland and Montour Counties Delaware Township	PAG2004906011	Walter G. and Sandra E. Neidig Subdivision Eighth Street Drive Watsontown, PA 17777	UNT to Susquehanna River WWF	Northumberland County Conservation District R. R. 3, Box 238-C Sunbury, PA 17801 (570) 286-7114, Ext. 4

*Facility Location:
Municipality &
County*

<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>
Greene County Freeport, Gilmore Jackson and Wayne Townships	PAG2003006006	CNX Gas Company, LLC 4000 Brownsville Road South Park, PA 15129-9545	PA Fork Fish Creek (WWF) PA Fork Dunkard Creek (WWF) Hamilton Run (WWF)	Greene County CD (724) 852-5278
Indiana County White Township	PAG2003203003 Phase III	Chris Lazor Lazor Brothers 891 Centennial Drive Indiana, PA 15701	UNT McCarthy Run (CWF)	Indiana County CD (724) 463-8547
Washington County South Strabane Township	PAG2006306026	Budd Baer, Inc. Mark Baer 71 Murtland Avenue Washington, PA 15301	Tributary to Chartiers Creek (WWF)	Washington County CD (724) 228-6774
Cambria County Chest Township	PAG2091106010	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Wyerough Run CWF	Department of Environmental Protection, Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 (814) 472-1800
Butler County Cherry Township	PAG2091006011	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	UNT to Glade Run WWF	Department of Environmental Protection, Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 (814) 472-1800
Butler County Cranberry Township	PAG2001006010	Cranberry Township 2525 Rochester Road Cranberry Township, PA 16001	Brush Creek WWF	Butler Conservation District (724) 284-5270
Jefferson County Punxsutawney Borough	PAG2003306003	Commonwealth of PA Department. of General Services Bureau of Engineering 18th and Herr Street Harrisburg, PA 17125	Mahoning Creek WWF	Jefferson Conservation District (814) 849-7463
Lawrence County North Beaver Township	PAG2003706006	KD Machine 5220 SR 0018 New Castle, PA 16102	UNT Beaver River WWF	Lawrence Conservation District (724) 652-4512
Mercer County Springfield Township	PAG2004306014	Tony Chammas Grove City Properties, LP One Atlantic Avenue Pittsburgh, PA 15202-1707	Black Run WWF	Mercer Conservation District (724) 662-2242

General Permit Type—PAG-3

*Facility Location:
Municipality &
County*

<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>
Exeter Borough Luzerne County	PAR202247	Bridon American Corporation 101 Stevens Lane Exeter, PA 18643	Susquehanna River WWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511

*General Permit Type—PAG-4**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Mill Village Borough Erie County	PAG049287	Loretta J. Nelson P. O. Box 103 Mill Village, PA 16427	UNT to French Creek 16-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Girard Township Erie County	PAG049278	Richard A. Monroe 8355 Cold Spring Road Girard, PA 16417	UNT to Halls Run 16-EC	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Harborcreek Township Erie County	PAG049292	John Brandt 8213 Lewis Road Harborcreek, PA 16421	Scott Run 15-LE	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Keating Township McKean County	PAG048788	Chris P. and Dianna L. Chapman 986 Columbia Hill Road Smethport, PA 16749	North Branch Cole Creek 16-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Otter Creek Township Mercer County	PAG049267	Fassett and Associates SFTF 474 Hadley Road Greenville, PA 16125	UNT to Little Shenango Creek 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-10**Facility Location & Municipality*

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAG103529	Berks Fuel Storage, Inc. 1248 Wayne Street Reading, PA 19601-1726	Swale to Laurel Run WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Operations Permit issued to **Oley Township Municipal Authority**, 3060053, Oley Township, **Berks County** on 9/26/2006 for the operation of facilities approved under Construction Permit No. 0601510.

Operations Permit issued to **Borough of Bonneauville**, 7010012, Bonneauville Borough, **Adams County** on 9/21/2006 for the operation of facilities approved under Construction Permit No. 0106510 MA.

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

Permit No. 1406501—Operation Public Water Supply.

Applicant	Port Matilda Waterworks
Township or Borough	Port Matilda Borough
County	Centre
Responsible Official	Richard Turner, President Borough of Port Matilda 400 South High Street Port Matilda, PA 16870
Type of Facility	Public Water Supply—Operation
Consulting Engineer	Adrienne Vicari, P. E. Herbert, Rowland & Grubic, Inc. 474 Windmere Drive, Suite 100 State College, PA 16801
Permit Issued Date	October 2, 2006
Description of Action	Operation of the redeveloped Well No. 3, existing sodium hypochlorite facilities, regarded upslopes of the wellheads and a check valve to prevent backflow between Well Nos. 2, 3 and 5.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a)

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>
Porter Township	7908 Houck Lane Alexandria, PA 16611-2438	Huntingdon

Plan Description: The approved plan provides for the construction of a drip irrigation system to repair/replace failing onlot systems at Greene Hills Camp. The proposed development is located on Barree Road, north of and across the Juniata River from Barree. 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 Owner as appropriate.

HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

Proposed Consent Order And Agreement

Armstrong World Industries, Inc., Lancaster City and Manheim Township, Lancaster County

The Department of Environmental Protection (Department), under the authority of sections 5, 316, 401, 402,

610 and 611 of The Clean Streams Law (35 P. S. §§ 691.5, 691.316, 691.401, 691.402, 691.610 and 691.611), sections 104 and 602 of the Solid Waste Management Act (35 P. S. §§ 6018.104 and 6018.602), section 1102 of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. § 1102) and section 1917-A of The Administrative Code of 1929 (71 P. S. § 510-17), has entered into a Consent Order and Agreement with Armstrong World Industries, Inc. (Armstrong). The site is located in Lancaster City and Manheim Township, Lancaster County.

Armstrong is the owner of the Liberty Street Plant located off West Liberty Street, Lancaster, PA, referred to as the "Site." The term "Site" shall also include areas as included in the definition of that term in section 103 of Act 2 (35 P. S. § 6026.103). The Site was operated as a flooring manufacturing plant from 1906 until 2005. Operations ceased at the Site during the winter of 2005. Armstrong transferred ownership of 47 acres, a portion of the Liberty Street Plant, to ECD Finance Corporation and Franklin and Marshall College (collectively referred to as "Property Owners") on or about September 15, 2006.

Under a separate Consent Order and Agreement (Agreement) with the Department, the Property Owners intend to characterize the site, attain and demonstrate compliance with Act 2 cleanup standards for identified contamination in soil and groundwater, and obtain Department approval of a Final Report no later than July 31, 2008, all in accordance with Act 2 and its implementing regulations. Armstrong is obligated to contribute \$6,000,000 toward decommission and remediation of the Site.

Under this Agreement, Armstrong is a person that has resolved their liability to the Department for the Site and is eligible for protection from claims for contribution regarding matters addressed in this settlement, as provided by section 705(c)(2) of HSCA (35 P. S. § 6020.705(c)(2)). This contribution protection is intended to be as broad as permissible under HSCA, and the "matters addressed" in this settlement encompass all of the Response actions and Response costs at the Site. Under section 1113 of HSCA (35 P. S. § 6020.1113), the Department is publishing notice of this Agreement and will provide a 60-day period for public comment on the Agreement commencing with the date of this publication.

For a period of 60 days beginning with the October 14, 2006, publication date of this notice, the public is invited to review the Agreement, Monday through Friday, from 8 a.m. to 4 p.m., at the Department's Southcentral Region Office, 909 Elmerton Avenue, Harrisburg, PA 17110 by contacting Kathleen Horvath at (717) 705-4866.

After review, the public may submit written comments on the Agreement before December 13, 2006, by mailing them to Kathleen Horvath at the Department's Harrisburg Office at the address noted previously. A person adversely affected by the settlement may also file an appeal from the Agreement to the Environmental Hearing Board. Questions concerning this notice should be directed to Kathleen Horvath at the telephone number and address noted previously.

The Department has reserved the right to withdraw its consent to the Agreement if comments submitted during the public comment period disclose facts or considerations which indicate, in the Department's discretion, that the Agreement is inappropriate or not in the public interest.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northeast Regional Field Office, Ronald S. Brezinski, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

1110 Northampton Street Property, City of Easton, **Northampton County**. Thomas Gillespie, Principal, Environmental Liability Management, Inc., 4920 York Road, Suite 290, P. O. Box 306, Holicong, PA 18928 has submitted a Final Report (on behalf of his client, MCS Industries, 2280 Newlins Mill Road, Easton, PA 18045) concerning the remediation of soils found or suspected to have been contaminated with No. 2 fuel oil constituents associated with a former underground unregulated heating oil tank. The report was submitted as a low-risk site in order to demonstrate attainment of the residential Statewide Health Standard.

Wyoming Valley Mall, City of Wilkes-Barre and Wilkes-Barre Township, **Luzerne County**. Michael Kern, Mountain Research, LLC, 825 25th Street, Altoona, PA 16601 has submitted a combined revised Remedial Investigation Report and Final Report (on behalf of his client PA Real Estate Investment Trust, c/o Ron Yanni, 200 S. Broad Street, Philadelphia, PA 19120) concerning the remediation of site groundwater in the vicinity of well MW-10/10A impacted by benzene and vinyl chloride. The combined report was submitted in support of the Site-Specific Standard through pathway elimination under Act 2.

Tamaqua Area School District Middle School Campus, Borough of Tamaqua, **Schuylkill County**. Michael Beardsley, BL Companies, 213 Market Street, 6th Floor, Harrisburg, PA 17101 has submitted a Final Report (on behalf of his client, Tamaqua Area School District, c/o Frederick Bausch, 138 West Broad Street, Tamaqua, PA 18252) concerning the remediation of No. 2 heating oil constituents found or suspected to be present in site soils and groundwater as the result of an accidental release from a malfunctioning transfer pump. The report was submitted to demonstrate attainment of the Residential Statewide Health Standard.

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

Palmer Station, Farmington Township, **Tioga County**. PPL Gas Utilities Corporation, 2 N. 9th St. GENTW17, Allentown, PA 18101 has submitted a Final Report concerning remediation of site soil contaminated with arsenic and methylene chloride. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

SCM Metal Products, City of Johnstown, **Cambria County**. Martin C. Knuth, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Sten-Ake Kvist, SCM Metal Products, 111 Hoganas Way, Hollsopple, PA 15935) has submitted a Remedial Investigation/Final Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Equitable Gas Property, City of Pittsburgh, **Allegheny County**. Karen E. Souza, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Signature Homes, 12630 Perry Highway, Wexford, PA 15090 and Urban Redevelopment Authority, 200 Ross Street, Pittsburgh, PA 15219) has submitted a Final Report concerning remediation of site soil contaminated with lead, heavy metals, and PAHs. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Hydril Company, Rochester Township, **Beaver County**. Steve Gerritsen, SE Technologies, Inc., 98 Vanadium Road, Building D, Second Floor, Bridgeville, PA 15017 (on behalf of Andrew Ricks, Hydril Company, 3300 N. Sam Houston Parkway, Houston, TX 77032) has submitted a Final Report concerning remediation of site soil contaminated with lead, zinc and chromium. The report is intended to document remediation of the site to meet the Statewide Health Standards.

First Commonwealth Bank, Borough of Ebensburg, **Cambria County**. Heather W. Gawne, CORE Environmental Services, Inc., 4068 Mount Royal Boulevard, Suite 225, Gamma Building, Allison Park, PA 15101 (on behalf of Don Verobish, First Commonwealth Professional Resources, Inc., Route 220 and North Juniata Street, Hollidaysburg, PA 16648) has submitted a Remedial Investigation Report and Baseline Risk Assessment concerning remediation of site soil and groundwater contaminated with analytes of leaded and unleaded gasoline that is, benzene, toluene, ethylbenzene, xylenes, methyl tertiary-butyl ether and 1,2-ethylene dibromide. The report is intended to document remediation of the site to meet the Site-Specific Standards.

