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PENNSYLVANIA BULLETIN

Volume 38

Number 24

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Pages 3227—3346

Agencies in this issue

The Courts

Department of Banking

Department of Conservation and Natural
Resources

Department of Environmental Protection

Department of General Services

Department of Health

Department of Revenue

Department of State

Department of Transportation

Fish and Boat Commission

Game Commission

Independent Regulatory Review Commission

Insurance Department

Liquor Control Board

Milk Marketing Board

Pennsylvania Public Utility Commission

Public School Employees' Retirement Board

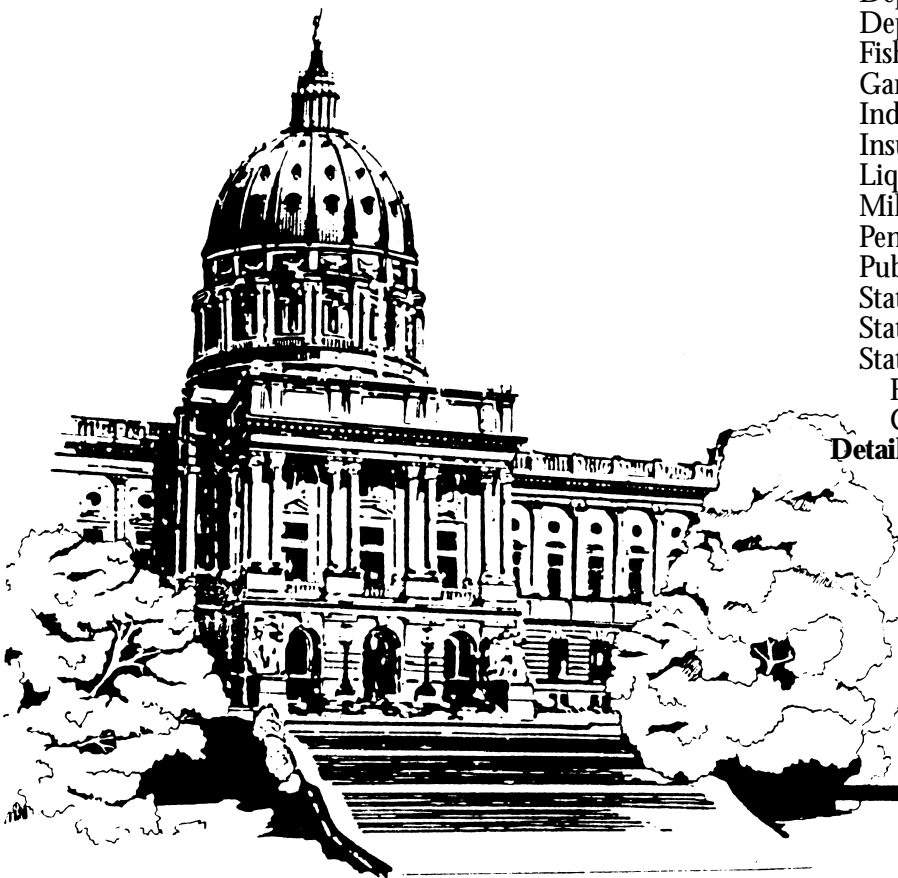
State Board of Education

State Board of Nursing

State Board of Social Workers, Marriage and

Family Therapists and Professional
Counselors

Detailed list of contents appears inside.



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**Latest Pennsylvania Code Reporter
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No. 403, June 2008

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CONTENTS

THE COURTS

DISCIPLINARY BOARD OF THE SUPREME COURT
 Notice of disbarment (2 documents) 3240

JUVENILE RULES
 Order amending rule 510 of the rules of juvenile court procedure; supreme court rules; no. 447; doc. no. 1..... 3238

LOCAL COURT RULES
Bedford County
 Local rule relating to continuances; MPY doc. no. 60115 for 2008..... 3240

MINOR COURT CIVIL RULES
 Order amending note to rule 506 of the rules of conduct, office standards and civil procedure for magisterial district judges; no. 243, magisterial doc. no. 1..... 3239

RULES OF CIVIL PROCEDURE
 Rescission of rule 2951(a) governing confession of judgment; proposed recommendation no. 232 3236

EXECUTIVE AGENCIES

DEPARTMENT OF BANKING
Notices
 Actions on applications..... 3267
 Maximum lawful rate of interest for residential mortgages for the month of July 2008..... 3268

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
Notices
 Conservation and Natural Resources Advisory Council meeting 3268

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Notices
 Applications, actions and special notices..... 3269
 Nonpoint Source Liaison Workgroup; meeting location change..... 3324
 Settlement of NPDES permit appeal under 25 Pa. Code § 92.61(g) (2 documents) 3325
 State Water Plan; Statewide Water Resources Committee; Critical Water Planning Area Subcommittee meeting..... 3325

DEPARTMENT OF GENERAL SERVICES
Notices
 Real estate for sale 3326

DEPARTMENT OF HEALTH
Notices
 Draft Title V Block Grant Program; 2007 report and 2009 application; public comment period 3326
 Long-Term Care Nursing Facilities; requests for exception..... 3326
 Organ Donation Advisory Committee meeting 3326

DEPARTMENT OF REVENUE

Notices
 Pennsylvania Big Money instant lottery game 3327
 Pennsylvania Cash Boxes instant lottery game 3329
 Pennsylvania Deluxe 7-11-21 '08 instant lottery game..... 3330
 Pennsylvania \$500 A Week For Life instant lottery game..... 3333
 Pennsylvania Millionaire Monopoly™ instant lottery game 3334
 Realty transfer tax; 2007 common level ratio real estate valuation factors 3337

DEPARTMENT OF STATE

Notices
 Bid opportunities 3338

DEPARTMENT OF TRANSPORTATION

Notices
 Sale of land no longer required for transportation... 3338

FISH AND BOAT COMMISSION

Proposed Rulemaking
 Fishing 3241

Notices
 Transportation and introduction of VHS-susceptible species of fish into this Commonwealth; temporary changes to fishing regulations..... 3338
 Triploid grass carp permit application..... 3340

GAME COMMISSION

Proposed Rulemaking
 Hunting and trapping..... 3242
 Seasons and bag limits and hunting and trapping .. 3243
 Special permits..... 3244

INDEPENDENT REGULATORY REVIEW COMMISSION

Notices
 Notice of filing of final rulemaking..... 3340

INSURANCE DEPARTMENT

Notices
 The Center for Urologic Care, OC; hearing 3340
 Jay Lutins, M. D.; hearing..... 3341
 Review procedure hearings; cancellation or refusal of insurance 3341
 Allan B. Schachter, M. D.; hearing 3341

LIQUOR CONTROL BOARD

Notices
 Expiration of leases..... 3342

MILK MARKETING BOARD

Notices
 Hearing and presubmission schedule for all milk marketing areas; flavored 0.5% milkfat milk..... 3342

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

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Proposed Rulemaking

Extended Area Service Working Group meeting;
docket no. M-2008-2043928..... 3245
Withdrawal of rulemaking order 3246

Notices

Order 3343
Service of notice of motor carrier applications..... 3345
Telecommunications (2 documents)..... 3345

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Notices

Hearing scheduled 3346

STATE BOARD OF EDUCATION

Notices

Schedule of meetings for 2009 3346

STATE BOARD OF NURSING

Proposed Rulemaking

Clinical nurse specialists 3246

STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

Proposed Rulemaking

Code of ethical practice and standards of professional conduct 3253

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 2008.

4 Pa. Code (Administration)

Adopted Rules

6 741, 2146, 2148, 2231, 2234, 2236, 2647
7 474, 2230

Proposed Rules

241 613, 614
247 612, 615, 2062
255 2268

Statements of Policy

9 2659, 2660, 2661

7 Pa. Code (Agriculture)

Adopted Rules

145 2654
146 2654
147 2654

Proposed Rules

21 2268
23 2268
25 2268
27 2268
111 2256
113 2253
115 2262
139 1830

19 Pa. Code (Corporations and Business Associations)

Notices 2199

22 Pa. Code (Education)

Adopted Rules

4 872, 1148
36 339
338 76
339 2485

Proposed Rules

4 2270
42 1961
171 2052

Statements of Policy

52 1727

25 Pa. Code (Environmental Protection)

Adopted Rules

93 1357
121 1705
127 2365
129 1705
145 1705
215 2243
221 2243
225 2243
230 2243
240 2243
271 1357
279 1357
287 1357
293 1357
806 610
808 610

Proposed Rules

86 80
93 (correction) 236, 612, 976
121 229, 1831, 1838
126 229
129 1831, 1838
130 (correction) 1150
145 1838
218 1246
240 1246

Statements of Policy

16 258
83 889

28 Pa. Code (Health and Safety)

Adopted Rules

101 573
117 573

Proposed Rules

23 750, 1150
27 750, 1150

31 Pa. Code (Insurance)

Proposed Rules

84b 1949
139 1960

37 Pa. Code (Law)

Adopted Rules

23 1587

Proposed Rules

221 1486

40 Pa. Code (Liquor)

Adopted Rules

3 2250
5 2250
7 2250
13 2250

Proposed Rules

5 499

43 Pa. Code (Military Affairs)

Adopted Rules

9 1823

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules

40 1829
47 484
49 484

Proposed Rules

18 2059
21 344, 3246
27 350, 351
39 1168
47 3253
48 3253
49 3253

Statements of Policy

16 2661

51 Pa. Code (Public Officers)**Proposed Rules**

31 435, 1253
 33 435, 1253
 35 435, 1253
 37 435, 1253
 39 435, 1253
 41 435, 1253
 43 435, 1253
 45 435, 1253
 51 435, 1253
 53 435, 1253
 55 435, 1253
 57 435, 1253
 59 435, 1253
 61 435
 63 435
 65 435, 1253

52 Pa. Code (Public Utilities)**Adopted Rules**

63 488

Proposed Rules

54 776, 1843
 62 776, 1843
 63 758, 2056
 64 2658
 76 776, 1843
 Unclassified 3245, 3246

55 Pa. Code (Public Welfare)**Adopted Rules**

3270 2437
 3280 2437
 3290 2437
 3300 2437

Proposed Rules

2380 1937
 2390 1937
 6400 1937
 6500 1937

Statements of Policy

3270 2469
 3280 2469
 3290 2469

58 Pa. Code (Recreation)**Adopted Rules**

53 1584
 63 1584
 65 1468
 91 1725
 111 1468
 141 1471, 1472
 143 1469, 1470
 147 1472, 1473
 405a 1474
 421a 1585, 1965
 423a 1585
 437a 2251
 461a 1474

Proposed Rules

29 2155
 63 3241

65 1588
 69 1589
 137 1484
 139 1591, 1597, 3243
 141 1482, 1590, 3242, 3243
 143 1477, 1482
 147 1477, 1483, 3244
 401a 1151, 2053
 405a 2054
 421a 2054
 433a 2054
 435a 1151, 2054
 439a 1151
 441a 1039, 1041, 1151, 2269
 461a 343, 1151
 461b 1151
 463a 1151
 465a 1151

Statements of Policy

57 1965
 421b 977
 436b 2279
 461b 354

61 Pa. Code (Revenue)**Adopted Rules**

32 1148
 113 1476

Statements of Policy

60 977

201 Pa. Code (Judicial Administration)**Adopted Rules**

2 220
 7 220

Proposed Rules

30 1924

204 Pa. Code (Judicial System General Provisions)**Adopted Rules**

83 1701
 85 1812
 87 1812
 91 1812
 93 1812

Proposed Rules

213 1438
 303 9

207 Pa. Code (Judicial Conduct)**Adopted Rules**

33 1445
 61 1445

Proposed Rules

61 865, 1037

210 Pa. Code (Judicial Conduct)**Adopted Rules**

15 2359
 17 2359

Proposed Rules

3 2480
 17 1445
 21 1446

231 Pa. Code (Rules of Civil Procedure)**Adopted Rules**

200	1349
1915	1815

Proposed Rules

200	337, 3236
1000	1701
1910	1447
2950	3236
4000	1814

234 Pa. Code (Rules of Criminal Procedure)**Adopted Rules**

1	745
---------	-----

Proposed Rules

1	61, 865
6	1816

237 Pa. Code (Juvenile Rules)**Adopted Rules**

1	2360
2	2360
5	3238
11	2360
13	2360
100	1142
150	1146
300	1142

600	1146
800	1142

Proposed Rules

1	1349
5	63
11	477, 1349
13	477
18	477

246 Pa. Code (Minor Court Civil Rules)**Adopted Rules**

500	3239
1000	2040

Proposed Rules

200	1817, 2046, 2151
-----------	------------------

249 Pa. Code (Philadelphia Rules)

Unclassified	223, 868, 1241, 2046, 2049, 2481
--------------------	----------------------------------

252 Pa. Code (Allegheny Rules)

Unclassified	64
--------------------	----

255 Pa. Code (Local Court Rules)

Unclassified	72, 223, 225, 338, 481, 482, 596, 748, 975, 1037, 1241, 1354, 1449, 1458, 1466, 1583, 1702, 1704, 1819, 1931, 2050, 2152, 2240, 2242, 2363, 2364, 2483, 2484, 2652, 3240
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THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CHS. 200 AND 2950]

Rescission of Rule 2951(a) Governing Confession of Judgment; Proposed Recommendation No. 232

The Civil Procedural Rules Committee proposes that Rule of Civil Procedure 2951(a) governing confession of judgment be amended as set forth herein. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania.

All communications in reference to the proposed recommendation should be sent no later than August 15, 2008 to:

Karla M. Shultz, Esquire
Counsel
Civil Procedural Rules Committee
5035 Ritter Road, Suite 700
Mechanicsburg, Pennsylvania 17055

or E-mail to
civil.rules@pacourts.us

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules of civil procedure or be officially adopted or promulgated by the Court.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 236. Notice by Prothonotary of Entry of Order or Judgment.

(a) The prothonotary shall immediately give written notice of the entry of

(1) a judgment entered by confession to the defendant by ordinary mail at the address stated in the certificate of residence filed by the plaintiff together with a copy of all documents filed with the prothonotary in support of the confession of judgment. The plaintiff shall provide the prothonotary with the required notice and documents for mailing and a properly stamped and addressed envelope; and

[*Official Note: See Rule 2951(a) as to the requirement of filing a certificate of the residence of the plaintiff and of the defendant.*]

* * * * *

CHAPTER 2950. CONFESSION OF JUDGMENT FOR MONEY

Rule 2951. [**Methods**] **Method** of Proceeding.

[(a)(1) Upon filing of the documents by subparagraph (2), the prothonotary shall enter judgment by confession on a note, bond or other instrument

confessing judgment or authorizing confession by an attorney at law or other person against the person who executed it in favor of the original holder or, unless expressly forbidden in the instrument, in favor of the assignee or other transferee, without the agency of an attorney and without the filing of a complaint, for the amount which may appear to be due from instrument. The judgment may include interest computable from the instrument.

(2) The documents to be filed in support of the entry of judgment are

(i) the instrument,

(ii) an affidavit that the judgment is not being entered by confession against a natural person in connection with a consumer credit transaction, and

(iii) a certificate of residence of the plaintiff and of the defendant.

Official Note: Section 2737(3) of the Judicial Code provides that the prothonotary shall have the power and the duty to "enter all civil judgments, including judgments by confession."

A judgment by confession may be entered only in the name of a holder, assignee or other transferee. See Rule 2954.

For collection of attorneys' fees under such a judgment see Rule 2957. If an instrument authorizes confession for a penal sum, judgment may be entered in that amount.

If a judgment by confession on an instrument is to be entered in a judicial district which has implemented electronic filing, an electronic copy of the instrument should be filed in support thereof. Should an issue arise concerning the instrument, any party at any time may request the production of the original instrument for inspection pursuant to Pa.R.C.P. No. 205.4(b)(5).

(b)] (a) [If judgment by confession is authorized by the instrument but may not be entered by the prothonotary under subdivision (a), an] An action shall be commenced by filing with the prothonotary a complaint substantially in the form provided by Rule 2952. [Even though the instrument is one on which judgment could be entered by the prothonotary under subdivision (a), the plaintiff may proceed under this subdivision.

(c) The action must be brought under subdivision (b) if

(1) the instrument is more than ten years old or

(2) the original cannot be produced for filing or

(3) it requires the occurrence of a default or condition precedent before judgment may be entered, the occurrence of which cannot be ascertained from the instrument itself, or

(4) the computation of the amount due requires consideration of matters outside the instrument.

(d)] (b) If the instrument is more than twenty years old, judgment may be entered only by leave of court after notice and the filing of a complaint [under Subdivision (b)].

[(e)] (c) When [the plaintiff proceeds under Sub-division (b) and] the original or a photostatic copy or like reproduction of the instrument showing the defendant's signature is not attached to the complaint, judgment may be entered only by leave of court after notice.

Official Note: The procedure for notice and hearing shall be in accordance with local practice.

See Sections 401(h) and 1205 of the Goods and Services installment Sales Act, 1966, Special Sess. No. 1, October 28, P. L. 7, effective April 1, 1967, 69 P. S. § 1401(h) and 2205 which may limit the venue for commencement of an action in certain cases.

Rule 2955. Confession of Judgment.

(a) [In an action commenced by a complaint under Rule 2951(b), the] The plaintiff shall file with the complaint a confession of judgment substantially in the form provided by Rule 2962.

(b) The attorney for the plaintiff may sign the confession as attorney for the defendant unless an Act of Assembly or the instrument provides otherwise.

Official Note: There are local rules in some counties requiring the filing of an affidavit of non-military service. See also the [Soldiers, and Sailors] Service-members Civil Relief Act, 50 U.S.C.A. Appendix § [520] 521.

Rule 2956. Entry of Judgment.

The prothonotary shall enter judgment in conformity with the confession.

Official Note: As to instruments more than 20 years old see Rules 2951 [(d)] (b) and 2952(a)(9).