Newell Rubbermaid, Inc./Former Palmieri Site, Center Township, **Beaver County**. Jeremy W. Bolyn, Patriot Environmental Management, LLC, P. O. Box 629, Douglassville, PA 19518 (on behalf of Newell Rubbermaid, Inc., 6833 Stalter Drive, Suite 101, Rockford, IL 61108, and the Estate of Mary A. Palmieri, c/o John A. Palmieri, 3399 Broadhead Road, Aliquippa, PA 15001) has submitted a Remedial Investigation Report concerning remediation of site soil contaminated with lead, and heavy metals. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Newell Rubbermaid, Inc./Former Palmieri Site, Center Township, **Beaver County**. Brenda D. McEver, The RETEC Group, Inc., Corporate One Office Park, Building II, Suite 400, 4075 Monroeville Boulevard, Monroeville, PA 15146 (on behalf of Newell Rubbermaid, Inc., 6833 Stalter Drive, Suite 101, Rockford, IL 61108, and the Estate of Mary A. Palmieri, c/o John A. Palmieri, 3399 Broadhead Road, Aliquippa, PA 15001) has submitted a Cleanup Plan concerning remediation of site soil contaminated with lead, and heavy metals. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Monessen Riverfront Redevelopment Phase III, City of Monessen, **Westmoreland County**. Alan Halperin, D'Appollonia, 275 Center Road, Monroeville, PA 15146 (on behalf of Jay Bandieramonte, Redevelopment Authority of the County of Westmoreland, 2 North Main Street, Suite 600, Greensburg, PA 15601) has submitted a Baseline Environmental Report concerning remediation of site soil and groundwater. Contamination is present on the 7-acre property considered Phase III of the Monessen Riverfront Redevelopment. Asbestos abatement, waste removal and demolition of mill structures have been followed by capping of impacted soils with uncontaminated materials in preparation for reuse of an Industrial Site. The report is intended to document remediation of the site to meet the Special Industrial Area Requirements.

Dyna Craft Industries, Inc., Borough of Murrysville, **Westmoreland County**. Joyce M. O'Connor, P. G., Cardinal Resources, Inc., 4326 Northern Pike, Suite 200, Monroeville, PA 15146 (on behalf of Dyna Craft Industries, Inc., c/o Carsem Incorporated, 17700 Castleton, Suite 383, City of Industry, CA 91748) has submitted a Final Report concerning remediation of site soil and groundwater contaminated with trichloroethene that had been used as a degreaser. The report is intended to document remediation of the site to meet the Site-Specific Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

1110 Northampton Street Property, City of Easton, **Northampton County**. Thomas Gillespie, Principal, Environmental Liability Management, Inc., 4920 York Road, Suite 290, P. O. Box 306, Holicong, PA 18928 submitted a Final Report (on behalf of his client, MCS Industries, 2280 Newlins Mill Road, Easton, PA 18045) concerning the remediation of soils found or suspected to have been contaminated with No. 2 fuel oil constituents associated with a former underground unregulated heating oil tank. The report was submitted as a low-risk site to demonstrate attainment of the residential Statewide Health Standard and was approved on September 27, 2006.

Murray Motors West, Upper Macungie Township, **Lehigh County**. Jody Schmill, Project Manager, Axiom Environmental Services, LLC, P. O. Box 20522, Lehigh Valley, PA 18002, submitted a Final Report (on behalf of John Noble, Murray Motors West, 1118 Route 100 South, Trexlertown, PA 18087) concerning the remediation of leaded gasoline constituents found or suspected to be present in site soils as the result of historic operations. The report demonstrate attainment of the Statewide Health Standard and was approved on May 18, 2006.

Wyoming Valley Mall, City of Wilkes-Barre and Wilkes-Barre Township, **Luzerne County**. Michael Kern, Mountain Research, LLC, 825 25th Street, Altoona, PA 16601 submitted a combined revised Remedial Investigation Report and Final Report (on behalf of his client PA Real Estate Investment Trust, c/o Ron Yanni, 200 S. Broad Street, Philadelphia, PA 19120) concerning the remediation of site groundwater in the vicinity of well MW-10/10A impacted by benzene and vinyl chloride. The combined report demonstrated attainment of the Site-Specific Standard through pathway elimination under Act 2, and was approved on September 13, 2006.

Rosahn Residence (125 Frenchtown Road), Shohola Township, **Pike County**. MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 submitted a Final Report (on behalf of their client, Eve Rosahn, West 22nd Street, New York, NY) concerning the remediation of soils and/or groundwater found or suspected to have been contaminated with No. 2 fuel oil constituents as the result of an accidental release during delivery. The report demonstrated attainment of the Statewide Health Standard and was approved on September 14, 2006.

Vera Cruz Road Hydraulic Oil Spill, Upper Saucon Township, **Lehigh County**. Thomas Martinelli, JMT Environmental Technologies, Inc., 3353-C Gun Club Road, Nazareth, PA 18064 submitted a Final Report (on behalf of James A. Reichard, Inc., 5341 Sickel Road, Emmaus, PA 18049) concerning the remediation of soils impacted by a small volume release of hydraulic oil fluid to a road right-of-way as the result of a vehicular accident. The Final Report demonstrated attainment of the residential Statewide Health Standard and was approved on September 15, 2006. The Final Report was submitted within 90 days of the July 18, 2006, release.

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

Alpine Plaza, Wysox Township, **Bradford County**. Converse Consultants 2738 West College Ave., State College, PA 16801 on behalf of Joan and William Woloshyn, R. R. 2, Box 72A-1, Wysox, PA 18854, has submitted a combined Remedial Investigation Report, Risk Assessment and Cleanup Plan concerning remediation of site groundwater contaminated with solvents. The combined Remedial Investigation Report, Risk Assessment and Cleanup Plan demonstrated attainment of the

Site-Specific Standard and was approved by the Department on September 27, 2006.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Dyna-Craft Industries, Inc., Borough of Murrysville **Westmoreland County**. Joyce M. O'Connor, P. G., Cardinal Resources, Inc., 4326 Northern Pike, Suite 200, Monroeville, PA 15146 on behalf of Dyna-Craft Industries, Inc., c/o Carsem Incorporated, 17700 Castleton, Suite 383, City of Industry, CA 91748 has submitted a Risk Assessment Report and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with Trichloroethene. The Risk Assessment and Cleanup Plan were approved by the Department on August 9, 2006.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Draft permit issued, revised or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a hazardous waste treatment, storage or disposal facility.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.

PAD980550594. Sunoco, Inc., 100 Green St., Marcus Hook Pa 19061, Marcus Hook Borough, **Delaware County**. Draft permit prepared for Class 3 modification for additional waste streams and other minor facility updates to the Marcus Hook Refinery's container storage facility. Public comment period ends 45 days after date of this publication. Draft permit and fact sheet available at the Southeast Regional Office. Written comments may be sent to the Southeast Regional Office at the address above. Draft permit issued on September 26, 2006.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

GP1-28-03035: Nitterhouse Concrete Products, Inc. (2655 Molly Pitcher Highway S, P. O. Box N, Chambersburg, PA 17201) on September 27, 2006, for Small Gas and No. 2 Oil Fired Combustion Units under GP1 in Guilford Township, **Franklin County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

21-05013B: Fry Communications, Inc. (101 Fry Drive, Mechanicsburg, PA 17050-2654) on September 29, 2006, for installation of an eight-unit two-web heatset web offset printing press controlled by an existing Adwest

Technologies regenerative thermal oxidizer model No. RETOX 15.0 RTO95 at their Building No. 1 (Plant 1) site in Mechanicsburg Borough, **Cumberland County**.

21-05028A: Fry Communications, Inc. (101 Fry Drive, Mechanicsburg, PA 17050-2654) on September 29, 2006, for installation of an eight-unit three-web heatset web offset printing press controlled by an integrated dryer/oxidizer at their Building No. 3 facility (15 Pleasantview Drive, Mechanicsburg, PA 17055) in Mechanicsburg Borough, **Cumberland County**.

28-05020D: T. B. Woods, Inc. (440 N. 5th Avenue, Chambersburg, PA 17201-1778) on September 27, 2006, for control of the existing 12 foot table blast machine by a reactivated fabric collector at their iron foundry in Chambersburg Borough, **Franklin County**.

36-05027H: R. R. Donnelley & Sons Company (216 Greenfield Road, Lancaster, PA 17601-5885) on October 2, 2006, for installation of a printing press (Goss S-3000) to replace an existing unit in City of Lancaster, **Lancaster County**.

67-05032D: Harley Davidson Motor Company Operations, Inc. (1425 Eden Road, York, PA 17402-1599) on September 29, 2006, for the venting to atmosphere of the exhaust from an existing cartridge filter at the York motorcycle assembly plant in Springettsbury Township, **York 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.

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

07-03049A: A. P. Green Refractories, Inc. (400 Fairway Drive, Moon Township, PA 15108) on September 26, 2006, to operate a refractory manufacturing facility in Greenfield Township, **Blair 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.

18-315-002A: First Quality Products, Inc. (121 North Road, McElhattan, PA 17748) on September 29, 2006, to operate four absorbent products manufacturing lines on a temporary basis until January 27, 2007, in Wayne Township, **Clinton 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.

30-00099D Allegheny Energy Supply Company, Hatfield's Ferry Power Station (800 Cabin Hill Drive, Greensburg, PA 15601) on October 2, 2006 modified to install an SO₃ injection system for additional particulate emission reduction at the Hatfield's Ferry Power Station (Hatfield), in Monongahela Township, **Greene County**. The station is currently in an outage situation and has requested an extension to the stack test deadline contained in the Plan Approval. On this basis, the following change has been made.

1. The third sentence in Condition No. 6, which originally required stack testing to be conducted within 120 days of Plan Approval issuance, has been replaced. The sentence reads as follows: "Stack testing shall be performed no later than March 31, 2007."

30-00099D: Allegheny Energy Supply Company, Hatfield's Ferry Power Station (800 Cabin Hill Drive, Greensburg, PA 15601) on October 2, 2006, to install the SO₃ injection system at the Hatfield's Ferry Power Station in Monongahela Township, **Greene County**. This Plan Approval was extended.

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.

36-05017: Conestoga Wood Specialties Corp. (245 Reading Road, East Earl, PA 17519-0158) on September 27, 2006, for construction of new laboratory coating spray booth and modification to operations in existing Spray Room No. 1 to improve efficiency and increase production in East Earl Township, **Lancaster County**. This operating permit was administratively amended to include Plan Approvals 36-05017C and 36-05017D.

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

42-00158: TIN Inc./Temple Inland/Mt. Jewett Complex (149 Temple Drive, Kane, PA 16735) on October 2, 2006, the Department issued the Title V Operating Permit to operate a Reconstituted Wood Products manufacturing facility, located in Sergeant Township, **McKean County**.

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

V05-005: Philadelphia Prison System (8001 State Road, Philadelphia, PA 19136) on September 26, 2006, to operate a correctional institute in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include 51 boilers and hot water heaters that burn natural gas or No. 2 fuel oil, all are rated under 15 mmBtu/hr. Other air emission sources include a 365 hp natural gas fired chiller, nine emergency generators and a spray booth.

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.

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

06-05089: Birchcraft Kitchens, Inc. (1612 Thorn Street, Reading, PA 19601-1430) on September 28, 2006, to operate a wood furniture manufacturing facility in the City of Reading, **Berks County**. This operating permit was administratively amended to incorporate a change of ownership.

22-05045: The Harrisburg Authority (One Keystone Plaza, Suite 104, Front and Market Streets, Harrisburg, PA 17101-2044) on September 27, 2006, for operation of

their wastewater treatment facility in Swatara Township, **Dauphin County**. This is a renewal of the State-only operating permit.

38-03016: PA Precision Cast Parts, Inc. (521 N. 3rd Street, P. O. Box 1429, Lebanon, PA 17042) on September 29, 2006, for an operating permit to manufacture steel investment castings at their site in the City of Lebanon, **Lebanon County**.

67-03028: Dentsply Trubyte, Inc. (P. O. Box 872, York, PA 17405-0872) on September 26, 2006, for operation of their plant producing artificial teeth, crowns and bridgework in City of York, **York County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Mark Wayner, Facilities Permitting Chief, (412) 442-4174.

30-00040: Cumberland Coal Resources, LP (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370) on September 27, 2006, for a State-only operating permit to operate the Cumberland Mine Coal Preparation Plant in Whiteley Township, **Greene County**.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

42-00181: Elkhorn Field Services, Lewis Run Plant (1371 South Avenue, Bradford, PA 16701) on October 2, 2006, for an Administrative Amendment of the natural minor operating permit, to incorporate the newly applicable permit conditions from Plan Approval No. 42-181C. The facility is located in the Bradford Township, **McKean 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.

30001301 and NPDES Permit No. NA. Dana Mining Company of PA, Inc. (P. O. Box 1170, Morgantown, WV 26507). To revise the permit for the Crowdad Portal B Mine in Dunkard and Perry Townships, **Greene**

County to add underground permit and subsidence control plan area acres. Underground Acres Proposed 742.0, SCP Acres Proposed 742.0. No additional discharges. Application received: January 6, 2006. Permit issued: September 26, 2006.

02851602 and NPDES Permit No. PA0214396. Mon Valley Transportation Center, Inc. (P. O. Box 135, 1060 Ohio Avenue, Glassport, PA 15045-0135). To renew the permit for the Glassport Tipple in Glassport and Lincoln Boroughs, **Allegheny County** and related NPDES permit. No additional discharges. Application received: July 22, 2004. Permit issued: September 28, 2006.

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

Permit No. 39A77SM4 and NPDES Permit No. PA0607878. Bentley Development Company, Inc. (P. O. Box 338, Blairsville, PA 15717). Renewal of NPDES Permit, West Wheatfield Township, **Indiana County**. Receiving stream: UNT to Conemaugh River classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received: August 1, 2006. Permit issued: September 25, 2006.

11960202 and NPDES No. PA0234311. Ebensburg Power Company (2840 New Germany Road, P. O. Box 845, Ebensburg, PA 15931). Permit renewal for reclamation only of a bituminous surface mine in Cambria Township, **Cambria County**, affecting 29.8 acres. Receiving stream: South Branch Blacklick Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 14, 2006. Permit issued: September 25, 2006.

56050106 and NPDES No. PA0249807. Marquise Mining Corporation (3889 Menoher Boulevard, Johnstown, PA 15905). Commencement, operation and restoration of a bituminous surface-auger permit mine in Shade Township, **Somerset County**, affecting 122.5 acres. Receiving streams: Dixie Run; UNTs to Dixie Run classified for the following use: CWF. Encroachment activities are proposed within 100 feet of UNT "A" to Dixie Run, located approximately 4,000 feet southeast of the intersection of SR 0403 and SR 1014. Encroachment activities are to occur within 100 feet of the tributary approximately 50 feet upstream from SR 1014. The encroachment area is to disturb less than 1/2 acre for construction of a sedimentation pond. There are no potable water supply intakes within 10 miles downstream. Application received: May 27, 2005. Permit issued: September 28, 2006.

56050109 and NPDES No. PA0249769. PBS Coals, Inc. (P. O. Box 260, Friedens, PA 15541). Commencement, operation and restoration of a bituminous surface mine in Somerset Township, **Somerset County**, affecting 104.6 acres. Receiving streams: Kimberly Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. The application includes a request to conduct blasting. The permit also approves a stream encroachment to construct erosion and sedimentation control structures within the 100 foot barrier but no closer than 25 feet of a UNT to Kimberly Run. Application received: October 11, 2005. Permit issued: September 28, 2006.

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

16050113 and NPDES Permit No. PA0258075. Timothy A. Keck (93 Carrier Street, Summerville, PA 15864). Commencement, operation and restoration of a bituminous strip operation in Monroe Township, **Clarion County** affecting 19.0 acres. Receiving streams: UNT No. 1 to Sloan Run. Application received: December 22, 2005. Permit Issued: September 26, 2006.

33050108 and NPDES Permit No. PA0258067. Reichard Contracting, Inc. (212 Olean Trail, New Bethlehem, PA 16242). Commencement, operation and restoration of a bituminous strip operation in Ringgold Township, **Jefferson County** affecting 16.5 acres. Receiving streams: Eagle Run. Application received: December 6, 2005. Permit Issued: September 26, 2006.

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

17010106 and NPDES No. PA0243086. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15850). Revision of an existing bituminous surface-auger mine to add rider coal seam and alkaline addition in Woodward Township, **Clearfield County**, affecting 299.0 acres. Receiving streams: UNT to Upper Morgan Run. There are no potable water supply intakes within 10 miles downstream. Application received: August 4, 2006. Revised permit issued: September 26, 2006.

12040101 and NPDES No. PA0243701. Allegheny Enterprises, Inc. (3563 Roller Coaster Road, Corsica, PA 15829). Revision of an existing bituminous surface mine to add 42.3 acres to the permit boundary for the purpose of coal removal and support. This will include some revision to the E & S Plan; requesting an additional 10 acres to be added to their operational area, in Shippen Township, **Cameron County**, affecting 238.5 acres. Receiving streams: UNTs to Finley Run/CWF and UNTs to Bigger Run/H-Q- CWF. Application received: December 1, 2005. Revised permit issued: September 26, 2006.

17050109 and NPDES No. PA0256293. Forcey Coal, Inc. (P. O. Box 225, Madera, PA 16661). Commencement, operation and restoration of a bituminous surface mine in Bloom Township, **Clearfield County**, affecting 116.0 acres. Receiving streams: UNT to Little Anderson Creek; UNT to Bell Run to Muddy Run, classified for the following uses: CWF. Application received: October 11, 2005. Permit issued: September 22, 2006.

17020102 and NPDES No. PA0243191. AMFIRE Mining Co., LLC (One Energy Place, Latrobe, PA 15650). Transfer of an existing bituminous surface mine from Moravian Run Reclamation Co., LLC, (605 Sheridan Drive, Clearfield, PA 16830), located in Penn Township, **Clearfield County**, affecting 34.6 acres. Receiving streams: Bell Run to West Branch Susquehanna River, classified for the following uses: CWF to WWF. There are no potable water supply intakes within 10 miles downstream. Application received: July 31, 2006. Permit issued: September 22, 2006.

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

54900105R3 and NPDES Permit No. PA0594822. Tuscarora Mines & Minerals Corp. (P. O. Box 116, Tuscarora, PA 17982). Renewal of an anthracite surface mine operation and NPDES Permit for discharge of treated mine drainage in Schuylkill Township, **Schuylkill County** affecting 40.0 acres; receiving stream: Schuylkill River. Application received: February 7, 2006. Renewal issued: September 28, 2006.

40663025R4. Pagnotti Enterprises, Inc. (46 Public Square, Suite 600, Wilkes-Barre, PA 18702). Renewal of an existing anthracite surface mine, coal refuse reprocessing and refuse disposal operation in Hazle Township, **Luzerne County** affecting 325.0 acres; receiving stream: none. Application received: February 22, 2006. Renewal issued: September 28, 2006

Coal Applications Denied

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

56020107 and NPDES Permit No. PA0249297. Alverda Enterprises, Inc. (P. O. Box 87, Alverda, PA 15710). Commencement, operation and restoration of a bituminous surface and auger mine and for discharge of treated mine drainage in Conemaugh Township, **Somerset County**, affecting 85.0 acres. Receiving stream: Stonycreek River classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received: September 5, 2002. Permit denied: September 28, 2006.

Noncoal Permits Actions

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

10060302. Waste Management Disposal Services of Pennsylvania, Inc. (1121 Bordentown Road, Morrisville, PA 19067). Commencement, operation and restoration of a large noncoal operation in Clay Township, **Butler County** affecting 42.0 acres. Receiving streams: None. Application received: May 26, 2006. Permit Issued: September 22, 2006.

10960302. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201). Renewal of NPDES Permit No. PA0227200 in Marion Township, **Butler County**. Receiving streams: UNT to North Branch Slippery Rock Creek. Application received: May 1, 2006. Permit Issued: September 28, 2006.

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

4774SM4 and NPDES No. PA0115789. Hanson Aggregates (1900 Sullivan Train, P. O. Box 231, Easton, PA 18040). Renewal of NPDES Permit for continued operation and restoration of a large noncoal (sand and gravel) mining operation, in Fairfield Township, Montoursville Borough, **Lycoming County**, affecting 939.3 acres. Receiving streams: Bennett's Run to Tules Run to West Branch Susquehanna River, classified for the following use: WWF. Application received: July 31, 2006. NPDES renewal issued: September 19, 2006.

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

6276SM1A1C4 and NPDES Permit No. PA0594571. Martin Limestone, Inc. (P. O. Box 550, Blue Ball, PA 17506). Renewal of NPDES Permit for discharge of treated mine drainage in Salisbury Township, **Lancaster County**; receiving stream: UNT to Pequea Creek. Application received: August 10, 2006. Renewal issued: September 26, 2006.

58060849. Kenneth R. Ely (P. O. Box 23, Dimock, PA 18816). Commencement, operation and restoration of a

quarry operation in Dimock Township, **Susquehanna County** affecting 5.0 acres; receiving stream: none. Application received: June 20, 2006. Permit issued: September 26, 2006.

58060829. Tammy Lynn Norton (R. R. 2, Box 135 C, New Milford, PA 18834). Commencement, operation and restoration of a quarry operation in Harford Township, **Susquehanna County** affecting 5.0 acres; receiving stream: none. Application received: April 24, 2006. Permit issued: September 27, 2006.

58900302T and NPDES Permit No. PA0595471. Stateline Quarries, Inc. (R. R. 2 Box 187J, Carbondale, PA 18407). Transfer of an existing quarry operation in Apolaccon Township, **Susquehanna County** affecting 294.4 acres; receiving stream: UNT to Apalachin Creek and Cork Hill Creek. Application received: September 28, 2004. Transfer issued: September 28, 2006.

44030302 and NPDES Permit No. PA0224294. Glenn O. Hawbaker, Inc. (P. O. Box 135, State College, PA 16804). Commencement, operation and restoration of a quarry operation in Armagh Township, **Mifflin County** affecting 110.6 acres; receiving stream: Honey Creek. Application received: February 28, 2003. Permit issued: September 29, 2006.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (73 P.S. §§ 151–161) and 25 Pa. Code § 211.124. 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.

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

07064002. Douglas Explosives, Inc. (P. O. Box 77, Philipsburg, PA 16866). Residential construction project in Logan Township, **Blair County**. Duration of blasting is 360 days. Permit issued: September 28, 2006.

05064002. Guyer Brothers Contracting, Inc. (1441 Salemville Road, New Centerville, PA 16664). Blasting activity permit issued for sewer line project in Bedford Township, **Bedford County**. Blasting activity permit end date is October 30, 2006. Permit issued: September 25, 2006.

31064002. Ralph Hoffmaster Excavation (6502 Stone Creek Ridge Road, Huntingdon, PA 16652). Blasting activity permit issued for new homes and utility project in Oneida Township, **Huntingdon County**. Duration of blasting is 90 days. Permit issued: September 22, 2006.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669.

25064003. Appalachian Geophysical Services, LLC (2659 Star Route 60, P. O. Box 426, Killbuck, OH 44637-0426). Blasting activity for gas and oil exploration in Elk Creek Township, **Erie County**. This blasting activity permit will expire on November 30, 2006. Application received: September 26, 2006. Application issued: September 28, 2006.

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

23064004. N. Abbonizo Contractors, Inc. (1250 Conshohocken Road, Conshohocken, PA 19428) and **KGA Drilling & Blasting**, (1250 Conshohocken Road, Conshohocken, PA 19428). Construction blasting for Rose Tree Park Pump Station and Sanitary Sewer in Upper Providence Township, **Delaware County** with an expiration date of December 1, 2006. Permit issued: September 25, 2006.

23064107. Horst Drilling & Blasting, Inc. (141 Ranck's Church Road, New Holland, PA 17557). Construction blasting for Greenbriar at Thornbury in Thornbury Township, **Delaware and Chester Counties** with an expiration date of September 25, 2006. Permit issued: September 26, 2006.

36064194. Keystone Blasting Service (381 Reifsnnyder Road, Lititz, PA 17543). Construction blasting for a single dwelling in West Hempfield Township, **Lancaster County** with an expiration date of December 30, 2006. Permit issued: September 26, 2006.