See Rule 236 for the notice required to be given and the documents required to be mailed to the defendant by the prothonotary.

Rule 2957. Praecept for Writ of Execution; Amount; Items Claimed; Certification.

(a) Plaintiff may include the amount due, interest, attorneys' fees and costs in the praecipe for a writ of execution under Rule 2963(5). [Where judgment has been entered under Rule 2951(a) and there has been a record appearance of counsel at any stage of the proceedings and attorneys' fees are authorized in the instrument, these fees may be included in the praecipe for a writ of execution.]

* * * * *

FORMS

Rule 2962. Confession of Judgment Where Action Commenced by Complaint. Form.

The confession of judgment required by Rule 2955 shall be substantially in the following form:

[CAPTION]

Pursuant to the authority contained in the warrant of attorney, the original or a copy of which is attached to the complaint filed in this action, I appear for the defendant(s) and confess judgment in favor of the plaintiff(s) and against defendant(s) as follows:

*(Principal) *(Penal) Sum \$ _____
Other authorized items: _____ \$ _____
(Specify)
**Interest \$ _____
**Attorney fees \$ _____

*Strike out inapplicable item.

**Interest and attorney fees may be included only if authorized by the warrant.

ATTORNEY FOR DEFENDANT(S)

[Official Note: This form is not to be used when judgment by confession is entered by the prothonotary under Rule 2951(a).]

Rule 2963. Praecept for Writ of Execution. Certification. Form.

The praecipe for a writ of execution upon a confessed judgment shall be substantially in the following form:

[Caption]

PRAECIPE FOR WRIT OF EXECUTION UPON A CONFESED JUDGMENT

To the Prothonotary:

Issue a writ of execution upon a judgment entered by confession in the above matter,

- (1) directed to the sheriff of _____ county;
- (2) against _____, defendant; and
(Name of Defendant)
- (3) against _____, garnishee;
(Name of Garnishee)
- (4) and enter this writ in the judgment index
- (a) against _____, defendant and
(Name of Defendant)
- (b) against _____, as garnishee, as a lis
(Name of Garnishee)

pendens against real property of the defendant in name of garnishee as follows:

(Specifically describe property)

(If space insufficient attach extra sheets)

(5) Amount due \$ _____
Interest from _____ \$ _____
Attorneys' fees** \$ _____
[[Costs to be added]] \$ _____
(Costs to be added)

[**Where judgment has been entered under Rule 2951(a), attorneys' fees may be included if they are authorized in the instrument and there has been a record appearance of counsel at any stage of the proceedings.]

* * * * *

Explanatory Comment

Current Rule 2951 provides for two methods of confessing judgment. Subdivision (a) allows the prothonotary, upon the filing of certain documents in support of the entry of judgment, to enter judgment by confession without the filing of a complaint or a confession of judgment signed by an attorney. Subdivision (b), on the other hand, requires both the filing of a complaint and a confession of judgment signed by an attorney. It has been reported that the method prescribed in subdivision (a) has been abused by lay persons. Furthermore, it is the practice of counsel representing creditors to enter judgments by confession pursuant to subdivision (b). They seldom confess judgment pursuant to subdivision (a) and subdivision (b) fully protects the creditor who seeks to obtain a judgment by confession. Rule 2951 has been amended by rescinding subdivision (a) so that all actions for confessing judgment must be commenced by filing a complaint. Rules 236, 2955, 2957, 2962 and 2963 have also been amended to conform to the rescission of Rule 2951(a).

By the Civil Procedural Rules Committee

R. STANTON WETTICK, Jr.,
Chair

[Pa.B. Doc. No. 08-1089. Filed for public inspection June 13, 2008, 9:00 a.m.]

Title 237—JUVENILE RULES**PART I. RULES**

[237 PA. CODE CH. 5]

Order Amending Rule 510 of the Rules of Juvenile Court Procedure; Supreme Court Rules; No. 447; Doc. No. 1

Order

Per Curiam:

Now, this 30th day of May, 2008, upon the recommendation of the Juvenile Court Procedural Rules Committee; the proposal having been published for public comment before adoption at 38 Pa.B. 63 (January 5, 2008), in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 935, No. 4, January 4, 2008), and on the Supreme's Court web-page, and an Explanatory Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the modifications to the Rules of Juvenile Court Procedure Rule 510 are approved in the attached form.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective January 1, 2009.

Annex A**TITLE 237. JUVENILE RULES****PART I. RULES****Subpart A. DELINQUENCY MATTERS****CHAPTER 5. DISPOSITIONAL HEARING****PART B. DISPOSITIONAL HEARING AND AIDS****Rule 510. Prompt Dispositional Hearing.****A. General rule.**

1) Juvenile is detained. If the juvenile is detained, the dispositional hearing shall be held no later than twenty days after the ruling on the offenses under Rule 408.

2) Juvenile not detained. If the juvenile is not detained, the dispositional hearing shall be held no later than sixty days after ruling on the offenses pursuant to Rule 408.

B. Continuances. The dispositional hearing may be continued, if necessary. If the juvenile is detained, each continuance shall not exceed twenty days.

Comment

Under paragraph (B), if there is a continuance, the court should review the juvenile's case every twenty days until there is a final dispositional order.

[See 42 Pa.C.S. § 6341(b).]

Official Note: Rule 510 adopted April 1, 2005, effective October 1, 2005. **Amended May 30, 2008, effective January 1, 2009.**

Committee Explanatory Reports:

Final Report explaining the amendments to Rule 510 published with the Court's Order at 38 Pa.B. (June 14, 2008).

INTRODUCTION

The Supreme Court of Pennsylvania has adopted the proposed changes to Rule 510. The changes are effective January 1, 2009.

**EXPLANATORY REPORT
MAY 2008***Rule 510—Prompt Dispositional Hearing*

Rule 510 only addressed time limitations for dispositional hearings for juveniles in detention. This rule change adds a time limitation for dispositional hearings for juveniles who are not detained. The dispositional hearing is to be held no later than sixty days after the Court has ruled on the offenses pursuant to Rule 408.

The Committee determined that once a juvenile has committed an offense(s), the disposition should be as timely as possible to effectuate the purposes of the Juvenile Act, including development of competencies, accountability, and protection to the community. See 42 Pa.C.S. § 6301.

The Committee is also deleting the Juvenile Act cite in the Comment because the Juvenile Act requires a hearing for treatment, supervision, and rehabilitation within sixty days of the ruling of the offenses. A hearing for treatment, supervision, and rehabilitation is the adjudication of delinquency covered pursuant to Rule 409. This rule change adds an additional time requirement that provides that the dispositional hearing shall be held within sixty days of the ruling on the offenses.

The Committee determined that six months should be enough time for judicial districts to catch up on any backlog of cases. Thereafter, the judicial districts should schedule dispositional hearings within sixty days of the ruling on the offenses.

[Pa.B. Doc. No. 08-1090. Filed for public inspection June 13, 2008, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CH. 500]

Order Amending Note to Rule 506 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges; No. 243, Magisterial Doc. No. 1

Order

Per Curiam:

And Now, this 2nd day of June, 2008, upon the recommendation of the Minor Court Rules Committee; the proposal having been published before adoption at 37 Pa.B. 6905 (December 29, 2007), and a Final Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the note to Pa.R.C.P.M.D.J. No. 506 be, and hereby is, amended in the attached form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective June 9, 2008.

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 500. ACTIONS FOR RECOVERY OF POSSESSION OF REAL PROPERTY

Rule 506. Service of Complaint.

* * * * *

B. The copy shall be served at least five days before the hearing.

Official Note: Under subdivision A of this rule, service must be made both by first class mail and delivery for service in the manner prescribed. **In actions where wage garnishment may be sought under Pa.R.C.P. No. 3311, the plaintiff may authorize the sheriff or constable to make personal service upon a tenant/defendant. If a tenant/defendant is not present at the property the sheriff or constable is authorized to post the complaint so that the underlying landlord-tenant action may proceed. The plaintiff may authorize the sheriff or constable to make additional attempts to effectuate personal service upon the tenant/defendant so the plaintiff can later prove such service if attempting to garnish wages under Pa.R.C.P. No. 3311. Additional service attempts by the sheriff or constable may result in additional fees.**

Adopted Oct. 15, 1969, effective Jan. 1, 1970. Amended July 8, 1975, imd. effective; Oct. 17, 1975, effective in 90 days; Jan. 29, 1976, effective in 30 days; April 25, 1979,

effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; July 16, 2001, effective Aug. 1, 2001; Jan 6, 2005, effective Jan. 29, 2005. **Amended June 2, 2008, effective June 9, 2008.**

FINAL REPORT¹

Amendment to the Note to Rule 506 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges

Change to the Note: Reference to Wage Garnishment

On June 2, 2008, effective June 9, 2008, upon recommendation of the Minor Court Rules Committee,² the Supreme Court of Pennsylvania approved amendments to the Note to Rule 506 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges.³

I. INTRODUCTION

The Committee began reviewing Pa.R.C.P.M.D.J. No. 506 in March 2007 following an inquiry from a magisterial district judge. The judge was concerned that Pa.R.C.P. No. 3311 requires personal service upon a defendant in the original action if wage attachment is to be sought at a later time. However, Pa.R.C.P.M.D.J. No. 506 did not make any reference to this restriction in the Rules of Civil Procedure.

II. PROPOSED CHANGE TO THE NOTE TO RULE 506

The Committee amended the Note to M.D.J. Rule 506 to specify that if wage attachment is to be sought at a later time, personal service must be effectuated. The additional language of the Note provides concrete examples of how this personal service would play out in a landlord-tenant case. For instance, the new language specifies that if a defendant is not present at the rental unit to be personally served, the property may be posted for the underlying landlord-tenant action to proceed, but the sheriff/constable would need to return to personally serve the defendant prior to the hearing in order to satisfy Pa.R.C.P. No. 3311.

The new Note language references Pa.R.C.P. No. 3311 twice, to underscore that section's relevance and direct litigants to review the section. Pa.R.C.P. No. 3311 requires a plaintiff judgment creditor/landlord to certify, inter alia, "...that the defendant appeared or filed papers in the action or that the complaint was served by handing a copy to the defendant." See Pa.R.C.P. No. 3311, Certification by Judgment Creditor—Landlord Form, No. 8(b).

Finally, the Note highlights that more than one service attempt by the sheriff/constable could result in additional fees.

[Pa.B. Doc. No. 08-1091. Filed for public inspection June 13, 2008, 9:00 a.m.]

¹ The Committee's Final Report should not be confused with the Notes to the Rules. Also, the Supreme Court of Pennsylvania does not adopt the Committee's Notes or the contents of the explanatory Final Report.

² Minor Court Rules Committee Recommendation 3-2008.

³ Supreme Court of Pennsylvania Order No. 243, Magisterial Docket No. 1 (June 2, 2008).

Title 255—LOCAL COURT RULES

BEDFORD COUNTY

Local Rule Relating to Continuances; MPY Doc. No. 60115 for 2008

Order

And Now, this 19th day of May, 2008, the Court hereby amends Local Rule of Court relating to continuances, Rule L 216, for Bedford County, comprising the 57th Judicial District of the Commonwealth of Pennsylvania, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court,

DANIEL LEE HOWSARE,
President Judge

CONTINUANCES

Rule L 216.

Except as hereinafter set forth, all motions requesting the continuance of any matter pending in the Court of Common Pleas of Bedford County shall be in writing setting forth the reason for the continuance and whether the opposing party or parties consent to the request. All such continuance motions shall be presented to the Court Administrator who shall present them to the judge hearing the case for disposition.

No request for continuance presented to the Court Administrator less than 48 hours before the time scheduled for the hearing of the matter in question will be granted, unless for good cause shown. Except for extraordinary circumstances, continuances will not be granted because of previously scheduled depositions, district justice hearings, or other like matters. In the event the request for continuance concerns a conflict with a matter scheduled in another court of common pleas, the request shall state which matter was scheduled first. Motions for continuance will be granted when a conflict arises with a state appellate or federal court.

[Pa.B. Doc. No. 08-1092. Filed for public inspection June 13, 2008, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Louis A. Colaguori having been disbarred by consent from the practice of law in the State of New Jersey by Order of the Supreme Court of New Jersey dated August 15, 2007, the Supreme Court of Pennsylvania issued an Order on May 29, 2008, disbarring Louis A. Colaguori, from the Bar of this Commonwealth, effective June 28, 2008. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 08-1093. Filed for public inspection June 13, 2008, 9:00 a.m.]

Notice of Disbarment

Notice is hereby given that Robert Lorenzo Kline, III having been disbarred by consent from the practice of law in the State of Maryland by Order of the Court of Appeals of Maryland dated September 25, 2007, the Supreme Court of Pennsylvania issued an Order on May 29, 2008, disbarring Robert Lorenzo Kline, III, from the Bar of this Commonwealth, effective June 28, 2008. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 08-1094. Filed for public inspection June 13, 2008, 9:00 a.m.]

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 63]

Fishing

The Fish and Boat Commission (Commission) proposes to amend Chapter 63 (relating to general fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

A. Effective Date

The proposed rulemaking, if approved on final-form rulemaking, will go into effect 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) 705-7810. This proposed rulemaking is available on the Commission's web site at www.fish.state.pa.us.

C. Statutory Authority

The proposed amendment of § 63.8 (relating to long bows, crossbows, spears and gigs) is published under the statutory authority of section 2102(b) of the code (relating to rules and regulations).

D. Purpose and Background

The proposed rulemaking is designed to improve, enhance and update the Commission's fishing regulations. The specific purpose of the proposed amendment is described in more detail under the summary of proposal.

E. Summary of Proposal

Currently, § 63.8(a) allows the use of long bows and arrows, including compound bows, crossbows, spears and gigs to take carp and suckers in Commonwealth waters and waters bounding and adjacent thereto. Under § 63.8(b), catfish may also be harvested by these gear in the Delaware River. A number of anglers recently have expressed to Commission staff a desire to be permitted to harvest catfish with these gear in all Commonwealth waters. This method of angling is not anticipated to result in any significant population level impacts to catfish, as the angler use levels are likely to be relatively low throughout this Commonwealth.

Currently, under § 63.8(b)(1), the harvest of herring is permitted in the Delaware River. Considering the current declines in river herring populations along the entire Atlantic coast, the Commission believes that the harvest of these species by longbows, crossbows, spears and gigs should no longer be permitted. Finally, § 63.8(b)(2) restricts the use of long bows and arrows, including compound bows, crossbows, spears or gigs to take fish within 275 yards of an eel weir. This is an archaic regulation that is proposed to be removed at this time. The Commission proposes that § 63.8 be amended to read as set forth in Annex A.

F. Paperwork

The proposed rulemaking will not increase paperwork and will not create 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 notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/reg 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-203. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 63. GENERAL FISHING REGULATIONS

§ 63.8. Long bows, crossbows, spears and gigs.

(a) *General.* Except as otherwise provided in this part, carp **[and]**, suckers **and catfish** may be taken with long bows and arrow, including compound bows, crossbows, spears or gigs any hour of the day or night aided by a light at night if so desired, in Commonwealth waters and waters bounding and adjacent thereto.

(b) **[Delaware River.** The following provisions apply to use of long bows and arrow, including compound bows, crossbows, spears and gigs on the Delaware River:

(1) **In addition to the species in subsection (a), herring, except shad, and catfish may be taken.**

(2) **It is unlawful to use long bows and arrow, including compound bows, crossbows, spears and gigs to take fish within 275 yards of an eel weir.**

(3) **Except as provided in paragraph (1), it is unlawful to take any fish on the Delaware River by means of long bows and arrow, including compound bows, crossbows, spears or gigs.**

(c) * * *

[(d)] (c) * * *

[Pa.B. Doc. No. 08-1095. Filed for public inspection June 13, 2008, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 22, 2008, meeting, proposed the following rule-making:

Amend § 141.4 (relating to hunting hours) to replace the Sunrise/Sunset Table with an up-to-date Hunting Hours Table and Migratory Game Bird Hunting Hours Table to accurately reflect the dates and hours of legal hunting for the 2008-2009 hunting year.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the April 22, 2008, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until June 20, 2008.

1. Purpose and Authority

Each year there is a shift in calendar days for each month. As a result of this occurrence, the Tables of Hunting Hours found in § 141.4 must be amended and updated on an annual basis to accurately reflect the upcoming year's dates and hours for legal hunting. Towards this end, the Commission is proposing to amend § 141.4 by replacing the current Sunrise/Sunset Table with an up-to-date Hunting Hours Table and Migratory Game Bird Hunting Hours Table to accurately reflect the dates and hours of legal hunting for the 2008-2009 hunting year.

Section 322(c)(1) of the code (relating to powers and duties of the Commission) specifically empowers the Commission to "fix seasons, daily shooting or taking hours, and any modification thereof, and daily, season and possession limits for any species of game or wildlife." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 141.4 were proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 141.4 to replace the Sunrise/Sunset Table with an up-to-date Hunting Hours Table and Migratory Game Bird Hunting Hours Table to accurately reflect the dates and hours of legal hunting for the 2008-2009 hunting year.

3. Persons Affected

Persons wishing to hunt or trap within this Commonwealth will be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking should not result in any additional cost or paperwork.

5. Effective Date

The effective dates of the proposed rulemaking are July 1, 2008, to June 30, 2009.

6. Contact Person

For further information regarding the proposed rule-making, contact Richard A. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,
Executive Director

Fiscal Note: 48-271. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

APPENDIX G

(Editor's Note: As part of this proposal, the Commission is proposing to replace the table in Appendix G which appears in 58 Pa. Code pages 141-26 and 141-27, serial pages (328428) to (328429) and replace it with the following tables.)