45064160. Hayduk Enterprises, Inc. (257 Riverside Drive, Factoryville, PA 18419). Construction blasting for Winona Lake Estates in Middle Smithfield Township, **Monroe County** with an expiration date of October 31, 2007. Permit issued: September 26, 2006.

46064133. American Rock Mechanics, Inc. (7531 Chestnut Street, Zionsville, PA 18092). Construction blasting for **Heatherwood Estates** with an expiration date of December 29, 2007. Permit issued: September 26, 2006.

40064134. Hayduk Enterprises, Inc. (257 Riverside Drive, Factoryville, PA 18419). Construction blasting for Pikes Creek in Dallas Township, **Luzerne County** with an expiration date of December 31, 2006. Permit issued: September 27, 2006.

21064182. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507). Construction blasting for Ritter Steel in Middlesex Township, **Cumberland County** with an expiration date of September 20, 2007. Permit issued: September 28, 2006.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301-303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501–508 and 701–704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483.

TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E36-808: Penn Township Board of Supervisors, 97 North Penryn Road, Manheim, PA 17545 in Penn Township, **Lancaster County**, ACOE Baltimore District.

To fill approximately 7,150 square feet (0.164 acre) of palustrine emergent wetlands within the Chickes Creek (WWF) watershed for the widening of White Oak Road to improve access to a new middle school (Manheim, PA Quadrangle; Latitude: 40° 10' 27", Longitude: 76° 23' 20"; N: 9.0 inches; W: 1.95 inches) and to extend and maintain a 2' by 4' box culvert by 10 feet at the intersection of White Oak Road and Steigel Valley Road (Manheim, PA Quadrangle Latitude: 40° 10' 17"; Longitude: 76° 23' 18") in Penn Township, Lancaster County. The permittee is required to provide 0.16 acre of replacement wetlands onsite.

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

E59-474. Phoenix Resources, Inc., 782 Antrim Road, Wellsboro, PA. 16901. Construction and demolition landfill expansion project, in Duncan Township, **Tioga County**, ACOE Baltimore District (Antrim, PA Quadrangle N: 2.5 inches; W: 2.7 inches).

To place and maintain fill in 4.332 acres of wetlands for the purpose of constructing a lateral expansion to an existing construction and demolition landfill. The wetlands are located within portions of the Babb Creek, Rock Run and Wilson Creek drainages. These streams are classified as CWF streams. The site is located approxi-

mately 1 mile northeast of the small town of Antrim, PA and can be accessed off of SR 3009. Permanent wetland impacts will be mitigated on site with the construction of a 5.16-acre wetland complex.

ENVIRONMENTAL ASSESSMENTS

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

EA67-013: Cindy Huntzberry, U.S. Homes, 10211 Wincopin Circle, Suite 300, Columbia, MD 21044 in Shrewsbury Township, **York County**, ACOE Baltimore District.

To maintain a 500 foot long wetland swale, which allows spring flow from a wetland to bypass a constructed stormwater detention basin in the proposed Russett Farm residential subdivision. The spring flow contributes to a UNT to Deer Creek (WWF). The project is located on the south side of Windy Hill Road in Shrewsbury Township, York County (New Freedom, MD-PA Quadrangle N: 22.0 inches; 5.80 inches and Latitude: 39° 38' 55"; Longitude: 76° 39' 55").

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

EA47-001CO. Brian Kile, 50 Spike Blue Road, Danville, PA 17821, Valley Township, **Montour County**, ACOE Baltimore District.

Project proposes to modify an existing non-jurisdictional dam adjacent to a tributary to Mahoning Creek (CWF) for recreation. The dam is located approximately 2,300 feet west-northwest of the intersection of Spike Blue Hollow Road (T399) and Hess Hill Road (T377) (Millville, PA Quadrangle; N: 3.0", W: 16.5").

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

EA01-009. Kenneth Hughbanks, 3129 Fairfield Road, Gettysburg, PA 17325, Highland Township, **Adams County**, ACOE Baltimore District.

Project proposes to construct, operate and maintain a nonjurisdictional dam in the Lower Marsh Creek watershed (CWF) for recreational and aesthetic purposes. The project will impact approximately 0.0492 acre of palustrine scrub shrub and palustrine emergent wetlands. The dam is located approximately 1,850 feet west of the intersection of SR 116 and Knoxlyn Road (SR 3013) (Fairfield, PA Quadrangle, N: 10.95", W: 10.9").

SPECIAL NOTICES

Certification to Perform Radon-Related Activities in this Commonwealth

In the month of September 2006 the Department of Environmental Protection, under the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the following persons 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-1 Realty Services, Inc.	2879 Pricetown Road Temple, PA 19560	Testing
Christian Balchune Balchune Environmental Testing Syndicate	230 Main Street Duryea, PA 18642	Testing
Jonh Bertone	420 William Street Downingtown, PA 19335	Testing
James Bucciarelli Certified Testing Services, Inc.	474 Easton Road Horsham, PA 19044	Testing
J. L. Camp Inspection Services	6006 Forest Drive Monaca, PA 15061	Testing
Certified Testing Services, Inc.	474 Easton Road Horsham, PA 19044	Mitigation
Andrew Dionne	421 West Chocolate Avenue Hershey, PA 17033	Testing
Stephen Fiorelli	700 Braxton Road Ridley Park, PA 19078	Testing
John Gogal Keystone Inspection Service	P. O. Box 204 Sciota, PA 18354	Testing and Mitigation
James Kline	R. R. 2, Box 193 Selinsgrove, PA 17870	Testing and Mitigation
Richard D. Malin and Associates, Inc.	2075 Haymaker Road Monroeville, PA 15146	Testing
Deborah Mancini-Wilson Safe-Gard Consolidated Inspection Services, Inc.	P. O. Box 748 Ingomar, PA 15127	Testing
Gary Merlo	203 South 8th Street Bangor, PA 18013	Testing
John Moreck	340 Reynolds Street Kingston, PA 18704	Testing
Wesley Morgan AmeriSpec Home Inspections, Inc.	813 Washington Avenue Suite 102 Carnegie, PA 15106	Testing
David Mull	14 Crestmont Court Lititz, PA 17543	Testing
Jeffrey Schlaline	800 Locust Grove Road York, PA 17402	Testing
Diana Vaccarello	P. O. Box 373 Murrysville, PA 15668	Testing
James Wandless	1424 West 30th Street Erie, PA 16508	Mitigation
Charles Williams	101 Wheatland Avenue Shillington, PA 19607	Testing

**Public Hearing for NPDES Permit No.
PAI023906017; Salisbury Township, Lehigh County**

The Department of Environmental Protection (Department) will hold a public hearing to accept comments on Individual NPDES Permit Application No. PAI023906017 for the discharge of stormwater from construction activities at the proposed Salisbury Commercial Commons land development project in Salisbury Township, Lehigh County.

The public hearing will be conducted on Wednesday, November 15, 2006, at 7 p.m. in the Salisbury Township Building, 2900 Pike Avenue, Allentown, PA 18103, by the Department of Environmental Protection, Watershed Management Program, Permitting and Technical Services Section, 2 Public Square, Wilkes-Barre, PA 18711-0790,

(570) 826-2511. The hearing is in response to an application submitted by Posh Properties. The NPDES permit application proposes the discharge of stormwater from construction activities to the Little Lehigh Creek.

The Department requests that individuals wishing to testify at the hearing submit a written notice of intent to Posh Properties Public Hearing, Department of Environmental Protection, Watershed Management Program, Permitting and Technical Services Section, 2 Public Square, Wilkes-Barre, PA 18711-0790. The Department will accept notices up to the day of the hearing. The Department requests that individuals limit their testimony to 10 minutes so that all individuals have the opportunity to testify. The Department can only review comments made regarding NPDES Permit Application No. PAI023906017.

Written copies of oral testimony are requested. Relinquishing of time to others will not be allowed. Individuals attending the hearing will have the opportunity to testify if they so desire; however, individuals who preregister to testify will be given priority on the agenda.

Persons with a disability who wish to testify and require an auxiliary aid, service or other accommodation should contact Christine Domashinski at (570) 826-2511 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department can meet their needs.

The NPDES permit application is available for review at the Department's Northeast Regional Office in Wilkes-Barre. Contact the Records Management Section at (570) 826-2511 to schedule an appointment to review the application. The permit application is also available for review at the Lehigh County Conservation District offices, (610) 391-9583.

For further information, contact Mark Carmon, Northeast Regional Office, (570) 826-2511.

BUREAU OF MINE SAFETY

Approval of Request for Variance

The Department of Environmental Protection (Department), Bureau of Mine Safety (Bureau) has approved Cobra Mining, LLC's request for a variance from the requirements of section 242(c) of the Pennsylvania Bituminous Coal Mine Act (act) at the Dooley Run Mine. This notification contains a summary of this request and the basis for the Department's approval. A complete copy of the variance request may be obtained from Cathy Dunn by calling (724) 439-7469 or from the Bureau's website at <http://www.depweb.state.pa.us/deepminesafety/site/default.asp>.

Summary of the Request: Cobra Mining, LLC requested a variance from section 242(c) of the act to allow for the common ventilation of belt conveyor entry with other entries at the Dooley Run Mine. The proposal accords protections to persons and property substantially equal to or greater than the requirements set forth in the act.

The basis for the Bureau's approval is summarized as follows:

1. The AMR MC-4210 CO Monitoring System will provide advance warning of a developing mine fire originating in the conveyor belt entry. When maintained and operating correctly, this system provides warnings much earlier than the point type heat sensors.
2. Common entries would permit the larger section mantrip and scoops access to belt entry for transportation of personnel and supplies.
3. The operator will maintain a separate isolated intake escapeway that is at a higher air pressure than the belt and common entries.
4. The plan provides for the common entries to serve as an alternate intake escapeway. There will be a total of three separate, isolated escape routes.

This approval is limited to a variance from the requirements in section 242(c) requiring that the belt entry is isolated from other entries. All other terms and requirements of section 242(c) shall remain in effect. Continued authorization for operation under the approval is contingent upon compliance with the measures described in the plan and the following conditions:

1. All mine employees shall be task trained in the AMR MC-4210 CO monitoring system alert and alarm response procedures. These procedures shall also be included in the 8-hour annual retraining.

2. As part of the requirements of section 228, all belt entries, common entries and unfenced roadways shall be preshifted in their entirety.

3. Designated areas shall be established as strategic locations along the belt entry and common entry to determine whether the air is traveling in the proper course and normal volume. This air reading shall be taken by a scientific means (anemometer, chemical smoke tube, velometer).

[Pa.B. Doc. No. 06-2023. Filed for public inspection October 13, 2006, 9:00 a.m.]

Renewal of General Permit No. WMGR038; Renewal and Availability

Under the authority of 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 the Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash, the Department of Environmental Protection (Department) announces the renewal and availability of General Permit No. WMGR038. The general permit is renewed for 10 years.

General Permit No. WMGR038 authorizes the processing, reuse and beneficial use of waste tires, which includes whole tires, tire chips, baled tires, tire shreds and crumb rubber. The permitted processing is limited to the collection, sorting, storage, recapping, cleaning, shredding, chipping, grinding, crumbing, cutting and baling of waste tires. The permitted beneficial use of whole tires, tire chips, baled tires, tire shreds and crumb rubber is limited to use in recapping, as fuel in boilers or other combustion units, in civil engineering practices and as an ingredient in or as a commercial product.

In accordance with 25 Pa. Code § 287.626 (relating to permit renewal), the following operators submitted renewal applications for the general permit:

Carbon Services of Philadelphia, Inc.
52 Fairview Drive
Leighton, PA 18235
Permit No.: WMGR038SE002

Penn Turf, Inc.
R. R. 4 Box 624
Hollidaysburg, PA 16648
Permit No.: WMGR038SC001

Notice requesting comments on the proposed renewal of General Permit No WMGR038, including recommendations for the approval or denial of the renewal applications indicated previously, was published at 36 Pa.B. 3040 (June 17, 2006). During the 30-day public comment period, the Department received comments on the general permit. The Department prepared a Comment and Response Document, which summarizes the comments received and the changes in the final general permit.

Issuance of the renewal of WMGR038SE002 and WMGR038SC001 to Carbon Services of Philadelphia, Inc. and Penn Turf, Inc., respectively, is hereby announced.

General Permit No. WMGR038 can be obtained by contacting the Department of Environmental Protection, Bureau of Waste Management, Division of Municipal and Residual Waste, Rachel Carson State Office Building,

P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381, rhassinger@state.pa.us. The general permit is also accessible on the Department's website at www.depweb.state.pa.us (DEP Keywords: "Public Participation, Participate," then choose "Other Proposals").

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 06-2024. Filed for public inspection October 13, 2006, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Allegheny General Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Allegheny General 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 *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.7.A6 (relating to surgical suites).

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 or 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. 06-2025. Filed for public inspection October 13, 2006, 9:00 a.m.]

Application of Delaware Valley Laser Surgery Institute for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Delaware Valley Laser Surgery Institute has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and 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 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 06-2026. Filed for public inspection October 13, 2006, 9:00 a.m.]

Application of Harrisburg Interventional Pain Management Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Harrisburg Interventional Pain Management Center has requested an exception to the requirements of 28 Pa. Code § 51.6(b) (relating to identification of personnel).

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 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 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 06-2027. Filed for public inspection October 13, 2006, 9:00 a.m.]

Application of Latrobe Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Latrobe Hospital has requested an exception to the requirements of 28 Pa. Code § 107.26 (relating to additional committees).

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 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 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 06-2028. Filed for public inspection October 13, 2006, 9:00 a.m.]

Application of LifeCare Hospitals of Pittsburgh—North for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that LifeCare Hospitals of Pittsburgh—North 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 *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.13.C2 (relating to handwashing stations).

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 or 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. 06-2029. Filed for public inspection October 13, 2006, 9:00 a.m.]

Application of Saint Vincent Health Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Saint Vincent Health Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards) which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.10.H1 (relating to cardiac catheterizations).

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 or 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. 06-2030. Filed for public inspection October 13, 2006, 9:00 a.m.]

Application of UPMC Passavant for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Passavant 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 *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 10.15.B6, 10.15.B7, 10.15.B9, 10.15.B10, 10.15.B13, 10.15.B8 and 10.15.B11.

This request is on file with the Department. Persons may receive a copy of a request for exception by request-

ing 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 or 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. 06-2031. Filed for public inspection October 13, 2006, 9:00 a.m.]

Application of UPMC St. Margaret for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC St. Margaret 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 *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.2.B19 (relating to showers and bathtubs).

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 or 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. 06-2032. Filed for public inspection October 13, 2006, 9:00 a.m.]

Application of UPMC St. Margaret Harmar Outpatient Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC St. Margaret Harmar Outpatient Center has requested an exception to the requirements of 28 Pa. Code §§ 555.3 and 555.4 (relating to requirements for membership and privileges; and clinical activities and duties of physician assistants and certified registered nurse practitioners).

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 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 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 06-2033. Filed for public inspection October 13, 2006, 9:00 a.m.]

Application of Valley Surgical Center, Inc. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Valley Surgical Center, Inc. has requested an exception to the requirements of 28 Pa. Code §§ 551.3 and 555.31(a) (relating to definitions; and to principle).

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 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 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 06-2034. Filed for public inspection October 13, 2006, 9:00 a.m.]

Governor's Advisory Council on Physical Fitness and Sports Committee Meeting

The Governor's Advisory Council on Physical Fitness and Sports Committee will hold a public meeting on Tuesday, October 24, 2006, from 10 a.m. to 3 p.m. at the Pittsburgh Steelers Southside Training Complex, 3400 South Water Street, Pittsburgh, PA 16802.

For additional information, contact Cyndi Malinen, Physical Activity Program Consultant, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA, (717) 346-3975.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Cyndi Malinen, Physical Activity Program Consultant at (717) 346-3975. Speech and/or hearing impaired persons may contact V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 06-2035. Filed for public inspection October 13, 2006, 9:00 a.m.]

Organ Donation Advisory Committee Meeting

The Organ Donation Advisory Committee, established under 20 Pa.C.S. § 8622 (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund), will hold a public meeting on December 6, 2006, from 10 a.m. to 2 p.m. at the Hospital & Healthsystem Association of Pennsylvania, 4750 Lindle Road, Harrisburg, PA 17105.

For additional information, contact Jayme L. Trogus, Public Health Educator, Health Education and Information Program, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA, (717) 787-6214.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) or wish to attend the meeting and require an auxiliary aid should contact Jayme L. Trogus at (717) 787-6214 or for speech and/or hearing impaired persons,

V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 06-2036. Filed for public inspection October 13, 2006, 9:00 a.m.]

Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.3 (relating to definitions).

Loyalhanna Care Center
535 McFarland Road
Latrobe, PA 15650
FAC ID 016702

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 201.17 (relating to location).

Millcreek Community Hospital Transitional Care Unit
5515 Peach Street
Erie, PA 16509

Kindred Hospital Pittsburgh—North Shore
100 Arch Street, Third Floor
Pittsburgh, PA 15212

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 201.17, 205.24(a) and 205.27 (relating to location; dining room; and lounge and recreation rooms).

UPMC Passavant Skilled Nursing Unit
9100 Babcock Boulevard
Pittsburgh, PA 15237-6800

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building).

Shippensburg Health Care Center
121 Walnut Bottom Road
Shippensburg, PA 17257
FAC ID 035002

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a 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. 06-2037. Filed for public inspection October 13, 2006, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Application for Lease of Right-of-Way

The Department of Transportation (Department), under the authority contained in section 2002(c) of The Administrative Code of 1929 (71 P. S. § 512(c)) and 67 Pa. Code § 495.4 (relating to application procedure), gives notice that an application to lease highway right-of-way has been submitted to the Department by the Philadelphia Authority for Industrial Development, 1515 Arch St., 17th Floor, One Parkway Building, Philadelphia, PA 19102 seeking to lease highway right-of-way located at Ridge Avenue and Ferry Road and Kelly Drive, Philadelphia, Philadelphia County for 33,919 sq. ft. + adjacent to LR 067058 (SR 0001) Section 1 for parking.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to Rina Cutler, Deputy Secretary for Administration, Acting District Executive, Engineering District 6-0, Department of Transportation, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, Attention: Amin Jackson, R/W.

Questions regarding this application or the proposed use should be directed to Amin Jackson, R/W, Real Estate Specialist, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, (610) 205-6514.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 06-2038. Filed for public inspection October 13, 2006, 9:00 a.m.]

Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under section of 2003(e)(7) of The Administrative Code of 1929 (71 P. S. § 513(e)(7)), intends to sell certain land owned by the Department.

The following property is available for sale by the Department:

This parcel contains approximately 17,801 square feet of land situated at SR 2007 formerly LR 10132, between stations 65 + 22.00 and 68 + 95.97 Deed Book 1415, Page 0988, Clinton Township, Butler County.

The property will be sold in "as is condition." It has been determined that the land is no longer needed for present or future transportation purposes.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to William J. Young, District Right-of-Way Administrator, Department of Transportation, 2550 Oakland Avenue, Indiana, PA 15701, (724) 357-4808.

ALLEN D. BEIHLER, P. E.,
Secretary

[Pa.B. Doc. No. 06-2039. Filed for public inspection October 13, 2006, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market St., 14th Floor, Harrisburg at 10:30 a.m. To obtain a copy of a regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy.

This schedule is tentative. Contact the Commission at (717) 783-5417 or check its website at www.irrc.state.pa.us for updates.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
57-247	Pennsylvania Public Utility Commission PUC Filing and Reporting Requirements on Local Exchange Carriers	9/28/06	11/2/06
57-245	Pennsylvania Public Utility Commission Alternative Energy Portfolio Standards, Interconnection Standards for Customer-Generators	9/28/06	11/2/06
57-244	Pennsylvania Public Utility Commission Alternative Energy Portfolio Standards	9/28/06	11/2/06

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
50-120	Pennsylvania Securities Commission Rescission of Forms and Other Technical Amendments	10/3/06	11/2/06

ALVIN C. BUSH,
Chairperson

[Pa.B. Doc. No. 06-2040. Filed for public inspection October 13, 2006, 9:00 a.m.]

INSURANCE DEPARTMENT

Children's Health Insurance Program Advisory Council Meeting

The Insurance Department (Department) has scheduled a meeting of the Children's Health Advisory Council (Council) on Thursday, October 26, 2006, at 1 p.m. in the Honors Suite, 1st Floor, Department of Education, 333 Market Street, Harrisburg, PA. The Children's Health Care Act (40 P.S. §§ 991.2301—991.2361) charges the Council with the responsibilities of overseeing outreach activities and evaluating access and quality of service provided to children enrolled in the Children's Health Insurance Program. The public is invited to attend. Persons who need accommodations due to a disability who wish to attend the meeting should contact Barb Seiler, Insurance Department, 1300 Strawberry Square, Harrisburg, PA 17120, (717) 787-4298, at least 24 hours in advance so that arrangements can be made.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-2041. Filed for public inspection October 13, 2006, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule for All Milk Marketing Areas; Over-Order Premium

Under the Milk Marketing Law (31 P.S. §§ 700j-101—700j-1302), that the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on December 6, 2006, 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 the level and duration of the Class I over-order premium. The current over-order premium expires on December 31, 2006.

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 November 10, 2006, 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 November 10, 2006,

notification of their desire to be included as a party. Parties may indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable.

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 November 15, 2006, each party shall file with the Board, in person or by mail, one original and eight copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on November 29, 2006, 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 December 1, 2006, each party 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 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 November 20, 2006.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

KEITH BIERLY,

[Pa.B. Doc. No. 06-2042. Filed for public inspection October 13, 2006, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Acquisition of Stock

A-310800F0010, A-311095F0005 and A-311225F0003. Commonwealth Telephone Company, CTSI, LLC and CTE Telecom, LLC d/b/a Commonwealth Long Distance Company. Joint application of Commonwealth Telephone Company, CTSI, LLC and CTE Telecom, LLC d/b/a Commonwealth Long Distance Company for all approvals under the Public Utility Code for the acquisition by Citizens Communications Company of all of the stock of the joint applicants' corporate parent, Commonwealth Telephone Enterprises, Inc.

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, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before October 30, 2006. 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.

Joint Applicants: Commonwealth Telephone Company, CTSI, LLC and CTE Telecom, LLC d/b/a Commonwealth Long Distance Company

Through and By Counsel: Norman J. Kennard, Esquire, Hawke McKeon Sniscak and Kennard, LLP, 100 North Tenth Street, P. O. Box 1778, Harrisburg, PA 17105

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-2043. Filed for public inspection October 13, 2006, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by November 6, 2006. 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-00123163. Andres Rolando Hernandez Diaz (345 West Elm Street, Hazleton, Luzerne County, PA 18201)—persons, in paratransit service, from Hazleton, Luzerne County to Pittston Township, Luzerne County, Pennsylvania, and return.

A-00123162. Freddy Colon-Tejeda (707 Alter Street, Hazleton, Luzerne County, PA 18201)—persons, in paratransit service, from Hazleton, Luzerne County to Pittston, Luzerne County, Pennsylvania, and return.

A-00123154. Brandon Michael McCandless (520 Dellinger Road, Mount Wolf, York County, PA 17347)—persons, in limousine service, from the Counties of York, Lancaster and Dauphin, to points in Pennsylvania, and return.

A-00123167. I Beam, LLC (337 West State Street, Media, Delaware County, PA 19063), a Pennsylvania Limited Liability Company—persons upon call or demand, in the City of Chester, the Boroughs of Aldan, Brookhaven, Chester Heights, Clifton Heights, Collingdale, Colwyn, Darby, Eddystone, Folcroft, Folsom, Glenolden, Marcus Hook, Media, Morton, Norwood, Parkside, Prospect Park, Ridley Park, Rose Valley, Rutledge, Sharon Hill, Swarthmore, Trainer, Upland, and Yeadon, and in the Townships of Aston, Bethel, Chadds Ford, Chester, Concord, Darby, Edgmont, Lower Chichester, Middletown, Nether Providence, Ridley, Springfield, Thornbury, Tinicum, Upper Chichester and Upper Providence, all in Delaware County. *Attorney:* Robert T. Seiwell, 337 West State Street, Media, PA 19063.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under the application.