HUNTING HOURS TABLE FOR JUNE 29, 2008 THROUGH JULY 4, 2009

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
June 29—July 5	5:09	9:02
July 6—12	5:13	9:00
July 13—19	5:18	8:55
July 20—26	5:24	8:50
July 27—Aug. 2	5:30	8:43
Aug. 3—9	5:37	8:34
Aug. 10—16	5:44	8:25
Aug. 17—23	5:50	8:15
Aug. 24—30	5:57	8:04
Aug. 31—Sept. 6	6:04	7:53
Sept. 7—13	6:10	7:32
Sept. 14—20	6:19	7:30
Sept. 21—27	6:23	7:19
Sept. 28—Oct. 4	6:30	7:07
Oct. 5—11	6:37	6:56
Oct. 12—18	6:45	6:46
Oct. 19—25	6:52	6:36

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>	<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
Oct. 26—Nov.1	7:00	6:28	Oct. 26—Nov. 1	7:00	5:58
Nov. 2—8*ends	6:08	5:20	Nov. 2—8*ends	6:08	4:50
Nov. 9—15	6:16	5:14	Nov. 9—15	6:16	4:44
Nov. 16—22	6:24	5:09	Nov. 16—22	6:24	4:39
Nov. 23—29	6:32	5:06	Nov. 23—29	6:32	4:36
Nov. 30—Dec. 6	6:38	5:05	Nov. 30—Dec. 6	6:38	4:35
Dec. 7—13	6:44	5:06	Dec. 7—13	6:44	4:36
Dec. 14—20	6:51	5:08	Dec. 14—20	6:51	4:38
Dec. 21—27	6:49	5:13	Dec. 21—27	6:49	4:43
Dec. 28—Jan. 3	6:53	5:18	Dec. 28—Jan. 3	6:53	4:47
Jan. 4—10	6:53	5:20	Jan. 4—10	6:53	4:50
Jan. 11—17	6:50	5:25	Jan. 11—17	6:50	4:56
Jan. 18—24	6:49	5:34	Jan. 18—24	6:49	5:04
Jan. 25—31	6:45	5:42	Jan. 25—31	6:45	5:12
Feb. 1—7	6:39	5:50	Feb. 1—7	6:39	5:20
Feb. 8—14	6:32	5:56	Feb. 8—14	6:32	5:30
Feb. 15—21	6:23	6:07	Feb. 15—21	6:23	5:37
Feb. 22—28	6:14	6:15	Feb. 22—28	6:14	5:45
Mar. 1—7	6:04	6:23	Mar. 1—7	6:04	5:53
Mar. 8—14*begins	6:53	7:30	Mar. 8—14*begins	6:53	7:00
Mar. 15—21	6:42	7:38			
Mar. 22—28	6:30	7:45			
Mar. 29—Apr. 4	6:19	7:52			
Apr. 5—11	6:08	7:59			
Apr. 12—18	5:57	7:54			
Apr. 19—25	5:43	8:13			
Apr. 26—May 2	5:37	8:20			
May 3—9	5:28	8:27			
May 10—16	5:20	8:34			
May 17—23	5:14	8:41			
May 24—30	5:08	8:47			
May 31—June 6	5:04	8:53			
June 7—13	5:02	8:57			
June 14—20	5:01	9:01			
June 21—27	5:04	9:03			
June 29—July 4	5:07	9:03			

*Daylight Savings Time

[Pa.B. Doc. No. 08-1096. Filed for public inspection June 13, 2008, 9:00 a.m.]

[58 PA. CODE CHS. 139 AND 141]

Seasons and Bag Limits and Hunting and Trapping

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 22, 2008, meeting, proposed the following rule-making:

Amend § 141.1 (relating to special regulations areas) to permit hunters in the special regulation areas to harvest more than one deer at a time without first lawfully tagging previous harvests, provided all deer harvested are lawfully tagged immediately thereafter. Also amend §§ 139.2 and 141.41 (relating to definitions; and general) to relocate the prohibition against successive takings of deer prior to lawfully tagging a deer previously harvested from § 139.2 to § 141.41 where it is more appropriately located.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the April 22, 2008, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until June 20, 2008.

1. Purpose and Authority

Currently, § 139.2 defines "field possession limit for deer" in a manner to prohibit the harvest of a second deer

MIGRATORY GAME BIRD HUNTING HOURS TABLE

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
Aug. 31—Sept. 6	6:04	7:23
Sept. 7—13	6:10	7:02
Sept. 14—20	6:19	7:00
Sept. 21—27	6:23	6:49
Sept. 28—Oct. 4	6:30	6:37
Oct. 5—11	6:37	6:26
Oct. 12—18	6:45	6:16
Oct. 19—25	6:52	6:06

(when multiple harvests per day are authorized) before tagging a deer previously harvested. In light of its continuing efforts to find solutions to the overabundant deer populations in the urban environments found in the Special Regulation Areas, the Commission is proposing to amend § 141.1 to allow a hunter to harvest more than one deer at a time without first lawfully tagging previous harvests, provided all deer harvested are lawfully tagged immediately thereafter. For all other areas of this Commonwealth outside of the Special Regulations Areas, the traditional "tag before second harvest" requirement will remain the same, but will be relocated from § 139.2 to § 141.41 where it is more appropriately located.

Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to §§ 139.2, 141.1 and 141.41 were proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 141.1 to allow a hunter in the Special Regulation Areas to harvest more than one deer at a time without first lawfully tagging previous harvests, provided all deer harvested are lawfully tagged immediately thereafter. The proposal would also amend §§ 139.2 and 141.41 to relocate the general prohibition against successive takings of deer prior to lawfully tagging a deer previously harvested from § 139.2 to § 141.41 where it is more appropriately located.

3. Persons Affected

Persons wishing to hunt or trap white-tailed deer within this Commonwealth may be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking should not result in any additional cost or paperwork.

5. Effective Date

The final rulemaking will be effective upon final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. Contact Person

For further information regarding the proposed rulemaking, contact Richard A. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,
Executive Director

Fiscal Note: 48-269. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 139. SEASONS AND BAG LIMITS

§ 139.2. Definitions.

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

* * * * *

[Field possession limit—deer—When multiple harvests of deer per day are authorized, only one deer at a time may be harvested. Before harvesting additional deer, the deer previously harvested shall be lawfully tagged.]

* * * * *

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.1. Special regulations areas.

* * * * *

(d) *Permitted acts.* It is lawful to:

* * * * *

(6) Harvest more than one deer at a time when multiple harvests of deer per day are authorized without first lawfully tagging previous harvests, provided all deer harvested are lawfully tagged immediately thereafter.

Subchapter C. BIG GAME

§ 141.41. General.

* * * * *

(b) It is unlawful to:

* * * * *

(7) Except as otherwise provided in § 141.1 (relating to special regulations areas), harvest more than one deer at a time before lawfully tagging a deer previously harvested when multiple harvests of deer per day are authorized.

[Pa.B. Doc. No. 08-1097. Filed for public inspection June 13, 2008, 9:00 a.m.]

[58 PA. CODE CH. 147]

Special Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 22, 2008, meeting, proposed the following rulemaking:

Amend § 147.675 (relating to validity of permit) to expand the eligibility period for the validity of DMAP permits to include open seasons for antlered deer during the regular firearms season while also providing clarification that DMAP harvest permits are valid only to harvest antlerless deer.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the April 22, 2008, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until June 20, 2008.

1. *Purpose and Authority*

At the January 2008 Commission meeting, the Commission proposed the creation of a bifurcated regular firearms season in Wildlife Management Units 2D, 2G, 3C and 4B during which the first 5 days will be limited to the harvest of antlered deer only and the last 7 days open to the harvest of both antlered and antlerless deer. The Commission has recognized that the intentional shortening of the regular firearms season for antlerless deer will also cause a resulting 1 week reduction in the time periods during which DMAP permits would be valid. In its continuing interest to assist landowners in achieving deer densities consistent with their land use goals through the use of licensed hunters, the Commission is proposing to amend § 147.675 to expand the eligibility period for the validity of the DMAP permits to include open seasons for antlered deer during the regular firearms season. In an effort to curb confusion, the Commission is also proposing to amend § 147.675 to clarify that DMAP harvest permits are valid only to harvest antlerless deer.

Section 2901(b) of the code (relating to authority to issue permits) provides "the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 147.675 were proposed pursuant to this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 147.675 to expand the eligibility period for the validity of DMAP permits to include open seasons for antlered deer during the regular firearms season while also providing clarification that DMAP harvest permits are valid only to harvest antlerless deer.

3. *Persons Affected*

Persons wishing to hunt white-tailed deer within this Commonwealth pursuant to a DMAP harvest permit may be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in any additional cost or paperwork.

5. *Effective Date*

The final rulemaking will be effective upon final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding the proposed rulemaking, contact Richard A. Palmer, Acting Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,
Executive Director

Fiscal Note: 48-270. No fiscal impact; (8) recommends adoption.

Annex A

**TITLE 58. GAME COMMISSION
CHAPTER 147. SPECIAL PERMITS
Subchapter R. DEER CONTROL**

DEER MANAGEMENT ASSISTANCE PROGRAM PERMITS

§ 147.675. Validity of permit.

(a) DMAP harvest permits are valid [**only**] during open seasons for hunting **antlered or** antlerless deer.

* * * * *

(c) **DMAP harvest permits are valid only to harvest antlerless deer.**

[Pa.B. Doc. No. 08-1098. Filed for public inspection June 13, 2008, 9:00 a.m.]

**PENNSYLVANIA PUBLIC
UTILITY COMMISSION**

**Extended Area Service Working Group Meeting;
Docket No. M-2008-2043928**

A meeting is scheduled for June 24, 2008, at 10 a.m. to 1 p.m., Pennsylvania Public Utility Commission, 400 North Street, 3rd Floor, Keystone Building, Law Bureau Conference Room, Harrisburg, PA 17120.

Under the Pennsylvania Public Utility Commission (Commission) Order entered June 2, 2008, the Law Bureau is convening an Extended Area Service Working Group (EAS Working Group). The EAS Working Group solicits comments from the public on the future direction of EAS regulations, currently set forth in 52 Pa. Code Chapter 63, Subchapter F (relating to extended area service), given the changes in the telecommunications market.

The EAS Working Group is developing a recommendation for Commission consideration within 120 days.

Interested parties are requested to contact the Commission and indicate their intent to participate in the initial June 24, 2008, meeting of the EAS Working Group. The contact person for the EAS Working Group is Joseph K. Witmer, Law Bureau, (717) 787-3663, joswitmer@state.pa.us.

Additional information on the EAS Working Group can be found on the Commission's web site at www.puc.state.pa.us/telecom/telecom_index.aspx. Interested parties are encouraged to visit the web site prior to the meeting.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-1099. Filed for public inspection June 13, 2008, 9:00 a.m.]

Withdrawal of Rulemaking Order

Public Meeting held
May 22, 2008

Commissioners Present: Wendell F. Holland, Chairperson;
James H. Cawley, Vice Chairperson; Tyrone J. Christy;
Kim Pizzingrilli

*Rulemaking Re: Proposed Revision to Commission
Regulations Governing Extended Area Service (EAS) at
52 Pa. Code §§ 63.71—63.77
Docket No. L-00050173*

*Report and Recommendation of the Extended
Area Service Task Force
Docket No. M-00031703*

Final Rulemaking Order

By the Commission:

Before the Commission for disposition are the proposed Final Rules for Extended Area Service (EAS)¹ modifying the current regulations set forth in the Public Utility Code at 52 Pa. Code §§ 63.71—63.77. The rulemaking was initiated by the Commission in November 2005 with the intention of updating our current regulations so as to reflect changes in the regulatory environment for providing telecommunications services in Pennsylvania. The Commission received comments from the Office of Consumer Advocate, the Pennsylvania Telephone Association, and the Independent Regulatory Review Commission.

Discussion

Staff has dedicated significant time and effort in the preparation of proposed and final regulations for our review and they are commended for their efforts. However, pursuant to the Regulatory Review Act, regulations must be submitted in final-form within 2 years of the close of the public comment period. In light of the June 6, 2008, regulatory deadline for submission of these regulations to legislative standing committees and the Independent Regulatory Review Commission, the Commission does not believe that there is sufficient time remaining to give the proposed final rulemaking proper consideration. Consequently, the Commission concludes that this rulemaking proceeding be closed.

Since receiving public comments over 2 years ago, there have been considerable changes in the structure of the telecommunications industry with the implementation of bundled service packages; the emergence of competition, cable telephony, wireless competition and innovative technologies such as Voice over Internet Protocol (VoIP). All of these changes in the market have limited the number of EAS cases coming before us. Although the number of EAS cases has diminished, it does not minimize the relevancy of EAS in areas where true competition is not yet a reality. The Commission should take these changes into consideration and ensure that any modification to our existing regulations accurately reflect the current marketplace.

The closing of this rulemaking does not negate a local exchange carrier's duty to comply with our existing regulations and the Commission will continue to apply these regulations to any EAS cases coming before us. In light of the continued effectiveness of the current regula-

¹ EAS is a term of art referring to a procedure in which the Commission expands a basic local calling area. EAS converts an in-state (intrastate) toll route, in which consumers typically pay for a call on a minute of use (MOU) basis, into a local calling area route. When the consumers get EAS, they typically pay a flat rate for unlimited local calling or, in the case of an Optional Calling Plan (OCP), pay a discounted toll rate.

tions, the suspension of the biennial traffic studies requirement of 52 Pa. Code § 63.72 shall remain in effect.²

The closing of the rulemaking does not preclude the Commission from further exploring EAS issues and instituting a new rulemaking, as deemed necessary, at a future date. The Commission will convene a working group of stakeholders to solicit comments on the future direction of EAS given the changes in the market since this rulemaking was initiated over 2 years ago. *Therefore,*

It Is Ordered That:

1. The instant rulemaking be closed.
2. A copy of the entered Opinion and Order be served upon the Office of Consumer Advocate, the Office of Small Business Advocate, and the Pennsylvania Telephone Association and published in the *Pennsylvania Bulletin*.
3. The Commission provide notice to the Office of Attorney General, the Governor's Budget Office, the Legislative Standing Committees, and the Independent Regulatory Review Commission that this rulemaking has been closed.
4. The Law Bureau, in conjunction with the Bureau of Fixed Utility Services, convene a stakeholders' working group and develop for Commission consideration within 120 days an updated recommendation regarding possible amendment of our current EAS regulations.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-1100. Filed for public inspection June 13, 2008, 9:00 a.m.]

STATE BOARD OF NURSING

[49 PA. CODE CH. 21]

Clinical Nurse Specialists

The State Board of Nursing (Board) proposes to amend Chapter 21 by adding a new Subchapter H (relating to clinical nurse specialists) to read as set forth in Annex A.

Effective Date

The regulations will be effective upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

Statutory Authority

The regulations are required by the act of July 20, 2007 (P. L. 320, No. 49) (Act 49), which amended the Professional Nursing Law (act) (63 P. S. §§ 211—225.5) to authorize the Board to certify clinical nurse specialists (CNSs) in accordance with statutory criteria, to provide title protection for CNSs, to require CNSs to complete continuing education to renew their certification, and to require CNSs to maintain professional liability insurance. Section 5 of Act 49 requires the Board to promulgate regulations to implement Act 49 within 18 months of its effective date, or by March 18, 2009.

Background and Purpose

CNSs are nurses educated at the master's degree level. Prior to the amendments made by Act 49, CNSs were not

² This requirement was suspended by Commission Order entered June 30, 1999 at Docket No. I-000940035.

recognized as a distinct category of master's educated nurse under the act. The amendments are required to effectuate Act 49.

Description of Proposed Amendments

The Board proposes a comprehensive new Subchapter H. The specific proposals are outlined as follows.

§ 21.801 (relating to definitions)

Section 21.801 will provide definitions for terms used throughout the subchapter.

§ 21.802 (relating to scope)

This section will set out the scope of the Board's regulations in Subchapter H.

§ 21.803 (relating to applicability of rules relating to professional nurses)

Because a CNS must also be a professional nurse licensed by the Board, this section provides that the general provisions in §§ 21.1—21.4 governing registered nurses and §§ 21.11—21.18a, relating to responsibilities of the registered nurse, apply to CNSs.

§ 21.804 (relating to approved educational programs; approval of credentialing organizations)

This section provides that the Board will approve educational programs for CNSs, will maintain a list of approved educational programs on its web site, and will consider additional programs for inclusion on the approved list as required by section 6.2(c) of the act (63 P. S. § 216.2(c)).

§ 21.805 (relating to fees)

This section provides for fees for both fee for service functions of the Board, such as the review and approval of the certification application, restoration of certification after sanction, reactivation after a lapse of 5 or more years, and verification of licensure history, and for biennial renewal fees for CNSs.

§ 21.811 (relating to qualifications for initial certification)

This section sets forth the qualifications for certification, which mirror the qualifications in Act 49. To qualify for initial certification as a CNS, an applicant must hold a current, unrestricted license as a professional nurse in this Commonwealth. In addition, the nurse shall meet one of three sets of criteria.

First, as set forth in paragraph (1), the nurse shall have completed a master's degree in nursing, doctorate degree in nursing or postmaster's degree or certificate in nursing at an accredited, Board-approved nursing education program that prepared the applicant to practice as a CNS and submit evidence of current National certification by examination as a CNS in a designated specialty area. The examination must be offered by a Board-recognized National nursing, nursing specialty or credentialing organization. These provisions mirror the qualifications in section 8.5(a)(1) of the act (63 P. S. § 218.5(a)(1)). In subparagraph (i), the Board provides that National nursing, nursing specialty and credentialing organizations may apply to the Board for recognition. In subparagraph (ii), the Board notes that it will maintain the list of Board-recognized organizations on its web site.

National certification under § 21.811(1) includes the American Nurses Credentialing Center (ANCC) specialties—adult health CNS, adult psychiatric and mental health CNS, child/adolescent psychiatric and mental health CNS, gerontological CNS, pediatric CNS, public/community health CNS and diabetes management, ad-

vanced CNS. In addition, the Board anticipates that the Oncology Nursing Certification Corporation, the American Association of Critical Care Nurses, the Hospice and Palliative Nurses Association and the National Association of Orthopaedic Nurses may request inclusion on the list of Board-recognized providers of National examinations at the CNS level.

Second, as set forth in paragraph (2), the nurse shall have completed a master's degree in nursing, doctorate degree in nursing or postmaster's degree or certificate in nursing at an accredited, Board-approved nursing education program that prepared the applicant to practice as a CNS and, if there is no certification examination available in the specialty area, shall demonstrate equivalence to National certification. These provisions mirror the qualifications in section 8.5(a)(2) of the act.

In § 21.811(2)(i)—(iii), the Board sets forth how an applicant can demonstrate equivalence to National certification. Paragraph (2)(i)(A) allows a CNS to take a CNS certifying examination in an area that encompasses the CNS's specialty area. Paragraph (2)(i)(B) allows a CNS to demonstrate certification by an organization that utilizes a method of measuring competence other than an examination; generally, portfolio review. Paragraph (2)(i)(B) explains how an organization offering an alternative to examination may obtain approval from the Board and paragraph (2)(iii) provides that the Board will maintain a list of approved organizations for alternative review on its web site.

The Board anticipates that the Wound, Ostomy, Continence Nurses Association, which offers a portfolio review at the CNS level, will request recognition under paragraph (2)(ii).

Third, the nurse may have graduated from an educational program that culminated in the award of a master's degree or higher in a related discipline that previously qualified the nurse for National certification as a CNS and evidence of current National certification by the American Nurses Credentialing Center (ANCC), in accordance with section 8.5(b)(1) of the act.

A nurse would be eligible for certification as a CNS under § 21.811(3) as, for example, an adult psychiatric mental health CNS if the nurse held a bachelor's degree in nursing and a master's degree in psychology, which previously qualified the nurse to sit for the ANCC CNS certifying examination.

§ 21.812 (relating to qualifications for certification by endorsement or change of clinical specialty area)

Section 21.812 provides for certification by endorsement from another state, territory or possession of the United States or a foreign country and change of clinical specialty area by a CNS already certified by the Board.

§ 21.813 (relating application for certification)

Section 21.813 provides information about the application for certification and supporting documentation for applicants for initial certification, applicants for certification by endorsement and applicants for certification in an additional specialty area.

§ 21.821 (relating to CNS standards of conduct)

This section provides that, in addition to the standards of conduct for professional nurses in § 21.18 (relating to standards of nursing conduct), a CNS may undertake a specific practice or procedure only if the CNS has the necessary knowledge, preparation, experience and compe-

tency to properly execute the practice or procedure and that the CNS must practice within the scope of practice of the particular clinical specialty area in which the nurse is certified by the Board. This provision mirrors a provision related to certified registered nurse practitioners (CRNPs).

§ 21.822 (relating to biennial renewal of certification)

This section sets forth the particulars related to a CNS's biennial renewal of the CNS certification. As with CRNPs, the certification expiration date is tied to the nurse's RN license expiration date. The biennial continuing education required by statute is cross-referenced in § 21.822(d).

§ 21.823 (relating to CNS-level continuing education; waiver; sanctions)

The Board also provides, in § 21.823(a), that in lieu of meeting the continuing education requirement in section 12.1(b) of the act (63 P. S. § 222(b)), a CNS may submit proof that the CNS has completed 30 hours of continuing education required by section 8.5(c)(2) of the act. This provision is similar to the provision requiring continuing education of CRNPs. Both CRNPs and CNSs will be required to complete just 30 hours of continuing education at the professional nurse level to renew their RN license, rather than requiring a CNS to complete an additional 30 hours of continuing education at the RN level to renew the CNS certificate.

Section 21.823(b) sets forth the circumstances under which the Board might waive the continuing education requirement, and provides that a request for waiver must be made at least 90 days prior to the end of the renewal period.

Finally, § 21.283(c) reminds licensees that they may be sanctioned for failure to meet the statutorily-mandated continuing education requirements.

§ 21.824 (relating to inactive status and reactivation)

To renew a license that has been placed on inactive status, a CNS shall provide proof of compliance with the continuing education requirement in the biennial renewal period immediately preceding the request for reactivation. This provision is consistent with provisions related to CRNPs. In addition, if the CNS's professional nursing license was also on inactive status, the CNS will have to renew the RN license and, if necessary, meet the continued competency requirements for RNs in § 21.30a (relating to continued competency).

§ 21.825 (relating to sources of continuing education)

This section provides for preapproved providers of continuing education courses, similar to the provisions related to both professional nurses and CRNPs. The section also provides for CNSs or continuing education providers to obtain Board approval for continuing education. Finally, this section provides for CNSs to obtain continuing education credit for individual study, teaching, publishing, and the like.

§ 21.826 (relating to requirements for continuing education courses)

This section sets forth the minimum standards for courses, including adequate instructors, facilities and an established mechanism to measure the quality of the continuing education program.

§ 21.827 (relating to continuing education course approval)

This section relates to the approval of a continuing education course. Every continuing education provider

shall provide a certificate of attendance to nurses who complete the program. Providers who are not on the list of preapproved providers, shall submit information to the Board to determine whether the provider's proposed course should be authorized for continuing education credit.

§ 21.828 (relating to CNS responsibilities)

This section provides that the CNS is required to maintain documentation of the continuing education completed. The section also describes the verification procedure on the biennial renewal application.

§ 21.831 (relating to penalties for violations)

This section sets forth the penalties for violations of the act or regulations of the Board.

Fiscal Impact and Paperwork Requirements

The regulations will have no adverse fiscal impact on the Commonwealth or its political subdivisions, because the costs of the Board's activities are supported by fees charged to licensees and others who benefit from specific activities of the Board. The regulations will impose no additional paperwork requirements upon the Commonwealth or political subdivisions.

Sunset Date

The Board continuously monitors the effectiveness of its regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 4, 2008, the Board 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 Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

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

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Ann Steffanic, Board Administrator, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Please reference No. 16A-5133 (clinical nurse specialists), when submitting comments.

MARY E. BOWEN, RN, DNS, CNAA,
Chairperson

Fiscal Note: 16A-5133. No fiscal impact; (8) recommendations adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 21. STATE BOARD OF NURSING

Subchapter H. CLINICAL NURSE SPECIALISTS

GENERAL PROVISIONS

- Sec.
- 21.801. Definitions.
- 21.802. Scope.
- 21.803. Applicability of rules relating to professional nurses.
- 21.804. Approved educational programs; approval of credentialing organizations.
- 21.805. Fees.

CERTIFICATION REQUIREMENTS

- 21.811. Qualifications for initial certification.
- 21.812. Qualifications for certification by endorsement or change of clinical specialty area.
- 21.813. Application for certification.

MAINTENANCE OF CERTIFICATION

- 21.821. CNS standards of conduct.
- 21.822. Biennial renewal of certification.
- 21.823. CNS-level continuing education; waiver; sanctions.
- 21.824. Inactive status and reactivation.
- 21.825. Sources of continuing education.
- 21.826. Requirements for continuing education courses.
- 21.827. Continuing education course approval.
- 21.828. CNS responsibilities.

PENALTIES FOR VIOLATION

- 21.831. Penalties for violations.

GENERAL PROVISIONS

§ 21.801. Definitions.

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

Act—The Professional Nursing Law (63 P. S. §§ 211—225.5), which provides for the certification of CNSs.

Approved—Approved by the Board.

Approved program—Those educational programs accredited by the NLNAC or CCNE for preparing a professional nurse to practice as a CNS.

Board—The State Board of Nursing of the Commonwealth.

CCNE—Commission on Collegiate Nursing Education—The organization recognized by the United States Secretary of Education as a National accreditation agency that provides a nongovernmental peer review process in accordance with Nationally recognized standards established for the practice of accreditation in the United States.

CNS—Clinical nurse specialist—A registered nurse licensed in this Commonwealth who meets the educational and examination or equivalency requirements of the act and who is certified by the Board to function in a particular clinical specialty area.

National certification—The credential awarded by a Board-recognized organization evidencing that an individual has passed a National certification examination to practice as a CNS in a particular specialty area and has maintained current National certification in the area as specified by the organization.

National certification organization—An organization recognized by the Board and maintained on the approved list on the Board's web site that has as one of its

purposes the examination of individuals to practice as CNSs in a particular specialty area.

NLNAC—National League for Nursing Accrediting Commission—The organization that is recognized as the accrediting body for all types of nursing education programs by the United States Department of Education and that is responsible for the specialized accreditation of nursing education programs, both postsecondary and higher degrees.

Nursing specialty organization—An organization recognized by the Board and maintained on the approved list on the Board's web site that has as one of its purposes the evaluation of the credentials of an individual to practice as a CNS in a particular specialty area.

§ 21.802. Scope.

In this subchapter the Board:

(1) Provides for certification of CNSs who meet the qualifications set forth in the act.

(2) Administers the act by providing rules and regulations relating to the issuance and renewal of CNS certification.

(3) Provides rules and regulations for the conduct of CNSs.

(4) Regulates the practice of CNSs.

§ 21.803. Applicability of rules relating to professional nurses.

Sections §§ 21.1—21.4a, 21.6 and 21.11—21.18a apply to nurses certified under this subchapter.

§ 21.804. Approved educational programs; approval of credentialing organizations.

(a) The Board will approve educational programs as set forth in section 6.2(c) of the act (63 P. S. § 216.2(c)).

(b) The Board will maintain a list of approved educational programs on its web site as set forth in section 6.2(c)(2) of the act.

(c) Educational programs that prepare nurses to practice as CNSs created after March 20, 2008, shall submit evidence that the program meets the criteria in section 6.2(c)(1) of the act to the Board for inclusion on the list of approved programs.

(d) Organizations that evaluate the credentials of nurses for certification by the Board under § 21.811(b) (relating to qualifications for certification) shall submit documentation of their credentials review process and standards to the Board for consideration and inclusion on the list of approved organizations.

§ 21.805. Fees.

(a) The following fees are charged by the Board:

Certification as a CNS	\$100
Biennial renewal fee	\$ 50
Restoration of certificate after sanction.....	\$ 50
Restoration of certificate after lapse of 5 years or greater.....	\$ 50
Fee for verification of certification	\$ 15
Fee for certification of license history	\$ 30
Approval of a continuing education activity, per credit hour	\$ 75

(b) In addition to the application fee prescribed in subsection (a), which is payable directly to the Board, a

candidate for National certification will also pay an additional fee to the National certification organization. A candidate may contact the National certification organization for more information regarding the National CNS examination and examination fee. In addition to the application fee prescribed in subsection (a), which is payable directly to the Board, a candidate for credentials review by a Board-recognized organization will also pay an additional fee to the credentialing organization. A candidate may contact the credentialing organization for more information regarding the evaluation of credentials and the fee for credentials evaluation.

CERTIFICATION REQUIREMENTS

§ 21.811. Qualifications for initial certification.

An applicant for initial certification as a CNS by the Board shall hold a current, unrestricted license to practice professional nursing in this Commonwealth and show evidence of one of the following:

(1) *Nursing education and National certification by examination.* Completion of an accredited, Board-approved master's degree in nursing, doctorate degree in nursing or postmaster's degree or certificate in nursing that prepared the applicant to practice as a CNS and current National certification by examination at the CNS level from a Board-recognized National nursing, nursing specialty or credentialing organization in a designated specialty area, as provided in section 8.5(a)(1) of the act (63 P. S. § 218.5(a)(1)).

(i) For purposes of conferring certification under this paragraph, an organization may apply to the Board for inclusion on the list of Board-recognized National nursing, nursing specialty and credentialing organizations for purposes of this section. An applicant shall provide evidence that it is accredited or recognized by the American Board of Nursing Specialties (ABNS) or the National Council of State Boards of Nursing (NCSBN) to offer a CNS certification examination. The CNS certification examination offered by the organization must have, as a minimum prerequisite, the completion of a master's degree in nursing, doctorate degree in nursing or postmaster's degree or certificate in nursing in the specialty area of examination.

(ii) The Board will provide on its web site a list of the National nursing, nursing specialty and credentialing organizations recognized by the Board for conferring CNS National certification by examination under this paragraph.

(2) *Nursing education and equivalency to National certification by examination.* Completion of an accredited, Board-approved master's degree in nursing, doctorate degree in nursing, or postmaster's degree or certificate in nursing that prepared the applicant to practice as a CNS and, if there is no certification examination available in the specialty area, evidence that the applicant has met the equivalence requirements under section 8.5(a)(2) of the act as follows:

(i) An applicant for certification as a CNS under this paragraph may demonstrate equivalence to National certification by examination in the CNS's specialty area as follows:

(A) For a CNS who, by virtue of the CNS's educational program being accepted by a National certification organization, is authorized to take a National certification examination in a CNS specialty, the CNS may demonstrate a passing score on a National CNS certifying examination from a National certification organization on

the list under paragraph (1)(ii), in an area that encompasses the CNS's specialty area.

(B) For a CNS who is not eligible to take a National certification examination in the CNS specialty area or in an area that encompasses the CNS specialty area, the CNS may demonstrate certification by a Board-recognized National nursing, nursing specialty or credentialing organization within the past 3 years, or recertification if the certification or other process occurred more than 3 years ago.

(ii) For purposes of conferring certification under subparagraph (i)(B), an organization may apply to the Board for inclusion on the list of Board-recognized National nursing, nursing specialty and credentialing organizations by submitting documentation of the organization's credentials review standards and process. The Board will recognize organizations that include a reliable mechanism to evaluate an individual's ability to apply the skills and knowledge obtained in the individual's educational program at the advanced practice nursing level in a particular specialty.

(iii) The Board will provide on its web site a list of the National nursing, nursing specialty and credentialing organizations recognized by the Board for certification of CNSs under subparagraph (i)(B).

(3) *Related education and National certification.* Completion of an educational program that culminated in the award of a master's degree in nursing or higher degree, in a related discipline that, prior to the effective date of Act 49 of 2007, which amended the act (July 20, 2007), qualified a nurse for National certification as a CNS, and current National certification as a CNS by the American Nurses Credentialing Center (ANCC), as provided in section 8.5(b)(1) of the act.

§ 21.812. Qualifications for certification by endorsement or change of clinical specialty area.

(a) *Certification by endorsement.* An applicant for certification by the Board who holds a current, unrestricted license, certificate or authorization to practice as a CNS from another state, territory or possession of the United States or a foreign country, shall meet the certification requirements of the Board at the time of application.

(b) *Change of clinical specialty area.* A CNS who is already certified by the Board may apply for certification in an additional specialty area. To be granted certification in an additional specialty area, the CNS shall meet the educational and National certification or equivalency requirements for the specialty area in which the CNS is applying for certification.

§ 21.813. Application for certification.

(a) An applicant for certification as a CNS shall submit an application form provided by the Board to the Board for its review and approval.

(b) An applicant for initial certification as a CNS shall include documentation satisfactory to the Board that the applicant meets the educational qualifications and National certification requirements in § 21.811 (relating to qualifications for initial certification).

(c) In addition to the documentation in subsections (a) and (b), an applicant for certification by endorsement shall include documentation satisfactory to the Board of the following:

(1) Verification of current, unrestricted licensure, certification or authority to practice as a professional nurse

and CNS issued by the proper licensing authority of another state, territory or possession of the United States or a foreign country.

(2) A written statement from the out-of State licensing, credentialing or authorizing entity setting forth the licensure, certification or authorization to practice requirements at the time the applicant was first licensed, certified or authorized to practice by that entity.

(d) An applicant who holds certification from the Board as a CNS who is applying for certification in an additional specialty area under § 21.812(b) (relating to qualifications for certification by endorsement or change clinical specialty area) shall submit, in addition to the documentation required under subsections (a) and (b), documentation of the following:

(1) Official transcript from the applicant's CNS program and any additional educational programs, including degree awarded, demonstrating a concentration in the specialty area in which the applicant is seeking certification.

(2) Proof of current National certification as a CNS from a Board-recognized National certification organization or proof the applicant meets the equivalency requirements for the specialty area in which the applicant is applying for certification.

(e) An applicant shall remit the certification fee in § 21.805 (relating to fees).

(f) An applicant shall submit additional information as identified on the application or as requested in writing by the Board. If supporting material is not provided within 12 months, the applicant will be required to file a new application.

MAINTENANCE OF CERTIFICATION

§ 21.821. CNS standards of conduct.

In addition to the standards of conduct for a professional nurse in § 21.18 (relating to standards of nursing conduct), a CNS shall undertake a specific practice or procedure only if the CNS has the necessary knowledge, preparation, experience and competency to properly execute the practice or procedure.

§ 21.822. Biennial renewal of certification.

(a) The certification of a CNS will expire at the same time as the CNS's professional nursing license as provided in § 21.29 (relating to expiration and renewal of license).

(b) Notice of application for renewal will be forwarded biennially to each active CNS at the CNS's address of record with the Board prior to the expiration date of the current biennial period.

(c) As a condition of biennial renewal, a CNS shall hold a valid, unexpired and unrestricted professional nursing license.

(d) As a condition of biennial renewal, a CNS shall complete a minimum of 30 hours of Board-approved continuing education in the 2 years prior to renewal as required by section 8.5(c)(2) of the act (63 P. S. § 218.5(c)(2)), unless the requirement is waived by the Board or the CNS's certification is on inactive status.

(e) The applicant shall remit the required renewal fee in § 21.805 (relating to fees) with the applicant's renewal application forms. Upon approval of the renewal application, the CNS will receive a certification for the current renewal period.

(f) Any written communication with the Board must be typed or printed and include the CNS's full name, including former names, the current address and certification number.

§ 21.823. CNS-level continuing education; waiver; sanctions.

(a) In lieu of meeting the requirements of section 12.1(b) of the act (63 P. S. § 222(b)), a CNS may submit proof of completion of the continuing education requirement in section 8.5(c)(2) of the act (63 P. S. § 218.5(c)(2)).