A-00123147. A Five Star Limousine Service, Inc. (910 Sheraton Drive, Mars, Allegheny County, PA 16046), a corporation of the Commonwealth—persons, in limousine service, between points in this Commonwealth; which is to be a transfer of the limousine right authorized under the certificate issued at A-00117754, Folder 1 to Chareani, Inc., t/d/b/a All Occasion Limousine, a corporation of the Commonwealth, subject to the same limitations and conditions. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-2044. Filed for public inspection October 13, 2006, 9:00 a.m.]

Telecommunications

A-311069F7033. South Canaan Telephone Company and South Canaan Cellular Communications, LP. Joint petition of South Canaan Telephone Company and South Canaan Cellular Communications, LP for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

South Canaan Telephone Company and South Canaan Cellular Communications, LP, by its counsel, filed on September 26, 2006, 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 South Canaan Telephone Company and South Canaan Cellular Communications, LP 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. 06-2045. Filed for public inspection October 13, 2006, 9:00 a.m.]

Telecommunications

A-310557F7002. The United Telephone Company of Pennsylvania d/b/a Embarq and Access Point, Inc. Joint petition of The United Telephone Company of Pennsylvania d/b/a Embarq and Access Point, Inc. for approval of a master interconnection, collocation and resale agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Embarq and Access Point, Inc., by its counsel, filed on September 26, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a master interconnection, collocation and resale 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 The United Telephone Company of Pennsylvania d/b/a Embarq and Access Point, 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. 06-2046. Filed for public inspection October 13, 2006, 9:00 a.m.]

Telecommunications Services

A-311425F0002AMA. Pelzer Communications Corporation. Application of Pelzer Communications Corporation for approval to offer, render, furnish or supply telecommunications services as a reseller of competitive local exchange carrier services to the public in the service

territory of the United Telephone Company of Pennsylvania t/a Embarq Pennsylvania.

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, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before October 30, 2006. 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: Pelzer Communications Corporation

Through and By Counsel: Lance J. M. Steinhart, Esquire, Lance J. M. Steinhart, P. C., 1720 Windward Course, Suite 250, Alpharetta, GA 30005

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-2047. Filed for public inspection October 13, 2006, 9:00 a.m.]

STATE BOARD OF NURSING

Bureau of Professional and Occupational Affairs v. Kristie Oldfield; Doc. No. 1054-51-05

On April 12, 2006, Kristie C. Oldfield, unlicensed, of York, York County, was ordered to cease and desist from any practice of nursing in this Commonwealth and assessed a civil penalty of \$3,000 based on findings she used the words practical nurse, licensed practical nurse or the letters PN or LPN in connection with her name when she was not duly licensed to practice and she furnished, sold or obtained by fraud or misrepresentation a record of any qualification required for a license.

Individuals may obtain a copy of the adjudication by writing to Carmen L. Rivera, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represent the final State Board of Nursing (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 the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

JOANNE L. SORENSON, R. N., MS,
Chairperson

[Pa.B. Doc. No. 06-2048. Filed for public inspection October 13, 2006, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v.
Keri B. Poulicakos, LPN; Doc. No. 0865-51-06**

On July 3, 2006, Keri B. Poulicakos, license no. PN256778L of Pennsburg, Montgomery County, had her practical nursing license automatically suspended based on findings she was convicted of a misdemeanor under the Controlled Substance, Drug, Device and Cosmetic Act.

Individuals may obtain a copy of the adjudication by writing to Carmen L. Rivera, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represent the final State Board of Nursing (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 the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

JOANNE L. SORENSEN, R. N., MS,
Chairperson

[Pa.B. Doc. No. 06-2049. Filed for public inspection October 13, 2006, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v.
Diane M. Vesay, LPN; Doc. No. 0795-51-06**

On August 28, 2006, Diane M. Vesay, LPN, license number PN-254021-L, of Allentown, Lehigh County, was indefinitely suspended, based upon her failure to submit to a mental and physical examination.

Individuals may obtain a copy of the adjudication by writing to Thomas A. Blackburn, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represent the final State Board of Nursing (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 the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

JOANNE L. SORENSEN, R. N., MS,
Chairperson

[Pa.B. Doc. No. 06-2050. Filed for public inspection October 13, 2006, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.


Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:
 The payment date specified in the contract.
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
 PA Department of Community and Economic Development
 374 Forum Building
 Harrisburg, PA 17120
 800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services Location: Harrisburg, Pa. Duration: 12/1/93-12/30/93 Contact: Procurement Division 787-0000	———— ③ Contract Information ———— ④ Department ———— ⑤ Location ———— ⑥ Duration
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⑦ (For Commodities: Contact:) Vendor Services Section
 717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.

② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.

③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.

④ Department: State Department or Agency initiating request for advertisement.

⑤ Location: Area where contract performance will be executed.

⑥ Duration: Time estimate for performance and/or execution of contract.

⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.
 (For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

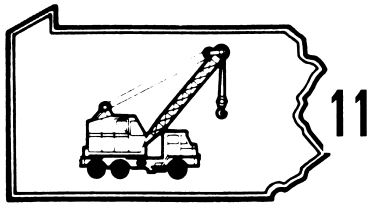
DO BUSINESS WITH STATE AGENCIES

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. The bureau is, by law, the central repository for all state contracts over \$5,000. Contract Specialists can supply you with descriptions of contracts, names of previous bidders, pricing breakdowns and other information. They can also direct you to the appropriate person and agency looking for your product or service. Copies of state contracts are also available. (Duplicating and mailing costs may apply). For more information, visit us online at www.patreaury.org.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania Treasury Department
 201 Finance Building
 Harrisburg, PA 17120
 Phone: (717) 787-2990 or 1-800-252-4700
 Fax: (717) 772-0977

ROBERT P. CASEY, Jr.,
State Treasurer

SERVICES



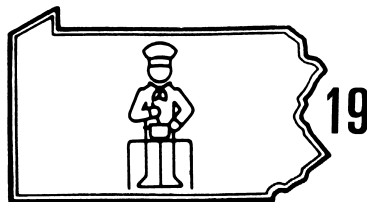
Demolition—Structural Only

067424 Demolition and removal of structures on approximately 6 parcels.

Department: Transportation
Location: Dekalb Street, Bridgeport Borough
Duration: OPEN
Contact: Linda Bunt, 610-205-6784

80-B18 Demo The Pennsylvania Department of Transportation will be accepting sealed bids for the demolition and removal of both commercial and residential structure located adjacent to State Route 0026 (at the intersection of SR 26 and Interstate 80) in Spring Township, Centre County for the following properties: 1294 Jacksonville Road, Bellefonte, PA; 1190 Jacksonville Road, Bellefonte, PA; 1223 Jacksonville Road, Bellefonte, PA 16823; 1236 Jacksonville Road, Bellefonte, PA 16823 SR 26 (at the intersection with I-80), Bellefonte, Pa. Bidding contractors must be on the Pennsylvania Department of Transportation's Contractor Prequalified List as a prime contractor approved for building demolition, work code classification "B". Asbestos containing materials have been removed from the structures. Contractors will be required to demolish or remove all structures, outbuildings and site improvements. The contractor will also be required to comply with all Local, State, and FHWA regulations. For bid information, specifications, and further information, please contact Mr. Gary Bojalad, District 2-0 Property Manager at 814-765-0447.

Department: Transportation
Location: Spring Township, Centre County, Intersection of SR26 & I-80
Duration: 60 days from Notice to Proceed
Contact: Gary Bojalad, (814) 765-0447



Food

CN00023117 Miscellaneous frozen foods to be delivered for the months of November and December 2006.

Department: Public Welfare
Location: Torrance State Hospital, Dietary Department, State Route 1014, Torrance, PA 15779
Duration: November and December 2006
Contact: Kristina Meighan, 724 459 4678

HUNT-MILK-OCT06 Milk Products; Milk 2 percent bulk and 1/2 pint containers, Skim Milk. Milk must be bid according to the Milk Marketing Board, there must be 10 days left on the sell-by-date on all milk products. Bid due date: 10/23/2006. Bid due time: 1:00 pm.

Department: Corrections
Location: SCI-Huntingdon, 1100 Pike Street, Huntingdon, PA 16654-1112
Duration: September 26 through October 20th, 2006
Contact: Phyllis K. Norris, PA, 814-643-2400, x303

CN00023111 Frozen whole eggs and frozen egg whites to be provided to SCI Greene, Waynesburg, PA.

Department: Corrections
Location: SCI Greene, 169 Progress Dr., Waynesburg, PA 15370
Duration: Bid opening: 10/10/06
Contact: Laura Mohr, Purchasing Agent, 724/852-5534

CN 00023145 Vendor will provide food stuffs including, but not limited to: meat, poultry, seafood, bakery, dairy, milk, frozen vegetables and fruit products to the State Correctional Institution at Mahanoy, 301 Morea Road, Schuylkill County, Mahanoy Township, Frackville, PA. BID package to be requested in writing to the purchasing agent of the institution. Bid due date: 10/10/06 3PM.

Department: Corrections
Location: State Correctional Institution at Mahanoy, 301 Morea Road, Frackville, PA 17932
Duration: October 10, 2006 to December 10, 2006
Contact: Dawn M. Troutman, Purchasing Agent, (570) 773-2158

Frozen Eggs The liquid whole eggs must be processed from shell eggs of domesticated chickens. The liquid whole eggs must be egg whites and yolks in natural proportion as broken from the shell eggs. The shell eggs must have been produced in the United States. The commodity must be produced and processed in a Federal establishment, be accurately marked and/or labeled, and meet all regulatory requirements. acceptable pack size - 6 - 5 lb/case

Department: Corrections
Location: SCI Huntingdon, 1100 Pike Street, Huntingdon, PA 16654
Duration: November 2006
Contact: Susan Barben, 814-643-2400 ext. 305

Ground Beef Freshly frozen raw 100% beef, ground to a moderately fine consistency. Finished product may have up to 20% soy protein* added and fat content shall not exceed 20%. Meat from head, tongue, heart, esophagus, other organ meats, or straight (added) fat is not acceptable. Meat derived from the advanced meat recovery system and/or fatty reduced beef products is not permitted. Sodium content not to exceed 80 mg per 4 oz portion. Acceptable pack size - 5 lb to 10 lb units - 50 to 60 lb/case.

Department: Corrections
Location: SCI Huntingdon, 1100 Pike Street, Huntingdon, PA 16654
Duration: October/November 2006
Contact: Susan Barben, 814-643-2400 Ext. 305

HUNT-PRODUCE-OCT06 Fresh fruit; Apples, bananas, blueberries, cantaloupes, grapefruit, nectarines, oranges, peaches, pears, plums, strawberries, tangerines, watermelon, etc., FRESH VEGETABLES; Broccoli, cabbage, carrots, cauliflower, celery, corn, cucumbers, lettuce, onions, peppers, potatoes, radishes, squash, tomatoes, etc. BID DUE DATE: 10/16/06 1:00 PM

Department: Corrections
Location: SCI-Huntingdon, 1100 Pike Street, Huntingdon, PA 16654
Duration: September 26th through October 16, 2006.
Contact: Phyllis K. Norris, PA, 814-643-2400, x303

CN00023097 Various frozen beef and poultry commodities to be delivered to SCI Greene in Waynesburg, PA - Exact quantities and specifications may be obtained by contacting facility.