(b) The Board may waive the requirements of continuing education in cases of illness or undue hardship. It is the duty of each licensee who seeks a waiver to notify the Board in writing and request the waiver at least 90 days prior to the end of the renewal period. The Board will grant, deny or grant in part the request for waiver.

(c) An individual failing to meet the continuing education requirements for a biennial period will be sanctioned in accordance with § 43b.18a (related to schedule of civil penalties for nurses).

§ 21.824. Inactive status and reactivation.

A CNS who places the CNS's certification on inactive status is not required to meet the continuing education requirements in section 8.5(c)(2) of the act (63 P. S. § 218.5(c)(2)) during the period the certification is on inactive status. Upon application for reactivation of certification, the CNS shall provide the documentation in § 21.828(b) (relating to CNS responsibilities) to demonstrate that the CNS has met the continuing education requirements for the biennial period immediately preceding the request for reactivation.

§ 21.825. Sources of continuing education.

(a) The following providers of continuing education and credentialing organizations have currently met the standards for course approval for continuing education and, provided that these providers and credentialing organizations agree to abide by §§ 21.826 and 21.827 (relating to requirements for continuing education courses; and continuing education course approval), they are preapproved to offer creditable continuing education, subject to reevaluation as set forth in subsection (b):

(1) Board-approved CNS educational programs and CNS educational programs approved by other state boards of nursing or that hold current accreditation issued by a National nursing accreditation organization.

(2) National and international nursing organizations and their state and local affiliates.

(3) National and international medical and osteopathic organizations and their state and local affiliates.

(4) National pharmaceutical organizations and their state and local affiliates.

(5) National nursing specialty organizations.

(6) Continuing education programs approved by other state boards of nursing for CNSs.

(b) The approval given to the providers and credentialing organizations in subsection (a) is subject to reevaluation. A rescission of provider or credentialing organization approval will be made in accordance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) or by amendment of this section.

(c) CNSs may obtain credit for continuing education offered by providers not indicated in subsection (a) if the

provider obtains Board approval of the continuing education prior to its implementation, or the CNS obtains Board approval of the continuing education prior to attending the continuing education. A continuing education provider or CNS may obtain Board approval of continuing education by submitting a request for approval and the supporting documentation in § 21.827(b) at least 60 days prior to the course. The Board will approve or disapprove the request within 45 days.

(d) CNSs may obtain credit for correspondence courses, taped study courses, and other independent or online study courses if the course is Board approved.

(e) Up to 15 hours will be credited for service as a teacher, preceptor, lecturer or speaker and for publication in a refereed journal or other scholarly publication relating to the CNS's area of practice.

(f) An hour for the purposes of CNS continuing education is 50 minutes.

§ 21.826. Requirements for continuing education courses.

Each course must have:

(1) An established mechanism to measure its quality, established criteria for selecting and evaluating faculty, and established criteria for the evaluation of each participant who completes the course.

(2) Adequate facilities with appropriate instructional materials to carry out continuing education programs.

(3) An instructor whose area of expertise is in the subject matter being taught.

§ 21.827. Continuing education course approval.

(a) As a condition of approval, providers and credentialing organizations are required to provide CNSs who complete continuing education courses with a certificate of completion which contains the information in § 21.828(a) (relating to CNS responsibilities).

(b) Providers or CNSs requesting Board approval for continuing education as set forth in § 21.825(c) (relating to sources of continuing education) shall pay the fee in § 21.805 (relating to fees) and submit the following information to the Board:

- (1) The full name and address of the provider.
- (2) The title of the program.
- (3) The dates and location of the program.
- (4) The faculty names, titles, affiliations, degrees and areas of expertise.
- (5) The schedule of the program—title of subject, lecturer and time allocated.
- (6) The total number of hours requested.
- (7) The method of certifying and assuring attendance, and draft of certificate of attendance to be provided to course participants.
- (8) The course objectives.
- (9) The target audience.
- (10) The core subjects.
- (11) The instruction and evaluation methods.
- (12) Other information requested by the Board.

(c) The provider shall provide CNSs who successfully complete a course with a certificate of attendance.

(d) A separate application shall be submitted whenever a change is made to any information submitted under subsection (b), except for information related to a change in date or location, or both.

§ 21.828. CNS responsibilities.

(a) A CNS is required to maintain documentation of completion of continuing education, including:

- (1) CNS's name.
- (2) Dates attended.
- (3) Continuing education hours.
- (4) Title of course.
- (5) Course provider.
- (6) Location of course.

(b) Primary responsibility for documenting completion of the continuing education requirements rests with the CNS. A CNS seeking to renew certification shall verify compliance with continuing education requirements. Certificates of attendance and other documentation of completion of continuing education requirements must be maintained for 5 years. The Board approval letter sent to the applicant will be considered acceptable documentation of hours obtained through § 21.825(c) or (e) (relating to sources of continuing education).

(c) Falsification of information required under this section or failure to complete the continuing education requirements by those who continue to practice as a CNS may result in the institution of formal disciplinary action under section 14(a)(3) of the act (63 P. S. § 221(a)(3)) and § 21.831(3) (relating to penalties for violations).

PENALTIES FOR VIOLATION

§ 21.831. Penalties for violations.

Certification as a CNS may be suspended, revoked or otherwise restricted when, after notice and opportunity to be heard, the Board finds that:

(1) The CNS has engaged in the performance of functions and tasks beyond the scope of practice permitted for a CNS or beyond the scope of the CNS's clinical specialty area as provided in the act and this subchapter.

(2) The CNS has performed a task or function which the CNS does not have the necessary knowledge, preparation, experience and competency to perform properly or is not qualified under the act and this subchapter to perform.

(3) The CNS has violated the act or this subchapter, or engaged in any conduct prohibited for professional nurses.

[Pa.B. Doc. No. 08-1101. Filed for public inspection June 13, 2008, 9:00 a.m.]

STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

[49 PA. CODE CHS. 47, 48 AND 49]

Code of Ethical Practice and Standards of Professional Conduct

The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) proposes to add §§ 47.71, 48.71 and 49.71 (relating to code of ethical practice and standards of professional conduct) to read as set forth in Annex A. The regulations would establish a code of ethical practice and standards of professional conduct for social workers, clinical social workers, marriage and family therapists and professional counselors.

Effective Date

The regulations will be effective upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

Statutory Authority

The regulations are authorized under section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (act) (63 P. S. § 1906(2)).

Background and Purpose

Section 6(2) of the act authorizes the Board to adopt rules and regulations establishing standards of professional practice and conduct for licensed social workers, licensed clinical social workers, licensed marriage and family therapists and licensed professional counselors in this Commonwealth. The Board, through this rulemaking, is implementing section 6(2) of the act.

In developing this code of ethical conduct and standards of professional practice, the Board looked at codes of conduct established by professional associations and organizations as well as other state codes. In particular, the Board modeled these regulations after codes of conduct and professional practice adopted by the following associations and organizations: the National Association of Social Workers; the Clinical Social Work Federation; the Pennsylvania State Board of Psychology; the American Association for Marriage and Family Therapy; the National Board for Certified Counselors; the Professional Counseling Board; the Commission on Rehabilitation Counselor Certification; and the American Psychological Association. In addition, the Board looked at standards promulgated by other state licensing boards.

Description

Sections 47.71, 48.71 and 49.71 explain that this code of ethical practice and professional conduct constitutes the standards by which the licensee shall be measured and that violations of these standards is sufficient reason for the Board to take disciplinary action against a licensee.

The proposed regulations set forth standards pertaining to the responsibility of a licensee to clients/patients. These responsibilities include: competency; informed con-

sent; proper delegation; confidentiality and privacy; manner of terminating services; prohibition of sexual harassment and discrimination; and proper conduct between a licensee and the client/patient.

The proposed regulations also address multiple relationships affecting the licensee's judgment. In particular, §§ 47.71(c), 48.71(c) and 49.71(c) explain that a licensee should avoid multiple relationships and conflicts of interest with any client/patient which could impair professional judgment or increase the risk of client/patient exploitation.

Sections 47.71(d), 48.71(d) and 49.71(d) prohibit a licensee from undertaking or continuing professional relationships with a client, supervisee or student when objectivity or competency of the licensee is or could reasonably be expected to be impaired due to mental, emotional, physiological, pharmacological or substance abuse conditions.

Sections 47.71(e), 48.71(e) and 49.71(e) address standards of conduct relating to research and publication. This includes research responsibility, informed consent, reporting results and publication.

Sections 47.71(f), 48.71(f) and 49.71(f) provide guidance to licensees related to payment for services. Sections 47.71(g), 48.71(g) and 49.71(g) pertain to recordkeeping. These provisions require that licensees keep records of the dates of services, types of services, termination and billing information. They also require that records be maintained by the licensee for 5 years except for records held or owned by government agencies or educational institutions.

Sections 47.71(h), 48.71(h) and 49.71(h) pertain to mandatory reporting and require that all licensees, supervisors and trainees have a responsibility to report any alleged violations of these rules to the Board. Sections 47.71(i), 48.71(i) and 49.71(i) require licensees to notify the Board of any changes of name or address. Sections 47.71(j), 48.71(j) and 49.71(j) require licensees to engage in appropriate advertising and to accurately represent their competencies, education, training and experience relevant to their professional practice.

Fiscal Impact and Paperwork Requirements

The proposed regulations will have no fiscal impact and impose no additional paperwork requirements on the Board or its licensees.

The proposed regulations should not impose any legal, accounting or reporting requirements on the regulated community.

Compliance

The Board solicited predraft input regarding these proposed regulations from licensees, professional associations and educational programs. The Board received seven comments to the draft. The Board considered these comments in developing the proposed rulemaking.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 4, 2008, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC), and the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)), IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to publication of the final rulemaking, by the Board, the General Assembly, and the Governor of comments, recommendations or objections raised.

Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding the proposed amendments to Sandra Matter, Administrative Assistant, State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Please reference No. 16A-6911, Standards of Professional Conduct, when submitting comments.

RONALD HAYS,
Chairperson

Fiscal Note: 16A-6911. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 47. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

CODE OF ETHICAL PRACTICE AND STANDARDS OF PROFESSIONAL CONDUCT

§ 47.71. Code of ethical practice and professional conduct.

(a) *Application.* This code of ethical practice and professional conduct constitutes the standards by which the professional conduct of licensed social workers and licensed clinical social workers will be measured.

(1) This code of ethical practice and professional conduct applies to the conduct of all licensees.

(2) A violation of this code of ethical practice and professional conduct constitutes unprofessional conduct and subjects the licensed social worker or licensed clinical social worker to disciplinary action under section 11 of the act (63 P. S. § 1911).

(3) The Board subscribes to the codes of ethics and practice standards promulgated by the National Association of Social Workers, the Pennsylvania Society for Clinical Social Work and the Association of State Social Work Boards and the Board will use these codes and standards as aids in resolving ambiguities which may arise in the interpretation of this section, except that whenever any conflict exists between this section and the professional associations' codes and standards, this section shall prevail.

(b) *Responsibility to clients/patients.*

(1) *Competency.*

(i) Licensees may not misrepresent directly, indirectly or by implication their professional qualifications such as education, specialized training, experience or area or areas of competence.

(ii) Licensees may practice only within the competency areas for which they are qualified by education, training or experience.

(iii) Licensees shall maintain appropriate standards of care. The appropriate standard of care is defined as what an ordinary, reasonable professional with similar training would have done in a similar circumstance.

(iv) Licensees shall make appropriate referrals when the client's/patient's needs exceed the licensee's competence level. The referrals must be made in a timely manner.

(2) *Informed consent.*

(i) Licensees shall inform clients/patients in writing of the extent and nature of services available to them, as well as the limits, rights, opportunities and obligations associated with the services to be provided which might affect the clients'/patients' decisions to enter into or continue the relationship.

(ii) Licensees shall provide services to clients/patients only in the context of a professional relationship based on valid informed consent. Licensees shall use clear and understandable language to inform clients/patients of the purposes of services, limits to the services due to legal requirements, relevant costs, reasonable alternatives, the clients'/patients' rights to refuse or withdraw consent and the time frame covered by the consent.

(iii) In instances when the client/patient is unable to read or understand the consent document or has trouble understanding the primary language contained in the informed consent document, licensees shall take steps to ensure the client's/patient's comprehension including providing a detailed verbal explanation or arranging for a qualified interpreter or translator, as needed. If a client/patient is not competent to provide informed consent because of age or mental condition, the licensee shall obtain consent from the client's/patient's parent, guardian or court-appointed representative.

(iv) When a client/patient is receiving services involuntarily, licensees shall provide information about the nature and extent of the services and about the client's/patient's rights to the client's/patient's parent, guardian or court-appointed representative.

(v) Licensees who provide services by the electronic means shall inform the client/patient of the limitations and risks associated with the services.

(3) *Delegation.* A licensee may not delegate professional responsibilities to another person when the licensee delegating the responsibilities knows or has reason to know that the other person is not qualified by training, experience or licensure to perform those responsibilities.

(4) *Confidentiality and privacy.*

(i) Licensees shall have a primary obligation to protect the client's/patient's right to confidentiality and privacy as established by law and the professional standards of practice. Confidential and private information shall only be revealed to others when the client/patient, or other person legally authorized to give consent on behalf of the client/patient, has given informed consent, except in those

circumstances in which failure to do so would violate other laws or result in clear and present danger to the client/patient or others. Unless specifically contraindicated by these situations, a client/patient shall be informed and written consent shall be obtained before the confidential and private information is revealed.

(ii) Licensees shall discuss with clients/patients and the client's/patient's legally authorized representatives, the nature of confidentiality and the limitation of the clients'/patients' right to confidentiality. Licensees shall review with clients/patients circumstances when confidential information may be requested and when disclosure of confidential information is legally required. This discussion should occur as soon as possible in the professional relationship and as needed throughout the course of the relationship.

(iii) When licensees provide services to families, couples or groups, licensees should seek agreement among the parties involved concerning each individual's right to confidentiality and obligations to preserve the confidentiality of information shared by others. Licensees shall inform participants in family, group or couples counseling that the licensee cannot guarantee that all participants will honor the agreements. In the context of couple, family or group treatment, the licensee may not reveal any individual's confidences to others in the client unit without the prior written permission of that individual.

(iv) Licensees shall take reasonable steps to protect the confidentiality of information transmitted to other parties through the use of computers, electronic mail, facsimile machines, telephones and telephone answering machines, and other electronic or computer technology.

(5) *Termination.* Licensees shall terminate services only after giving careful consideration to factors affecting the relationship and making an effort to minimize possible adverse effects. If an interruption or termination of services is anticipated, reasonable notification and appropriate referral for continued services shall be provided to the client/patient.

(6) *Sexual harassment.*

(i) Licensees may not sexually harass clients/patients or family members of clients/patients.

(ii) Licensees may not sexually harass supervisees, students, trainees, employees, research subjects or colleagues.

(iii) Sexual harassment includes unwanted sexual advances, sexual solicitation, requests for sexual favors and other verbal, visual or physical conduct of a sexual nature.

(7) *Discrimination.* Licensees may not practice, condone, facilitate or collaborate with any form of discrimination on the basis of race, ethnicity, religion, national origin, color, gender, sexual orientation, age, socioeconomic level, marital status, political belief, veteran status, or mental or physical impairment.

(8) *Conduct with clients/patients.*

(i) Licensees may not physically or verbally abuse or threaten clients/patients or family members of clients/patients.

(ii) Licensees may not use derogatory language in their written or verbal communications to or about clients/patients. Licensees shall use accurate and respectful language in all communications to and about clients/patients.

(c) *Dual or multiple relationships affecting the licensee's judgment.*

(1) A licensee shall avoid dual or multiple relationships and conflicts of interest with any client/patient which could impair the licensee's professional judgment or increase the risk of client/patient exploitation. Dual or multiple relationships occur when the licensee relates to clients/patients in more than one relationship, whether professional, social or business. Dual or multiple relationships can occur simultaneously or consecutively. The licensee may not undertake or continue a professional relationship with a client/patient, supervisee or student when the objectivity or competency of the licensee is, or could reasonably be expected to be, impaired or when the relationship with the client/patient, supervisee or student is exploitative. The licensee should be particularly aware that familial, social, emotional, financial, supervisory, political, administrative and legal relationships with a client/patient or a person related to or associated with the client/patient must be carefully considered to insure that impaired judgment or exploitation is not involved.

(2) Licensees shall always be sensitive to the potentially harmful effects of other contacts on their practice and on those persons with whom they deal. A licensee shall refrain from entering into, or promising another to enter into, personal, scientific, professional or other relationships with another person if it appears or should appear likely that the relationship might reasonably impair the licensee's objectivity or otherwise interfere with the licensee's effectiveness as a licensed social worker or licensed clinical social worker or might harm or exploit the other party.

(3) When a dual or multiple relationship cannot be avoided, a licensee shall take reasonable professional precautions, such as informed consent, consultation, supervision and documentation, to ensure that judgment is not impaired and that no exploitation occurs.

(4) If a licensee finds that, due to unforeseen factors, a potentially harmful dual or multiple relationship has arisen with a client/patient, the licensee shall attempt to resolve it with due regard for the best interests of the client/patient and maximum compliance with the act and this chapter.

(5) When a licensee provides services to two or more people who have a relationship with each other, such as couples or family members, the licensee shall clarify with all parties which individuals will be considered clients/patients and the nature of the licensee's professional obligation to the various individuals who are receiving services. A licensee who anticipates a conflict of interest among the individuals receiving services or who anticipates having to perform in potentially conflicting roles, such as a licensee who is asked or ordered to testify in a child custody dispute or divorce proceeding involving clients/patients, shall clarify the roles with the parties involved and take reasonable action to minimize any conflict of interest.