Department: Corrections
Location: SCI Greene, 169 Progress Dr., Waynesburg, PA 15370
Duration: Bid opening 10/05/06; deliveries 10/17/06 and 12/05/06.
Contact: Laura Mohr, Purchasing Agent, 724/852-5534

CN 00023074 Vendor will provide food stuffs including, but not limited to: meat, poultry, seafood, bakery, dairy, milk, frozen vegetables and fruit products to the State Correctional Institution at Mahanoy, 301 Morea Road, Schuylkill County, Mahanoy Township, Frackville, Pa. Bid package to be requested in writing to the purchasing agent of the institution. Bid due date: 10/5/06 @ 3PM

Department: Corrections
Location: State Correctional Institution at Mahanoy, 301 Morea Road, Frackville, PA 17932
Duration: October 5, 2006 - December 5, 2006
Contact: Dawn M. Troutman, Purchasing, (570) 773-2158

CN00023216 BREAD and rolls, fresh: Wheat bread, White bread, hotdog rolls, hamburger rolls, and hoagie rolls. Bid opening: 10/17/06, 2:30 p.m. All vendors interested in bidding must be a registered vendor with the Commonwealth of Pennsylvania, and possess a Vendor ID number. Bid packages may be requested via e-mail jcalland@state.pa.us, or via fax (814)355-6026.

Department: Corrections
Location: SCI-Rockview, Route 26, Box A, Bellefonte, PA 16823
Duration: 11/01/06 - 11/30/06
Contact: Janine E. Calland, PA2, 814-355-4874, x425

CN00023208 Milk, 2%, 1/2-pint and 5-gallon dispenser bag, homogenized and pasteurized, approximately 1645 quarts/delivery. Vendors interested in bidding must be registered with the Commonwealth of Pennsylvania and possess and Vendor ID number. Invitations to Bid may be requested via fax (814) 355-6026, or via e-mail jcalland@state.pa.

Department: Corrections
Location: SCI-Rockview, SR 26, Box A, Bellefonte, PA 16823
Duration: 11/02/06 - 11/30/06
Contact: Janine E. Calland, PA2, 814-355-4874, X425

Produce - November 2006 Fresh Fruits/Vegetables - Apples, bananas, grapefruit, oranges, pears, broccoli, cabbage, carrots, cauliflower, celery, cucumbers, onions, peppers, potato, radishes, salad mix, tomatoes, etc. Two deliveries per week for the month of November 2006.

Department: Corrections
Location: State Correctional Institution at Smithfield, 1120 Pike Street, Huntingdon, PA 16652
Duration: November 1, 2006 through November 30, 2006.
Contact: Susan Barben, Purchasing Agent, 814-643-2400 ext. 305

6500-195 Frozen meat products, frozen egg products and frozen waffles for delivery Nov and Dec 2006 to the State Correctional Institution at Retreat, 660 State Route 11, Hunlock Creek, Pa. 18621. Bid Opening Oct 18, 2006 at 2PM in the Purchasing Office of the State Correctional Institution at Dallas, 1000 Follies Road, Dallas, Pa 18612.

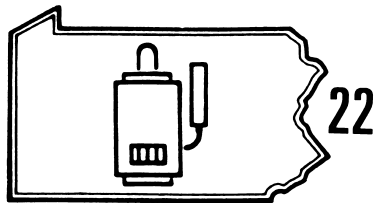
Department: Corrections
Location: State Correctional Institution at Retreat, 660 State Route 11, Hunlock Creek, PA 18621
Duration: Oct 18, 2006 to Nov 30, 2006
Contact: Barbara Swiatek, 570-674-2717

CN00023078 Vendor to provide and maintain dispensing units and bag in box syrup for 100% juice beverages. Bid opening date and time is October 11, 2006 @ 11 am.

Department: Corrections
Location: State Correctional Institution at Albion, 10745 Route 18, Albion, PA 16475
Duration: November 1, 2006 through June 30, 2007
Contact: Lesley S. Hill, 814-756-5778

CN00023137 Foodstuffs, including but not limited to meat, fish, poultry, (including turkey products), frozen vegetables, fresh eggs, frozen liquid egg products, cheeses, margarine redds & margarine bulk, waffles, frozen novelties, and protein alternative products. Contract Period November 1 to 15, 2006. Bid package available from Purchasing Office at the Institution. Due date for bids - October 19, 2006, 2PM.

Department: Corrections
Location: State Correctional Institution - Frackville, 1111 Altamont Boulevard, Frackville, PA 17931
Duration: November 1 to 15, 2006
Contact: Mary Lou Neverosky, Purchasing Agent, 570/773-2158, Ext.419



HVAC Services

CN00023051 Electrical maintenance and repair - emergency and routine for Cumberland County at 540 West North Street Carlisle and 8 stockpiles in county. All bidder must attend prebid meeting September 27 at 1:00 at 540 West North Street Carlisle. Bid opening is October 4, 2006 at 1:00 p.m. Contact per for quote is Cathy Grafmyer at 243-5414 Ext 322 or Barry Strock at 243-5414 ext 303.

Department: Transportation
Location: Cumberland Co
Duration: 1 year with option for 4 (four) 1 (one) year renewals
Contact: Cathy Grafmyer, 717-243-5414 ext 322

CN00023148 Plumbing services for PennDOT Fulton County at the locations: Crystal Springs Rest Area, Warfordsburg Rest Area and McConnellsburg Maintenance Building. Quantities are estimated.

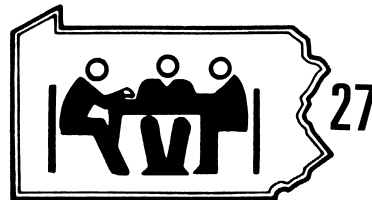
Department: Transportation
Location: Crystal Springs, Warfordsburg and McConnellsburg PA
Duration: 3 Years
Contact: Dennis L. Douglas, 717-485-3515

CN00023060 The Department of Conservation and Natural Resources' Delaware Forest District #19 Office requires the services of a heating and cooling contractor to provide semi-annual servicing and "as needed" servicing of two roof top heating and cooling units at their district office located in Swiftwater, Pennsylvania (Pocono Township, Monroe County). In order to be awarded a state contract, interested vendors must be registered and have a registered vendor number. To register and obtain a number, call CVMU at 1-866-775-2868 or online at www.vendorregistration.state.pa.us. Bid documents are available for download on the DGS website. BID opening: 10/12/06 - 2:00 PM

Department: Conservation and Natural Resources
Location: DCNR Bureau of Forestry, Forest District #19 Office, HC-1, Box 95-A, Swiftwater, PA 18370
Duration: The contract shall commence upon execution and receipt of Purchase Order and Notice to Proceed letter, and terminate June 30, 2007.
Contact: Gloria Strawser, 717-783-0733

CN00022782 Electrical maintenance and repairs to PennDOT stockpiles located in Venango County per specifications in bid package.

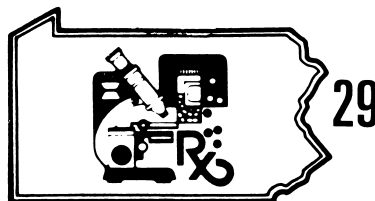
Department: Transportation
Location: 1460 Pittsburgh Road Franklin, PA 16323
Duration: Two years with three one year renewals
Contact: Rodney Young 814-432-3115



Lodging/Meeting Facilities

CN00023176 Office of Attorney General All Agent Conference March 13-15, 2007. Conference to be held with in 25 miles of downtown Harrisburg, Strawberry Square. Block of hotel rooms needed March 13 and 14, 2007; double approx. 123 each night and single approx. 52 each night. Parking to be included for overnight accommodations. Meeting room to seat approx. 300 people classroom style with registration area set-up outside of meeting room on March 13. Meeting room to be available March 13, NOON-5:00pm and March 15, 8:00 am to NOON. Break-out rooms (4) to seat approx. 75 people classroom style to be available March 14, 8:00am-5:00pm. LCD projector/screen and easel, pad, makers optional if required. Lunch to be provided to approx. 300 people on March 14, at NOON; menu to be selected.

Department: Attorney General
Location: With in 25 miles of downtown Harrisburg, Strawberry Square.
Duration: March 13 through 15, 2007
Contact: Tammy Gutshall, PA, 717-787-4745



Medical Services

CN00023196 Contractor to provide Outpatient Electro-Convulsive Therapy (ECT)(includes necessary monitoring) for single and multiple seizures including treatment professional fee, hospital facility charge, anesthesia for ECT treatment and drugs for Warren State Hospital patients.

Department: Public Welfare
Location: Warren State Hospital, 33 Main Dr., N. Warren, PA 16365-5099
Duration: 01/01/2007 - 12/31/2007
Contact: Ms. Bobbie Muntz, PA III, 814-726-4496

CN00023185 Contractor shall provide specialized dental services to include, but not limited to, root canals, temporary fillings, permanent composite and amalgam fillings, crowns for the residents of the Loysville Youth Development Center, 10 Opportunity Drive, Loysville, PA.

Department: Public Welfare
Location: Loysville Youth Development Center, 10 Opportunity Drive, Loysville, PA 17047
Duration: 1/1/07 through 12/31/09
Contact: Nikki Koser, Purchasing Agent, (717) 789-5508

CN00023092 Contractor to provide registered nurses and licensed practical nurses on an as needed basis, various shifts, at the State Correctional Institution - Frackville, 1111 Altamont Boulevard, Frackville, PA 17931. Bid Opening October 12, 2006, 2PM.

Department: Corrections
Location: State Correctional Institution - Frackville, 1111 Altamont Boulevard, Frackville, PA 17931
Duration: Anticipated start date - November 1, 2006 to June 30, 2009.
Contact: Mary Lou Neverosky, Purchasing Agent, 570/773-2158M EXT. 419

CN00023186 Contractor shall provide 100% juices/blends in flavors apple, grape, mixed fruit, and orange juice and 10% juice punches in flavors fruit punch, grape, green apple, hawaiian blue, kiwi/strawberry, and mango banana passion for the Loysville Youth Development Center, Loysville, PA. Contractor will be responsible to provide dispensing unit.

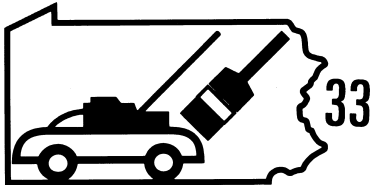
Department: Public Welfare
Location: Loysville Youth Development Center, 10 Opportunity Drive, Loysville, PA 17047
Duration: 11/1/06 through 6/30/07
Contact: Nikki Koser, Purchasing Agent, (717) 789-5508

CN00023187 Contractor shall provide 100% juices/blends in flavors apple, grape, mixed fruit, and orange juice and 10% juice punches in flavors fruit punch, grape, green apple, hawaiian blue, kiwi/strawberry, and mango banana passion for the New Castle Youth Development Center, New Castle, PA. Contractor will be responsible to provide dispensing unit.

Department: Public Welfare
Location: New Castle Youth Development Center, 1745 Frew Mill Road, New Castle, PA 16101
Duration: 11/1/06 through 6/30/07
Contact: Nikki Koser, Purchasing Agent, (717) 789-5508

CN00023184 Contractor shall provide child psychiatric treatment to adjudicated residents at the New Castle Youth Development Center, 1745 Frew Mill Road, New Castle, PA. Hours per week will be approximately 24. Physician provider must be board certified in psychiatry, preferably in child/adolescent psychiatry. If board certification is not in child/adolescent then the physician must have experience in providing psychiatric services to adjudicated/delinquent youth in an institutional setting.

Department: Public Welfare
Location: New Castle Youth Development Center, 1745 Frew Mill Road, New Castle, PA 16101
Duration: 12/1/06 through 6/30/09.
Contact: Nikki Koser, Purchasing Agent, (717) 789-5508



Property Maintenance

CN00023193 Garage door preventative maintenance and repair - emergency and routine service and repair to existing overhead doors and related operating hardware (6 at 540 West North Street Carlisle and 2 at stock pile on Ayres Ave off 10th Street Lemoyne) for a total of 8 doors. Preventative service will be twice a year with emergency service 365 days a year 24 hours a day with in 2 hours of notification. Bid opening will be Thursday October 12, 2006 at 1:00 at PennDot 8-2 540 West North Street Carlisle, PA. You may call Barry Strock for to set up site inspection 717-243-5414 Ext 303.