(d) *Impaired practice.* A licensee may not undertake or continue a professional relationship with a client/patient, supervisee or student when the objectivity or competency of the licensee is, or could reasonably be expected to be, impaired due to mental, emotional, physiological, pharmacological or substance abuse conditions. If such a condition develops after a professional relationship has been initiated, the licensee shall terminate the professional relationship in an appropriate manner and shall, either himself or through an appropriate designee, notify

the client/patient of the termination in writing and assist the client/patient in obtaining services from another professional.

(e) *Research and publication.*

(1) *Research responsibilities.*

(i) *Use of human subjects.* Licensees shall plan, design, conduct and report research in a manner consistent with pertinent ethical principles, Federal and State laws, host institutional rules and scientific standards governing research with human subjects. Licensees shall conduct research that reflects cultural sensitivity appropriateness.

(ii) *Deviation from standard practice.* Licensees shall seek consultation and observe stringent safeguards to protect the rights of research participants when a research problem suggests a deviation from standard acceptable practices.

(iii) *Precautions to avoid injury.* Licensees who conduct research with human subjects are responsible for the subjects' welfare throughout the experiment and shall take reasonable precautions to avoid causing injurious psychological, physical or social effects to the subjects. Licensees shall warn subjects of any possible harm that might come from being involved in a research project.

(iv) *Principal researcher responsibility.* The ultimate responsibility for ethical research practice lies with the principal researcher. Others involved in the research activities share ethical obligations and full responsibility for their own actions.

(v) *Minimal interference.* Licensees shall take reasonable precautions to avoid causing disruptions in subjects' lives due to participation in research.

(vi) *Diversity.* Licensees shall be sensitive to diversity and research issues with special populations and seek consultation when a reasonable researcher would consider it appropriate.

(2) *Informed consent.*

(i) *Topics disclosed.* In obtaining informed consent for research, licensees shall use language that is understandable to research participants and that:

(A) Accurately explains the purpose and procedures to be followed.

(B) Identifies any procedures that are experimental or relatively untried.

(C) Describes the attendant discomforts and risks.

(D) Describes the benefits or changes in individuals or organizations that might be reasonably expected.

(E) Discloses appropriate alternative procedures that would be advantageous for the subject.

(F) Offers to answer any inquiries concerning the procedures.

(G) Instructs that subjects are free to withdraw their consent and discontinue participation in the project at any time.

(ii) *Prohibition of deception.* The methodological requirements of research study may not include concealment, deception or minimal risk to participants.

(iii) *Voluntary participation.* Licensees shall assure that participation in research is voluntary and without any penalty for refusal to participate. Involuntary participation is appropriate only when it can be demonstrated that participation will have no harmful effects on subjects and is essential to the investigation. A research procedure

may not be used if it is likely to cause serious or lasting harm to a participant. Ethical practice requires the investigator to respect the individual's freedom to decline to participate in, or withdraw from, research and to so inform prospective participants. The obligation to protect this freedom requires special vigilance when a licensee is, in any manner, in a position of authority over the participant. It is unethical to penalize a participant in any way for withdrawing from or refusing to participate in a research project.

(iv) *Confidentiality of information.* Information obtained about research participants during the course of an investigation is confidential. When the possibility exists that others may obtain access to the information, ethical research practice requires that the possibility, together with the plans for protecting confidentiality, be explained to participants by the licensee as part of the procedure for obtaining informed consent.

(v) *Persons incapable of giving informed consent.* When a person is not capable of giving informed consent, licensees shall provide an appropriate explanation, obtain agreement for participation and obtain informed consent from a legally authorized person.

(vi) *Commitments to participants.* Licensees shall take reasonable measures to honor all commitments to research participants.

(vii) *Explanations after data collections.* After data are collected, licensees shall provide participants with full clarifications of the nature of the study to remove any misconceptions. When scientific or human values justify delaying or withholding information, licensees shall take reasonable measures to avoid causing harm.

(viii) *Agreements to cooperate.* Licensees who agree to cooperate with another individual in research or publication shall cooperate as promised in terms of punctuality of performance and with regard to the completeness and accuracy of the information required.

(ix) *Informed consent for sponsors.* In the pursuit of research, licensees shall give sponsors, institutions and publication channels the same respect and opportunity for giving informed consent that they accord to individual research participants. Licensees shall be aware of their obligation to future research workers and ensure that host institutions are given feedback information and proper acknowledgment.

(3) *Reporting results.*

(i) *Information affecting outcome.* When reporting research results, licensees shall explicitly mention all variables and conditions known to the licensee that may have affected the outcome of a study or the interpretation of the data.

(ii) *Accurate results.* Licensees shall plan, conduct and report research accurately and in a manner that minimizes the possibility that results will be misleading and shall provide thorough discussions of the limitations of their data and alternative hypotheses. Licensees may not engage in fraudulent research, distort data, misrepresent data or deliberately bias their results.

(iii) *Obligation to report unfavorable results.* Licensees shall communicate to other licensees the results of any research judged to be of professional value.

(iv) *Identity of subjects.* Licensees who supply data, aid in the research of another person, report research results or make original data available shall take due care to

disguise the identity of respective subjects in the absence of specific authorization from the subjects to do otherwise.

(v) *Replication studies.* Licensees shall make available sufficient original research data to qualified professionals who may wish to replicate the study.

(4) *Publication.*

(i) *Recognition of others.* When conducting and reporting research, licensees shall be familiar with, and give recognition to, previous work on the topic, observe copyright laws, and give full credit to those to whom credit is due.

(ii) *Contributors.* Licensees shall give credit through joint authorship, acknowledgement, footnote statements or other appropriate means to those who have contributed significantly to research or concept development in accordance with such contributions. The principal contributor shall be listed first and minor technical or professional contributions may be acknowledged in notes or introductory statements.

(iii) *Student research.* For an article that is substantially based on a student's dissertation or thesis, the student shall be listed as the principal author.

(iv) *Duplicate submission.* Licensees shall submit manuscripts for consideration to only one journal at a time. Manuscripts that are published in whole or in substantial part in a journal or published work may not be submitted for publication to another journal without acknowledgment and permission from the previous publication.

(v) *Professional review.* Licensees who review material submitted for publication, research or other scholarly purposes shall respect the confidentiality and proprietary rights of those who submitted it.

(f) *Payment for services.*

(1) When setting fees, licensees shall ensure that the fees are fair, reasonable and commensurate with the services performed.

(2) Licensees may not accept goods or services as payment for professional services.

(3) Licensees shall make financial arrangements with clients/patients, third-party payors and supervisees that are reasonably understandable and conform to accepted professional practices.

(4) Prior to entering into the therapeutic or supervisory relationship, a licensee should clearly disclose and explain to clients/patients and supervisees the following:

(i) Financial arrangements and fees related to professional services, including charges for canceled or missed appointments.

(ii) The use of collection agencies or legal measures for nonpayment.

(iii) The procedure for obtaining payment from the client/patient, to the extent allowed by law, if payment is denied by the third-party payor.

(5) Once services have begun, licensees shall provide reasonable notice of changes in fees or other charges.

(6) Licensees shall give reasonable notice to clients with unpaid balances of their intent to seek collection by agency or legal recourse. When that action is taken, licensees may not disclose clinical information.

(7) Licensees shall represent facts truthfully to clients, third-party payors and supervisees regarding services rendered.

(8) Licensees may not withhold records under their immediate control that are requested and needed for a client's/patient's treatment solely because payment has not been received for past services, except as otherwise provided by law.

(g) *Recordkeeping.*

(1) For each client/patient, a licensee shall keep records of the dates of social work services, types of social work services, termination and billing information.

(2) Records kept by the licensee shall be retained for 5 years from the date of the last entry. Records held or owned by government agencies or educational institutions are not subject to this requirement.

(3) Licensees shall take reasonable steps to ensure that documentation in records is accurate and reflects the services provided.

(4) Licensees shall include sufficient and timely documentation in records to facilitate the delivery of services and to ensure continuity of services provided to the client/patient in the future.

(5) Licensees' documentation should protect clients'/patients' privacy to the extent that it is possible and appropriate and should include only information that is directly relevant to the delivery of services.

(6) Licensees shall store records following termination of services to ensure reasonable future access. Records shall be maintained as required by paragraph (2) unless a longer retention period is otherwise required by statute or relevant contracts.

(7) Licensees shall provide a client/patient with reasonable access to records concerning the client/patient. Licensees who are concerned that clients'/patients' access to their records could cause serious misunderstanding or harm to the client/patient should provide assistance in interpreting the records and consultation with the client/patient regarding the records. Licensees should limit clients'/patients' access to their records, or portions of their records, only in exceptional circumstances when there is compelling evidence that the access would cause serious harm to the client/patient. Both the clients'/patients' requests and the rationale for withholding some or all of the records shall be documented in the clients'/patients' files. When providing clients'/patients with access to their records, licensees shall take steps to protect the confidentiality of other individuals identified or discussed in the records.

(8) In the event of the licensee moving from the area or closing the licensee's practice, a licensee shall arrange for the storage, transfer or disposal of client/patient records in ways that maintain confidentiality and safeguard the welfare of clients/patients.

(h) *Mandatory reporting.*

(1) Licensees, supervisors and trainees have a responsibility to report any alleged violations of the act or this chapter to the Board. If a licensee has knowledge or reason to suspect that a colleague or other licensee is incompetent, impaired or unethical, the licensee shall report that practitioner to the Board.

(2) Licensees shall comply with mandatory reporting requirements in this chapter, including §§ 47.51—47.57 (relating to child abuse reporting requirements).

(i) *Notice of name and address change.* Licensees shall notify the Board within 30 days of any changes of name or mailing information to ensure that the Board has the licensees' current name and mailing address. Failure to do so may result in disciplinary action by the Board.

(j) *Advertising.*

(1) Licensees shall engage in appropriate informational activities, including those that enable the public, referral sources or others to choose professional services on an informed basis.

(2) Licensees shall accurately represent their competencies, education, training and experience relevant to their professional practice.

(3) Licensees shall ensure that advertisements and publications in any media, such as directories, announcements, business cards, newspapers, radio, television, internet and facsimiles, convey information that is necessary for the public to make an appropriate selection of professional services. This information may include the following:

(i) Office information, such as name, address, telephone number and credit card acceptability.

(ii) Earned degrees and State or provincial licensures or certifications.

(iii) Professional association member status.

(iv) Description of practice.

(4) Licensees may not use names that could mislead the public concerning the identity, responsibility, source or status of those practicing under that name, and shall not hold themselves out as being partners or associates of a firm if they are not partners or associates of the firm.

(5) Licensees may not use any professional identification, such as a business card, office sign, letterhead, internet, or telephone or association directory listing, if it includes a statement or claim that is false, fraudulent, misleading or deceptive.

(6) In representing their educational qualifications, licensees shall list and claim only those earned degrees from institutions accredited by regional accreditation sources recognized by the United States Department of Education, from institutions recognized by states or provinces that license or certify the licensee, or from equivalent foreign institutions.

(7) A licensee shall correct, whenever possible, false, misleading or inaccurate information and representations made by others concerning the licensee's qualifications, services or products.

(8) Licensees shall make certain that the qualifications of their employees or supervisees are represented in a manner that is not false, misleading or deceptive.

(9) Licensees may not represent themselves as providing specialized services unless they have the required education, training or supervised experience.

CHAPTER 48. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS—LICENSURE OF MARRIAGE AND FAMILY THERAPISTS

CODE OF ETHICAL PRACTICE AND STANDARDS OF PROFESSIONAL CONDUCT

§ 48.71. Code of ethical practice and professional conduct.

(a) *Application.* This code of ethical practice and professional conduct constitutes the standards by which the professional conduct of licensed marriage and family therapists will be measured.

(1) This code of ethical practice and professional conduct applies to the conduct of all licensees.

(2) A violation of this code of ethical practice and professional conduct constitutes unprofessional conduct and subjects the licensed marriage and family therapist to disciplinary action under section 11 of the act (63 P. S. § 1911).

(3) The Board subscribes to the codes of ethics and practice standards for licensees promulgated by the National Board for Certified Counselors, Inc., the Commission on Rehabilitation Counselor Certification, the Certification Board for Music Therapists, the American Dance Therapy Association and the American Association for Marriage and Family Therapy and the Board will use these codes and standards as aids in resolving ambiguities which may arise in the interpretation of this section, except that whenever any conflict exists between this section and the professional associations' codes and standards, this section shall prevail.

(b) *Responsibility to clients/patients.*

(1) *Competency.*

(i) Licensees may not misrepresent directly, indirectly or by implication their professional qualifications such as education, specialized training, experience or area or areas of competence.

(ii) Licensees may practice only within the competency areas for which they are qualified by education, training or experience.

(iii) Licensees shall maintain appropriate standards of care. The appropriate standard of care is defined as what an ordinary, reasonable professional with similar training would have done in a similar circumstance.

(iv) Licensees shall make appropriate referrals when the client's/patient's needs exceed the licensee's competence level. The referrals must be made in a timely manner.

(2) *Informed consent.*

(i) Licensees shall inform clients/patients in writing of the extent and nature of services available to them, as well as the limits, rights, opportunities and obligations associated with the services to be provided which might affect the clients/patients of services decisions to enter into or continue the relationship.

(ii) Licensees shall provide services to clients/patients only in the context of a professional relationship based on valid informed consent. Licensees shall use clear and understandable language to inform clients/patients of the purposes of services, limits to the services due to legal requirements, relevant costs, reasonable alternatives, the clients'/patients' rights to refuse or withdraw consent and the time frame covered by the consent.

(iii) In instances when the client/patient is unable to read or understand the consent document or has trouble understanding the primary language contained in the informed consent document, licensees shall take steps to ensure the client's/patient's comprehension including providing a detailed verbal explanation or arranging for a qualified interpreter or translator, as needed. If a client/patient is not competent to provide informed consent because of age or mental condition, the licensee shall

obtain consent from the client's/patient's parent, guardian or court appointed representative.

(iv) When a client/patient is receiving services involuntarily, licensees shall provide information about the nature and extent of the services and about the client's/patient's rights to the client's/patient's parent, guardian or court appointed representative.

(v) Licensees who provide services of electronic means shall inform the clients/patients of the limitations and risks associated with the services.

(3) *Delegation.* A licensee may not delegate professional responsibilities to another person when the licensee delegating the responsibilities knows or has reason to know that the other person is not qualified by training, experience or licensure to perform those responsibilities.

(4) *Confidentiality and privacy.*

(i) Licensees shall have a primary obligation to protect the client's/patient's right to confidentiality and privacy as established by law and the professional standards of practice. Confidential and private information shall only be revealed to others when the client/patient or other person legally authorized to give consent on behalf of the client/patient, has given informed consent, except in those circumstances in which failure to do so would violate other laws or result in clear and present danger to the client/patient or others. Unless specifically contraindicated by these situations, a client/patient shall be informed and written consent shall be obtained before the confidential and private information is revealed.

(ii) Licensees shall discuss with clients/patients and the client's/patient's legally authorized representatives, the nature of confidentiality and the limitation of the clients'/patients' right to confidentiality. Licensees shall review with clients/patients circumstances when confidential information may be requested and when disclosure of confidential information is legally required. This discussion should occur as soon as possible in the professional relationship and as needed throughout the course of the relationship.

(iii) When licensees provide services to families, couples or groups, licensees should seek agreement among the parties involved concerning each individual's right to confidentiality and obligations to preserve the confidentiality of information shared by others. Licensees shall inform participants in family, group or couples counseling that the licensee cannot guarantee that all participants will honor the agreements. In the context of couple, family or group treatment, the licensee may not reveal any individual's confidences to others in the client unit without the prior written permission of that individual.

(iv) Licensees shall take reasonable steps to protect the confidentiality of information transmitted to other parties through the use of computers, electronic mail, facsimile machines, telephones and telephone answering machines, and other electronic or computer technology.

(5) *Termination.* Licensees shall terminate services only after giving careful consideration to factors affecting the relationship and making an effort to minimize possible adverse effects. If an interruption or termination of services is anticipated, reasonable notification and appropriate referral for continued services shall be provided to the client/patient.

(6) *Sexual harassment.*

(i) Licensees may not sexually harass clients/patients or family members of clients/patients.

(ii) Licensees may not sexually harass supervisees, students, trainees, employees, research subjects or colleagues.

(iii) Sexual harassment includes unwanted sexual advances, sexual solicitation, requests for sexual favors and other verbal, visual or physical conduct of a sexual nature.

(7) *Discrimination.* Licensees may not practice, condone, facilitate or collaborate with any form of discrimination on the basis of race, ethnicity, religion, national origin, color, gender, sexual orientation, age, socioeconomic level, marital status, political belief, veteran status, or mental or physical impairment.

(8) *Conduct with clients/patients.*

(i) Licensees may not physically or verbally abuse or threaten clients/patients or family members of clients/patients.

(ii) Licensees may not use derogatory language in their written or verbal communications to or about clients/patients. Licensees shall use accurate and respectful language in all communications to and about clients/patients.

(c) *Dual or multiple relationships affecting the licensee's judgment.*

(1) A licensee shall avoid dual or multiple relationships and conflicts of interest with any client/patient which could impair the licensee's professional judgment or increases the risk of client/patient exploitation. Dual or multiple relationships occur when the licensee relates to clients/patients in more than one relationship, whether professional, social or business. Dual or multiple relationships can occur simultaneously or consecutively. The licensee may not undertake or continue a professional relationship with a client/patient, supervisee or student when the objectivity or competency of the licensee is, or could reasonably be expected to be, impaired or when the relationship with the client/patient, supervisee or student is exploitative. The licensee should be particularly aware that familial, social, emotional, financial, supervisory, political, administrative and legal relationships with a client/patient or a person related to or associated with the client/patient must be carefully considered to insure that impaired judgment or exploitation is not involved.

(2) Licensees shall always be sensitive to the potentially harmful effects of other contacts on their practice and on those persons with whom they deal. A licensee shall refrain from entering into, or promising another to enter into, personal, scientific, professional or other relationships with another person if it appears or should appear likely that such a relationship might reasonably impair the professional's objectivity or otherwise interfere with the licensee's effectiveness as a licensed marriage and family therapist or might harm or exploit the other party.

(3) When a dual or multiple relationship cannot be avoided, a licensee shall take reasonable professional precautions, such as informed consent, consultation, supervision and documentation, to ensure that judgment is not impaired and that no exploitation occurs.

(4) If a licensee finds that, due to unforeseen factors, a potentially harmful dual or multiple relationship has arisen with a client/patient, the licensee shall attempt to resolve it with due regard for the best interests of the client/patient and maximum compliance with the act and this chapter.

(5) When a licensee provides services to two or more people who have a relationship with each other, such as couples or family members, the licensee shall clarify with all parties which individuals will be considered clients/patients and the nature of the licensee's professional obligation to the various individuals who are receiving services. A licensee who anticipates a conflict of interest among the individuals receiving services or who anticipate having to perform in potentially conflicting roles, such as a licensee who is asked or ordered to testify in a child custody dispute or divorce proceeding involving clients/patients, shall clarify the roles with the parties involved and take reasonable action to minimize any conflict of interest.

(d) *Impaired practice.* A licensee may not undertake or continue a professional relationship with a client/patient, supervisee or student when the objectivity or competency of the licensee is or could reasonably be expected to be impaired due to mental, emotional, physiological, pharmacological or substance abuse conditions. If such a condition develops after a professional relationship has been initiated, the licensee shall terminate the professional relationship in an appropriate manner and shall, either himself or through an appropriate designee, notify the client/patient of termination in writing and assist the client/patient in obtaining services from another professional.

(e) *Research and publication.*

(1) *Research responsibilities.*

(i) *Use of human subjects.* Licensees shall plan, design, conduct and report research in a manner consistent with pertinent ethical principles, Federal and State laws, host institutional rules and scientific standards governing research with human subjects. Licensees shall conduct research that reflects cultural sensitivity appropriateness.

(ii) *Deviation from standard practice.* Licensees shall seek consultation and observe stringent safeguards to protect the rights of research participants when a research problem suggests a deviation from standard acceptable practices.

(iii) *Precautions to avoid injury.* Licensees who conduct research with human subjects are responsible for the subjects' welfare throughout the experiment and shall take reasonable precautions to avoid causing injurious psychological, physical or social effects to their subjects. Licensees shall warn subjects of any possible harm that might come from being involved in a research project.

(iv) *Principal researcher responsibility.* The ultimate responsibility for ethical research practice lies with the principal researcher. Others involved in the research activities share ethical obligations and full responsibility for their own actions.

(v) *Minimal interference.* Licensees shall take reasonable precautions to avoid causing disruptions in subjects' lives due to participation in research.

(vi) *Diversity.* Licensees shall be sensitive to diversity and research issues with special populations and seek consultation when a reasonable researcher would consider it appropriate.

(2) *Informed consent.*

(i) *Topics disclosed.* In obtaining informed consent for research, licensees shall use language that is understandable to research participants and that:

(A) Accurately explains the purpose and procedures to be followed.

(B) Identifies any procedures that are experimental or relatively untried.

(C) Describes the attendant discomforts and risks.

(D) Describes the benefits or changes in individuals or organizations that might be reasonably expected.

(E) Discloses appropriate alternative procedures that would be advantageous for the subject.

(F) Offers to answer any inquiries concerning the procedures.

(G) Instructs that subjects are free to withdraw their consent and discontinue participation in the project at any time.

(ii) *Prohibition of deception.* The methodological requirements of research study may not include concealment, deception or minimal risk to participants.

(iii) *Voluntary participation.* Licensees shall assure that participation in research is voluntary and without any penalty for refusal to participate. Involuntary participation is appropriate only when it can be demonstrated that participation will have no harmful effects on subjects and is essential to the investigation. A research procedure may not be used if it is likely to cause serious or lasting harm to a participant. Ethical practice requires the investigator to respect the individual's freedom to decline to participate in, or withdraw from, research and to so inform prospective participants. The obligation to protect this freedom requires special vigilance when a licensee is, in any manner, in a position of authority over the participant. It is unethical to penalize a participant in any way for withdrawing from or refusing to participate in a research project.

(iv) *Confidentiality of information.* Information obtained about research participants during the course of an investigation is confidential. When the possibility exists that others may obtain access to the information, ethical research practice requires that the possibility, together with the plans for protecting confidentiality, be explained to participants by the licensee as part of the procedure for obtaining informed consent.

(v) *Persons incapable of giving informed consent.* When a person is not capable of giving informed consent, licensees shall provide an appropriate explanation, obtain agreement for participation and obtain informed consent from a legally authorized person.

(vi) *Commitments to participants.* Licensees shall take reasonable measures to honor all commitments to research participants.

(vii) *Explanations after data collections.* After data are collected, licensees shall provide participants with full clarifications of the nature of the study to remove any misconceptions. When scientific or human values justify delaying or withholding information, licensees shall take reasonable measures to avoid causing harm.

(viii) *Agreements to cooperate.* Licensees who agree to cooperate with another individual in research or publication shall cooperate as promised in terms of punctuality of performance and with regard to the completeness and accuracy of the information required.

(ix) *Informed consent for sponsors.* In the pursuit of research, licensees shall give sponsors, institutions and publication channels the same respect and opportunity for giving informed consent that they accord to individual research participants. Licensees shall be aware of their

obligation to future research workers and ensure that host institutions are given feedback information and proper acknowledgment.

(3) *Reporting results.*

(i) *Information affecting outcome.* When reporting research results, licensees shall explicitly mention all variables and conditions known to the licensee that may have affected the outcome of a study or the interpretation of the data.

(ii) *Accurate results.* Licensees shall plan, conduct and report research accurately and in a manner that minimizes the possibility that results will be misleading and provide thorough discussions of the limitations of their data and alternative hypotheses. Licensees may not engage in fraudulent research, distort data, misrepresent data or deliberately bias their results.

(iii) *Obligation to report unfavorable results.* Licensees shall communicate to other licensees the results of any research judged to be of professional value.

(iv) *Identity of subjects.* Licensees who supply data, aid in the research of another person, report research results or make original data available shall take due care to disguise the identity of respective subjects in the absence of specific authorization from the subjects to do otherwise.

(v) *Replication studies.* Licensees shall make available sufficient original research data to qualified professionals who may wish to replicate the study.

(4) *Publication.*

(i) *Recognition of others.* When conducting and reporting research, licensees shall be familiar with, and give recognition to, previous work on the topic, observe copyright laws, and give full credit to those to whom credit is due.

(ii) *Contributors.* Licensees shall give credit through joint authorship, acknowledgement, footnote statements or other appropriate means to those who have contributed significantly to research or concept development in accordance with such contributions. The principal contributor shall be listed first and minor technical or professional contributions may be acknowledged in notes or introductory statements.

(iii) *Student research.* For an article that is substantially based on a student's dissertation or thesis, the student shall be listed as the principal author.

(iv) *Duplicate submission.* Licensees shall submit manuscripts for consideration to only one journal at a time. Manuscripts that are published in whole or in substantial part in a journal or published work may not be submitted for publication to another journal without acknowledgment and permission from the previous publication.

(v) *Professional review.* Licensees who review material submitted for publication, research or other scholarly purposes shall respect the confidentiality and proprietary rights of those who submitted it.

(f) *Payment for services.*

(1) When setting fees, licensees shall ensure that the fees are fair, reasonable and commensurate with the services performed.

(2) Licensees may not accept goods or services as payment for professional services.

(3) Licensees shall make financial arrangements with clients/patients, third-party payors and supervisees that are reasonably understandable and conform to accepted professional practices.

(4) Prior to entering into the therapeutic or supervisory relationship, a licensee should clearly disclose and explain to clients/patients and supervisees the following:

(i) Financial arrangements and fees related to professional services, including charges for canceled or missed appointments.

(ii) The use of collection agencies or legal measures for nonpayment.

(iii) The procedure for obtaining payment from the client, to the extent allowed by law, if payment is denied by the third-party payor.

(5) Once services have begun, licensees shall provide reasonable notice of changes in fees or other charges.

(6) Licensees shall give reasonable notice to clients with unpaid balances of their intent to seek collection by agency or legal recourse. When that action is taken, licensees may not disclose clinical information.

(7) Licensees shall represent facts truthfully to clients, third-party payors and supervisees regarding services rendered.

(8) Licensees may not withhold records under their immediate control that are requested and needed for a client's/patient's treatment solely because payment has not been received for past services, except as otherwise provided by law.

(g) *Recordkeeping.*

(1) For each client/patient, a licensee shall keep records of the dates of marriage and family therapy services, types of marriage and family therapy services, termination and billing information.

(2) Records kept by the licensee shall be retained for 5 years from the date of the last entry. Records held or owned by government agencies or educational institutions are not subject to this requirement.

(3) Licensees shall take reasonable steps to ensure that documentation in records is accurate and reflects the services provided.

(4) Licensees shall include sufficient and timely documentation in records to facilitate the delivery of services and to ensure continuity of services provided to clients in the future.

(5) Licensees' documentation should protect clients'/patients' privacy to the extent that it is possible and appropriate and should include only information that is directly relevant to the delivery of services.

(6) Licensees shall store records following termination of services to ensure reasonable future access. Records shall be maintained as required by paragraph (2) unless a longer retention period is otherwise required by statute or relevant contracts.

(7) Licensees shall provide a client/patient with reasonable access to records concerning the client/patient. Licensees who are concerned that clients'/patients' access to their records could cause serious misunderstanding or harm to the client/patient should provide assistance in interpreting the records and consultation with the client/patient regarding the records. Licensees should limit clients'/patients' access to their records, or portions of their records, only in exceptional circumstances when

there is compelling evidence the access would cause serious harm to the client/patient. Both the clients'/patients' requests and the rationale for withholding some or all of the records shall be documented in the clients'/patients' files. When providing clients/patients with access to their records, licensees shall take steps to protect the confidentiality of other individuals identified or discussed in the records.

(8) In the event of a licensee moving from the area or closing the licensee's practice, a licensee shall arrange for the storage, transfer or disposal of client/patient records in ways that maintain confidentiality and safeguard the welfare of clients/patients.

(h) *Mandatory reporting.*

(1) Licensees, supervisors and trainees have a responsibility to report any alleged violations of the act or this chapter to the Board. If a licensee has knowledge or reason to suspect that a colleague or other licensee is incompetent, impaired or unethical, the licensee shall report that practitioner to the Board.

(2) Licensees shall comply with mandatory reporting requirements set forth in this chapter, including §§ 48.51—48.57 (relating to child abuse reporting requirements).

(i) *Notice of name and address change.* A licensee shall notify the Board within 30 days of any changes of name or mailing information to ensure that the Board has the licensee's current name and mailing address. Failure to do so may result in disciplinary action by the Board.

(j) *Advertising.*

(1) Licensees shall engage in appropriate informational activities, including those that enable the public, referral sources or others to choose professional services on an informed basis.

(2) Licensees shall accurately represent their competencies, education, training and experience relevant to their professional practice.

(3) Licensees shall ensure that advertisements and publications in any media, such as directories, announcements, business cards, newspapers, radio, television, internet and facsimiles, convey information that is necessary for the public to make an appropriate selection of professional services. This information may include the following:

(i) Office information, such as name, address, telephone number and credit card acceptability.

(ii) Earned degrees and state or provincial licensures or certifications.

(iii) Professional association member status.

(iv) Description of practice.

(4) Licensees may not use names that could mislead the public concerning the identity, responsibility, source or status of those practicing under that name, and may not hold themselves out as being partners or associates of a firm if they are not partners or associates of the firm.

(5) Licensees may not use any professional identification, such as a business card, office sign, letterhead, internet, or telephone or association directory listing, if it includes a statement or claim that is false, fraudulent, misleading or deceptive.

(6) In representing their educational qualifications, licensees shall list and claim only those earned degrees from institutions accredited by regional accreditation sources

recognized by the United States Department of Education, from institutions recognized by states or provinces that license or certify the licensee, or from equivalent foreign institutions.

(7) The licensee shall correct, whenever possible, false, misleading or inaccurate information and representations made by others concerning the licensee's qualifications, services or products.

(8) Licensees shall make certain that the qualifications of their employees or supervisees are represented in a manner that is not false, misleading or deceptive.

(9) Licensees may not represent themselves as providing specialized services unless they have the required education, training or supervised experience.

**CHAPTER 49. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS—
LICENSURE OF PROFESSIONAL COUNSELORS
CODE OF ETHICAL PRACTICE AND STANDARDS
OF PROFESSIONAL CONDUCT**

§ 49.71. Code of ethical practice and professional conduct.

(a) *Application.* This code of ethical practice and professional conduct constitutes the standards by which the professional conduct of licensed professional counselors will be measured.

(1) This code of ethical practice and professional conduct applies to the conduct of all licensees.

(2) A violation of this code of ethical practice and professional conduct constitutes unprofessional conduct and subjects the licensed professional counselor to disciplinary action under section 11 of the act (63 P. S. § 1911).

(3) The Board subscribes to the codes of ethics and practice standards for licensees promulgated by the National Board for Certified Counselors, Inc., the Commission on Rehabilitation Counselor Certification, the Certification Board for Music Therapists, the Art Therapists Certification Board, the American Dance Therapy Association, the National Association for Drama Therapy, the Academy of Certified Clinical Mental Health Counselors, the North American Association of Master's in Psychology, the International Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse Inc. and the National Association of Alcoholism and Drug Abuse Counselors. The Board will use these codes and standards as aids in resolving ambiguities which may arise in the interpretation of this section. Whenever any conflict exists between this section and the professional associations' codes and standards, this section shall prevail.

(b) *Responsibility to clients/patients.*

(1) *Competency.*

(i) Licensees may not misrepresent directly, indirectly or by implication their professional qualifications such as education, specialized training, experience or areas of competence.

(ii) Licensees may practice only within the competency areas for which they are qualified by education, training or experience.

(iii) Licensees shall maintain appropriate standards of care. The appropriate standard of care is defined as what an ordinary, reasonable professional with similar training would have done in a similar circumstance.

(iv) Licensees shall make appropriate referrals when the client's/patient's needs exceed the licensee's competence level. The referrals must be made in a timely manner.

(2) *Informed consent.*

(i) Licensees shall inform clients/patients in writing of the extent and nature of services available to them, as well as the limits, rights, opportunities and obligations associated with the services to be provided which might effect the clients'/patients' decisions to enter into or continue the relationship.

(ii) Licensees shall provide services to clients/patients only in the context of a professional relationship based on valid informed consent. Licensees shall use clear and understandable language to inform clients/patients of the purposes of services, limits to the services due to legal requirements, relevant costs, reasonable alternatives, the clients'/patients' rights to refuse or withdraw consent and the time frame covered by the consent.

(iii) In instances when the client/patient is unable to read or understand the consent document or has trouble understanding the primary language contained in the informed consent document, licensees shall take steps to ensure the client's/patient's comprehension including providing a detailed verbal explanation or arranging for a qualified interpreter or translator, as needed. If a client/patient is not competent to provide informed consent because of age or mental condition, the licensee shall obtain consent from the client's/patient's parent, guardian or court-appointed representative.

(iv) When a client/patient is receiving services involuntarily, licensees shall provide information about the nature and extent of the services and about the client's/patient's rights to the client's/patient's parent, guardian or court appointed representative.

(v) Licensees who provide services by means of electronic means shall inform the clients/patients of the limitations and risks associated with such services.

(3) *Delegation.* A licensee may not delegate professional responsibilities to another person when the licensee delegating the responsibilities knows or has reason to know that the other person is not qualified by training, experience or licensure to perform those responsibilities.

(4) *Confidentiality and privacy.*

(i) Licensees shall have a primary obligation to protect the client's/patient's right to confidentiality and privacy as established by law and the professional standards of practice. Confidential and private information shall only be revealed to others when the client/patient or other person legally authorized to give consent on behalf of the client/patient, has given informed consent, except in those circumstances in which failure to do so would violate other laws or result in clear and present danger to the client/patient or others. Unless specifically contraindicated by these situations, a client/patient shall be informed and written consent shall be obtained before the confidential and private information is revealed.

(ii) Licensees shall discuss with clients/patients and the client's/patient's legally authorized representatives, the nature of confidentiality and the limitation of clients'/patients' right to confidentiality. Licensees shall review with clients/patients circumstances when confidential information may be requested and when disclosure of confidential information is legally required. This discussion should occur as soon as possible in the professional relationship and as needed throughout the course of the relationship.

(iii) When licensees provide services to families, couples or groups, licensees should seek agreement among the parties involved concerning each individual's right to confidentiality and obligations to preserve the confidentiality of information shared by others. Licensees shall inform participants in family, group or couples counseling that the licensee cannot guarantee that all participants will honor the agreements. In the context of couple, family or group treatment, the licensee may not reveal any individual's confidences to others in the client unit without the prior written permission of that individual.

(iv) Licensees shall take reasonable steps to protect the confidentiality of information transmitted to other parties through the use of computers, electronic mail, facsimile machines, telephones and telephone answering machines, and other electronic or computer technology.

(5) *Termination.* Licensees shall terminate services only after giving careful consideration to factors affecting the relationship and making an effort to minimize possible adverse effects. If an interruption or termination of services is anticipated, reasonable notification and appropriate referral for continued services shall be provided to the client/patient.

(6) *Sexual harassment.*

(i) Licensees may not sexually harass clients/patients or family members of clients/patients.

(ii) Licensees may not sexually harass supervisees, students, trainees, employees, research subjects or colleagues.

(iii) Sexual harassment includes unwanted sexual advances, sexual solicitation, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature.

(7) *Discrimination.* Licensees may not practice, condone, facilitate or collaborate with any form of discrimination on the basis of race, ethnicity, religion, national origin, color, gender, sexual orientation, age, socioeconomic level, marital status, political belief, veteran status, or mental or physical impairment.