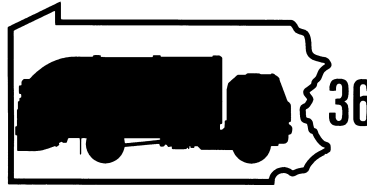
Department: Transportation
Location: 540 West North Street, Carlisle, PA.; Ayres Ave. off 10th Street, Lemoyne
Duration: 2 years with option of three one year renewals.
Contact: Catherine Grafmyer, 717-243-5414 ext 322

PR 30202095 The Bid is to perform snow and ice removal as requested in those areas set forth in the bid. The contractor will be responsible for providing all labor, equipment, and supplies for snow and ice removal at the Lebanon County Assistance Office, 625 S. 8th Street, Lebanon, PA 17042. The Opening Bid date is 10/20/2006 at 2:00 PM. Prospective vendors must register with the Integrated Enterprise System (IES) at www.vendorregistration.state.pa.us or by calling the toll free number 1-866-775-2868. DPW utilizes the information contained in the vendor master file for its procurement activities. Registered vendors who need to update or change the existing information in this file must contact IES and provide the changes or updates to IES. It is the Vendor's responsibility to contact IES for changes, as DPW is unable to change vendor information. If you fail to update or change information, you may not receive requested bid information. Please provide the following information when requesting bids: Name of Vendor, Address, Phone Number, Point of Contact (and their phone number) and Vendor Number. All Bids must arrive prior to the Bid opening date and time to be considered, and become property of the Commonwealth once submitted.

Department: Public Welfare
Location: Lebanon County Assistance Office, 625 S. 8TH Street, Lebanon, PA 17042
Duration: 5 years
Contact: William E. Funk Jr., 717-705-3917

4500364588 Provide full system service and maintenance to the fire suppression system at the Farm Show Complex in Harrisburg, PA, email mmesarisstate.pa.us to request a bid package. Please include your company's name and complete mailing address.

Department: Agriculture
Location: Farm Show Complex, Harrisburg, PA
Duration: One year with an option to renew for two one year periods.
Contact: Mike Mesaris, 717-787-5674



Sanitation

CN00023001 Removal of trash and refuse at the Air National Guard facility at Harrisburg International Airport on a weekly basis. For a copy of the bid package please fax your request to 717-861-2932 or e-mail to the address below. Bid opening will be Thursday, October 5, 2006 at 2:00 P.M.

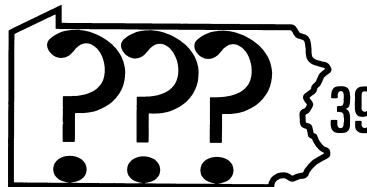
Department: Military Affairs
Location: PA Air National Guard, Harrisburg International Airport, Middletown, PA
Duration: 11/1/2006 - 6/30/2009
Contact: Glenda Nagle, 717-861-2116



Security Services

PR30201246 Provide and install a supervisory alarm system to monitor A/C water pump failure, water flow, water level, water oxygen level and line pressure for PA Fish & Boat Commission, Corry State Fish Hatchery, 13365 Route 6, Corry, PA 16407 as per drawing and specification. Bid due date: October 16, 2006 - 2:30 PM.

Department: Fish and Boat Commission
Location: PA Fish and Boat Commission, Corry State Fish Hatchery, 13365 Route 6, Corry, PA 16407
Duration: Prior to 6/30/07
Contact: Jennie Struble, 814-359-5131



Miscellaneous

UPHOLSTERY-01-PB Miscellaneous Upholstery Equipment and Supplies - sewing machine, needles, chair frames, upholstery tools, material/fabrics, etc. Items will be put out on bid. The bid opening date will be Oct. 16, 2006.

Department: Corrections
Location: State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, PA 17866
Duration: Bid opening date will be Oct. 16, 2006. Materials needed to start up the new upholstery shop in our Education Department.
Contact: Louise A. Cuff, Purchasing Agent, (570) 644-7890, Ext. 143

CN00023119 The laser engraver ("Engraver") offered in response to this Invitation For Bids must be capable of creating high quality, finely detailed signs, name plates, badges, placards, and items of a similar nature. Specifically, the Engraver must be capable of producing both professional quality lettering and detailed vector images. Bid opening date: October 5, 2006. Bid opening time: 2:00 PM. Contact information: Carol Cramer 717-705-6068.

Department: General Services
Location: DGS Bureau of Publications, 110 South 17th Street, Harrisburg PA 17104-1123
Contact: Carol Cramer, 717-705-6068

CN00023086 The Department of Transportation in Chester County will be accepting bids for 2 storage tanks for storing between 10,000 to 10,500 gallons of salt brine. Anyone interested in a bid package can contact Lillian Frank at 610-436-1914.

Department: Transportation
Location: Locations will be indicated on bid package.
Contact: Lillian Frank, Purchasing Agent, 610-436-1914

EBD-GLI-06 EBD-GLI-06 Group Life Insurance Benefits: The Office of Administration is seeking qualified firms(s) in submitting proposals in response to the Office of Administration's Request for Proposal (RFP) for group life insurance benefits for permanent full-time and part-time employees. The Contractor will be expected to administer the group life insurance program for active employees subject to the rules and regulations promulgated by the Office of Administration pursuant to all relevant sections of Act 229 of 1968, amended by Act 192 of 1984. RFP packages are available at <http://www.dgsweb.state.pa.us/comod/main.asp>. All questions regarding the RFP must be submitted in writing by October 25, 2006 at 12:00 PM, to the attention of Tim Pucino at tpucino@state.pa.us. PROPOSALS WILL BE AVAILABLE ON OCTOBER 6, 2006. Proposals must be received no later than 12:00 PM December 4, 2006 in Room 520 Finance Building, Harrisburg.

Department: Office of Administration/Executive Offices
Location: 513 Finance Building, Harrisburg, PA 17120
Duration: Three years with two optional extensions of one year each
Contact: Tim Pucino, 717-705-5693

CN00023094 Correctional Industries, Commissary Distribution Division is seeking proposals to provide professional services to add an additional loading dock to the existing loading dock and encasing entire dock and placing ballards and dock plates. The Issuing Office will be holding a mandatory pre-bid conference and site visit at CI Mahanoy on Tuesday, October 10, 2006 from 10am-12pm. The purpose of these conference is to provide opportunity for clarification of the RFQ. In view of the limited facility availability for the conference/site visit, Offerors should limit their representation to two (2) individuals per Offeror. Attendance at the site visit and conference is mandatory. Interested contractors must attend the site visit and conference. Failure to attend the site visit and prebid conference at the institution, shall disqualify an Offeror from consideration for any contract to be awarded, and if bid is submitted will be disqualified for no show. Please fax or e-mail Sonya Schurtz sschurtz@state.pa.us, fax (717-731-7008) on your company letterhead, the following information by the time specified in the calendar of events. This information is needed to arrange for gate clearances: The names of the attendees, driver license number for all attendees, company name.

Department: Corrections
Location: Correctional Industries Mahanoy Commissary Distribution Center, 301 Morea Road, Frackville, PA 17931
Duration: All applicants register by the close of business October 4, 2006
Contact: Sonya Schurtz, 717-731-7134 x3018

RFP 4R-01 The Pennsylvania Department of Transportation (PennDOT) is seeking through RFP No. 4R-01, "State Route 309, Section 104 Intelligent Transportation System (ITS)", to acquire the services of a contractor to provide an expansion of Engineering District 6-0's Traffic & Incident Management System. This design/build project includes the design, procurement, installation, integration, testing and training of the ITS field elements, communications system, and required modifications at the Engineering District 6-0 Traffic Control Center (TCC) to provide an integrated and fully functional system. Proposals are due at the issuing office by 3:00 p.m. on November 21, 2006. Check back often to this DGS website (www.dgs.state.pa.us). Updates, changes and all other information pertinent to this RFP will be posted at this location as they occur.

Department: Transportation
Location: PennDOT Engineering District 6-0
Duration: Seventy-two (72) months from Notice to Proceed.
Contact: Barry J. Basom, 717-783-3931

CN00023190 The Department of Public Welfare, Office of Children Youth and Families, Information Data Management Unit is seeking bidders to qualify for multi-step IFB CN00023190. This announcement is for Phase-One Technical Portion of the multi-step process in accordance with DGS Field Procurement Handbook M215.3. Vendors interested should request copies of the multi-step IFB from the DPW Procurement contact listed in this advertisement. Prospective vendors must register with the Integrated Enterprise System (IES) at www.vendorregistration.state.pa.us or by calling the toll free number 1-866-775-2868. DPW utilizes the information contained in the vendor master file for its procurement activities. Registered vendors who need to

update or change the existing information in this file must contact IES and provide the changes or updates to IES. It is the vendor's responsibility to contact IES for changes, as DPW is unable to change vendor information. If you fail to update or change information, you may not receive requested bid information. Please provide the following information when requesting bids: Name of Vendor, Address, Phone Number, Point of Contact (and their phone number) and Vendor Number. All Bids must arrive prior to the Bid opening date and time to be considered, and become property of the Commonwealth once submitted.

Department: Public Welfare
Location: Harrisburg, PA
Duration: One Year with options for 4 one-year renewals
Contact: David E.Kern, 717-783-9281

CN00023093 Vendor to provide dental supplies. Bid opening date and time is October 4, 2006 at 11:00 am.

Department: Corrections
Location: State Correctional Institution at Albion, 10745 Route 18, Albion, PA 16475
Duration: One time delivery.
Contact: Lesley S. Hill, 814-756-5778

RFP CN00020094 This request for proposal (RFP) provides to those interested in submitting a proposal for the subject procurement ("Offerors") sufficient information to enable them to prepare and submit a proposal for the Pennsylvania Department of Education (PDE) consideration on behalf of the Commonwealth of Pennsylvania ("Commonwealth") to satisfy a need for a Pennsylvania Information Management System (PIMS) ("Project"). The Pennsylvania Department of Education ("Issuing Office") has issued this RFP for the Office of Information and Educational Technology (OJET) on behalf of the Commonwealth. The sole point of contact in the Commonwealth for this RFP shall be Cathy Anderson, Procurement Manager, Pennsylvania Department of Education, Bureau of Management Services—Procurement Office, 333 Market Street, 15th Floor, Harrisburg, PA 17120-0333; Email, cathanders@state.pa.us, the Issuing Officer for this RFP. Please refer all inquiries to the Issuing Officer.

Department: Education
Location: Harrisburg, PA
Contact: Cathy Anderson, 717-783-9792

CN00023157 Sanitary napkins, individual-pre packaged, 11" long with adhesive strip. The pad may or may not have wings. Approx. cases 1400, total, with deliveries every month. Delivery schedule will be on bid sheet.

Department: Corrections
Location: State Correctional Inst. at Muncy, Route 405, Muncy, PA 17756
Duration: Nov.06 through June 07
Contact: Cindy Lyons, 570-546-3171

CN00023182 8" X 72" Barricade Rails

Department: Corrections
Location: Department of Correction, Correctional Industries Mercer, 801 Butler Pike, Mercer, PA 16137
Duration: Bid Opening Oct 6, 2006 at 2 PM EST - One Time Purchase
Contact: Charmaine Linch, 717-731-7134 X017

1146 - EDUCATION An introductory level course in residential plumbing and construction techniques. The complete technology learning unit must include all items for students to successfully complete and introduction to residential plumbing construction technology. Guides, equipment and work stations.

Department: Corrections
Location: State Correctional Institution, 1000 Follies Road, Dallas, PA. 18612
Duration: September 2006 to June 30, 2007
Contact: Patti Cyphers, 570-674-2722

RFP #2006-PAAC-02 The Pennsylvania State System of Higher Education, Office of the Chancellor, (PASSHE) is interested in selecting an institution of higher education with a site in the greater Allentown, Pennsylvania area that can provide dormitory rooms, meeting facilities, computer labs, classrooms, dining services, and other support services for the Pennsylvania Academy for the Profession of Teaching and Learning's 2007 Governor's Urban Academy (GUA). The GUA program will be conducted over a consecutive six-day period. Tentative dates are June 16-21, 2007 or June 23-28, 2007. RFP #2006-PAAC-02 may be obtained at PASSHE website: <http://www.passhe.edu/content/?office/finance/procurement/opportunities>. Proposals are due at the issuing office by November 1, 2006.

Department: State System of Higher Education
Contact: Linda Venneri, 717-720-4135

[Pa.B. Doc. No. 06-2051. Filed for public inspection October 13, 2006, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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JAMES P. CREEDON,
Secretary