(8) *Conduct with clients.*

(i) Licensees may not physically or verbally abuse or threaten clients/patients or family members of clients/patients.

(ii) Licensees may not use derogatory language in their written or verbal communications to or about clients/patients. Licensees shall use accurate and respectful language in all communications to and about clients/patients.

(c) *Dual or multiple relationships affecting the licensee's judgment.*

(1) A licensee shall avoid dual or multiple relationships and conflicts of interest with any client/patient which could impair the licensee's professional judgment or increase the risk of client/patient exploitation. Dual or multiple relationships occur when the licensee relates to clients/patients in more than one relationship, whether professional, social or business. Dual or multiple relationships can occur simultaneously or consecutively. The licensee may not undertake or continue a professional relationship with a client/patient, supervisee or student when the objectivity or competency of the licensee is, or could reasonably be expected to be, impaired or when the relationship with the client/patient, supervisee or student is exploitative. The licensee should be particularly aware

that familial, social, emotional, financial, supervisory, political, administrative and legal relationships with a client/patient or a person related to or associated with the client/patient must be carefully considered to insure that impaired judgment or exploitation is not involved.

(2) Licensees shall always be sensitive to the potentially harmful effects of other contacts on their practice and on those persons with whom they deal. A licensee shall refrain from entering into, or promising another to enter into, personal, scientific, professional or other relationships with other persons if it appears or should appear likely that the relationship might reasonably impair the licensee's objectivity or otherwise interfere with the licensee's effectiveness as a licensed professional counselor or might harm or exploit the other party.

(3) When a dual or multiple relationship cannot be avoided, licensees shall take reasonable professional precautions, such as informed consent, consultation, supervision and documentation, to ensure that judgment is not impaired and that no exploitation occurs.

(4) If a licensee finds that, due to unforeseen factors, a potentially harmful dual or multiple relationship has arisen with a client/patient, the licensee shall attempt to resolve it with due regard for the best interests of the client/patient and maximum compliance with the act and this chapter.

(5) When a licensee provides services to two or more people who have a relationship with each other, such as couples or family members, the licensee shall clarify with all parties which individuals will be considered clients/patients and the nature of the licensee's professional obligation to the various individuals who are receiving services. A licensee who anticipates a conflict of interest among the individuals receiving services or who anticipates having to perform in potentially conflicting roles, such as a licensee who is asked or ordered to testify in a child custody dispute or divorce proceeding involving clients, shall clarify the roles with the parties involved and take appropriate action to minimize any conflict of interest.

(d) *Impaired practice.* A licensee may not undertake or continue a professional relationship with a client/patient, supervisee or student when the objectivity or competency of the licensee is, or could reasonably be expected to be, impaired due to mental, emotional, physiological, pharmacological or substance abuse conditions. If such a condition develops after a professional relationship has been initiated, the licensee shall terminate the professional relationship in an appropriate manner and shall, either himself or through an appropriate designee, notify the client/patient of the termination in writing and shall assist the client/patient in obtaining services from another professional.

(e) *Research and publication.*

(1) *Research responsibilities.*

(i) *Use of human subjects.* Licensees shall plan, design, conduct and report research in a manner consistent with pertinent ethical principles, Federal and State laws, host institutional rules, and scientific standards governing research with human subjects. Licensees shall conduct research that reflects cultural sensitivity appropriateness.

(ii) *Deviation from standard practice.* Licensees shall seek consultation and observe stringent safeguards to protect the rights of research participants when a research problem suggests a deviation from standard acceptable practices.

(iii) *Precautions to avoid injury.* Licensees who conduct research with human subjects are responsible for the subjects' welfare throughout the experiment and shall take reasonable precautions to avoid causing injurious psychological, physical or social effects to their subjects. Licensees shall warn subjects of any possible harm that might come from being involved in a research project.

(iv) *Principal researcher responsibility.* The ultimate responsibility for ethical research practice lies with the principal researcher. Others involved in the research activities share ethical obligations and full responsibility for their own actions.

(v) *Minimal interference.* Licensees shall take reasonable precautions to avoid causing disruptions in subjects' lives due to participation in research.

(vi) *Diversity.* Licensees shall be sensitive to diversity and research issues with special populations and seek consultation when a reasonable researcher would consider it appropriate.

(2) *Informed consent.*

(i) *Topics disclosed.* In obtaining informed consent for research, licensees shall use language that is understandable to research participants and that:

(A) Accurately explains the purpose and procedures to be followed.

(B) Identifies any procedures that are experimental or relatively untried.

(C) Describes the attendant discomforts and risks.

(D) Describes the benefits or changes in individuals or organizations that might be reasonably expected.

(E) Discloses appropriate alternative procedures that would be advantageous for the subject.

(F) Offers to answer any inquiries concerning the procedures.

(G) Instructs that subjects are free to withdraw their consent and discontinue participation in the project at any time.

(ii) *Prohibition of deception.* The methodological requirements of research study may not include concealment, deception or minimal risk to participants.

(iii) *Voluntary participation.* Licensees shall assure that participation in research is voluntary and without any penalty for refusal to participate. Involuntary participation is appropriate only when it can be demonstrated that participation will have no harmful effects on subjects and is essential to the investigation. A research procedure may not be used if it is likely to cause serious or lasting harm to a participant. Ethical practice requires the investigator to respect the individual's freedom to decline to participate in, or withdraw from, research and to so inform prospective participants. The obligation to protect this freedom requires special vigilance when a licensee is, in any manner, in a position of authority over the participant. It is unethical to penalize a participant in any way for withdrawing from or refusing to participate in a research project.

(iv) *Confidentiality of information.* Information obtained about research participants during the course of an investigation is confidential. When the possibility exists that others may obtain access to the information, ethical research practice requires that the possibility, together with the plans for protecting confidentiality, be explained to participants by the licensee as part of the procedure for obtaining informed consent.

(v) *Persons incapable of giving informed consent.* When a person is not capable of giving informed consent, licensees provide an appropriate explanation, obtain agreement for participation and obtain informed consent from a legally authorized person.

(vi) *Commitments to participants.* Licensees shall take reasonable measures to honor all commitments to research participants.

(vii) *Explanations after data collections.* After data are collected, licensees shall provide participants with full clarifications of the nature of the study to remove any misconceptions. When scientific or human values justify delaying or withholding information, licensees shall take reasonable measures to avoid causing harm.

(viii) *Agreements to cooperate.* Licensees who agree to cooperate with another individual in research or publication shall cooperate as promised in terms of punctuality of performance and with regard to the completeness and accuracy of the information required.

(ix) *Informed consent for sponsors.* In the pursuit of research, licensees shall give sponsors, institutions and publication channels the same respect and opportunity for giving informed consent that they accord to individual research participants. Licensees shall be aware of their obligation to future research workers and ensure that host institutions are given feedback information and proper acknowledgment.

(3) Reporting results.

(i) *Information affecting outcome.* When reporting research results, licensees shall explicitly mention all variables and conditions known to the licensee that may have affected the outcome of a study or the interpretation of the data.

(ii) *Accurate results.* Licensees shall plan, conduct and report research accurately and in a manner that minimizes the possibility that results will be misleading and provide thorough discussions of the limitations of their data and alternative hypotheses. Licensees may not engage in fraudulent research, distort data, misrepresent data or deliberately bias their results.

(iii) *Obligation to report unfavorable results.* Licensees shall communicate to other licensees the results of any research judged to be of professional value.

(iv) *Identity of subjects.* Licensees who supply data, aid in the research of another person, report research results or make original data available shall take due care to disguise the identity of respective subjects in the absence of specific authorization from the subjects to do otherwise.

(v) *Replication studies.* Licensees shall make available sufficient original research data to qualified professionals who may wish to replicate the study.

(4) Publication.

(i) *Recognition of others.* When conducting and reporting research, licensees shall be familiar with, and give recognition to, previous work on the topic, observe copyright laws, and give full credit to those to whom credit is due.

(ii) *Contributors.* Licensees shall give credit through joint authorship, acknowledgement, footnote statements or other appropriate means to those who have contributed significantly to research or concept development in accordance with such contributions. The principal contributor shall be listed first and minor technical or professional contributions may be acknowledged in notes or introductory statements.

(iii) *Student research.* For an article that is substantially based on a student's dissertation or thesis, the student shall be listed as the principal author.

(iv) *Duplicate submission.* Licensees shall submit manuscripts for consideration to only one journal at a time. Manuscripts that are published in whole or in substantial part in a journal or published work may not be submitted for publication to another journal without acknowledgment and permission from the previous publication.

(v) *Professional review.* Licensees who review material submitted for publication, research or other scholarly purposes shall respect the confidentiality and proprietary rights of those who submitted it.

(f) Payment for services.

(1) When setting fees, licensees shall ensure that the fees are fair, reasonable and commensurate with the services performed.

(2) Licensees may not accept goods or services as payment for professional services.

(3) Licensees shall make financial arrangements with clients/patients, third-party payors and supervisees that are reasonably understandable and conform to accepted professional practices.

(4) Prior to entering into the therapeutic or supervisory relationship, a licensee should clearly disclose and explain to clients/patients and supervisees the following:

(i) Financial arrangements and fees related to professional services, including charges for canceled or missed appointments.

(ii) The use of collection agencies or legal measures for nonpayment.

(iii) The procedure for obtaining payment from the client, to the extent allowed by law, if payment is denied by the third-party payor.

(5) Once services have begun, licensees shall provide reasonable notice of changes in fees or other charges.

(6) Licensees shall give reasonable notice to clients with unpaid balances of their intent to seek collection by agency or legal recourse. When that action is taken, licensees may not disclose clinical information.

(7) Licensees shall represent facts truthfully to clients, third-party payors and supervisees regarding services rendered.

(8) Licensees may not withhold records under their immediate control that are requested and needed for a client's/patient's treatment solely because payment has not been received for past services, except as otherwise provided by law.

(g) Recordkeeping.

(1) For each client/patient, a licensee shall keep records of the dates of professional counseling services, types of professional counseling services, termination and billing information.

(2) Records kept by the licensee shall be retained for 5 years from the date of the last entry. Records held or owned by government agencies or educational institutions are not subject to this requirement.

(3) Licensees shall take reasonable steps to ensure that documentation in records is accurate and reflects the services provided.

(4) Licensees shall include sufficient and timely documentation in records to facilitate the delivery of services and to ensure continuity of services provided to clients in the future.

(5) Licensees' documentation should protect clients'/patients' privacy to the extent that it is possible and appropriate and should include only information that is directly relevant to the delivery of services.

(6) Licensees shall store records following termination of services to ensure reasonable future access. Records shall be maintained as required by paragraph (2) unless a longer retention period is otherwise required by statute or relevant contracts.

(7) Licensees shall provide a client/patient with reasonable access to records concerning the client/patient. Licensees who are concerned that clients'/patients' access to their records could cause serious misunderstanding or harm to the client/patient should provide assistance in interpreting the records and consultation with the client/patient regarding the records. Licensees should limit clients'/patients' access to their records, or portions of their records, only in exceptional circumstances when there is compelling evidence that the access would cause serious harm to the client/patient. Both the clients'/patients' requests and the rationale for withholding some or all of the records shall be documented in the clients'/patients' files. When providing clients'/patients with access to their records, licensees shall take steps to protect the confidentiality of other individuals identified or discussed in the records.

(8) In the event of the licensee moving from the area or closing the licensee's practice, a licensee shall arrange for the storage, transfer or disposal of client/patient records in ways that maintain confidentiality and safeguard the welfare of clients/patients.

(h) *Mandatory reporting.*

(1) Licensees, supervisors and trainees have a responsibility to report any alleged violations of the act or this chapter to the Board. If a licensee has knowledge or reason to suspect that a colleague or other licensee is incompetent, impaired or unethical, the licensee shall report that practitioner to the Board.

(2) Licensees shall comply with mandatory reporting requirements in this chapter, including §§ 49.51—49.57 (relating to child abuse reporting requirements).

(i) *Notice of name and address change.* A licensee shall notify the Board within 30 days of any changes of name or mailing information to ensure that the Board has the licensee's current name and mailing address. Failure to do so may result in disciplinary action by the Board.

(j) *Advertising.*

(1) Licensees shall engage in appropriate informational activities, including those that enable the public, referral sources or others to choose professional services on an informed basis.

(2) Licensees shall accurately represent their competencies, education, training and experience relevant to their professional practice.

(3) Licensees shall ensure that advertisements and publications in any media, such as directories, announcements, business cards, newspapers, radio, television, internet and facsimiles, convey information that is necessary for the public to make an appropriate selection of professional services. This information may include the following:

(i) Office information, such as name, address, telephone number and credit card acceptability.

(ii) Earned degrees and state or provincial licensures or certifications.

(iii) Professional association member status.

(iv) Description of practice.

(4) Licensees may not use names that could mislead the public concerning the identity, responsibility, source and status of those practicing under that name, and may not hold themselves out as being partners or associates of a firm if they are not partners or associates of the firm.

(5) Licensees may not use any professional identification, such as a business card, office sign, letterhead, Internet, or telephone or association directory listing, if it includes a statement or claim that is false, fraudulent, misleading or deceptive.

(6) In representing their educational qualifications, licensees shall list and claim only those earned degrees from institutions accredited by regional accreditation sources recognized by the United States Department of Education, from institutions recognized by states or provinces that license or certify the licensee, or from equivalent foreign institutions.

(7) The licensee shall correct, whenever possible, false, misleading or inaccurate information and representations made by others concerning the licensee's qualifications, services or products.

(8) Licensees shall make certain that the qualifications of their employees or supervisees are represented in a manner that is not false, misleading or deceptive.

(9) Licensees may not represent themselves as providing specialized services unless they have the required education, training or supervised experience.

[Pa.B. Doc. No. 08-1102. Filed for public inspection June 13, 2008, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending June 3, 2008.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
5-30-2008	NOVA Financial Holdings, Inc., Berwyn, to acquire 100% of Pennsylvania Business Bank, Philadelphia	Berwyn	Filed

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-27-2008	Landmark Community Bank, Pittston, and Landmark Interim Bank, Pittston Surviving Institution: Landmark Community Bank, Pittston	Pittston	Approved
Application filed in conjunction with the reorganization of Landmark Community Bank, Pittston, into a bank holding company form of business whereby Landmark Community Bank will become the wholly-owned subsidiary of Landmark Bancorp, Inc., a new holding company in formation.			
5-30-2008	Pennsylvania Business Bank, Philadelphia, and NOVA Interim Bank, Berwyn Surviving Institution: Pennsylvania Business Bank, Philadelphia	Philadelphia	Filed

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-19-2008	First Savings Bank of Perkasie Perkasie Bucks County	380 West Butler Avenue New Britain Bucks County	Opened
5-28-2008	Susquehanna Bank PA Lititz Lancaster County	Koser Road and Fruitville Pike Lititz Lancaster County	Approved
5-30-2008	Orrstown Bank Shippensburg Cumberland County	1020 Professional Court Hagerstown Washington County, MD	Filed
5-30-2008	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	South Brinton Lake Road and Baltimore Pike Glen Mills Delaware County	Authorization Surrendered
5-30-2008	Irwin Bank Irwin Westmoreland County	Huntingdon Marketplace Highway 30 and Interstate 76 Irwin Westmoreland County	Authorization Surrendered

Branch Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-29-2008	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	<i>Into:</i> 3220 Route 38 Mount Laurel Burlington County, NJ <i>From:</i> 3113 Route 38 Mount Laurel Burlington County, NJ	Effective

NOTICES

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-27-2008	The Fidelity Deposit and Discount Bank Dunmore Lackawanna County	401 Kennedy Boulevard Pittston Luzerne County	Filed
6-3-2008	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	562 Village Center Spring House Montgomery County	Approved

Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
6-2-2008	Counsel Trust Company York York County	Amendment to Second Article of the Articles of Incorporation provides for a change of the principal place of business of the institution <i>From:</i> 235 St. Charles Way, Suite 100, York, York County, PA. <i>To:</i> 224 St. Charles Way, Suite 100, York, York County, PA.	Approved and Effective

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

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

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 08-1103. Filed for public inspection June 13, 2008, 9:00 a.m.]

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

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of July 2008, is 6 3/4%.

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

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 4.24 to which was added 2.50 percentage points for a total of 6.74 that by law is rounded off to the nearest quarter at 6 3/4%

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 08-1104. Filed for public inspection June 13, 2008, 9:00 a.m.]

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, June 25, 2008, 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

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

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

CLIFFORD C. DAVID, Jr.,
Chairperson

[Pa.B. Doc. No. 08-1105. Filed for public inspection June 13, 2008, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA-0029416	Camp Weequahic, Inc. R. R. 1 Box 1096 Lakewood, PA 18439	Preston Township Wayne County	UNT to Sly Lake	Y
PA-0063673 (Minor Sewage)	Salerno Properties, LLC Fountain Springs West P. O. Box 226 Sciota, PA 18354	Pocono Township Monroe County	Pocono Creek 01E	Y
PA0061476 (Sewage)	Edgewood MHP 223R Mailie Road Carbondale, PA 18407	Lackawanna County Glenburn Township	UNT Ackerly Creek 4F	Y

Chesapeake Bay nutrient monitoring requirements for ammonia nitrogen, kjeldahl nitrogen, nitrite-nitrate as N, Total Nitrogen and Total Phosphorus are being added to this permit.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA-0060151 (Minor Sewage)	Machneh Na'arim, Inc. Camp Na'arim R. R. 1 Box 1735 Waymart, PA 18472	Wayne County Clinton Township	UNT to Van Auken Creek 1B	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>
PA0085243 (Sew)	Manns Choice Borough and Harrison Township Joint Sewer Authority P. O. Box 28 Manns Choice, PA 15550-0082	Bedford County Harrison Township	Raystown Branch—Juniata River 11-D	Y
PA0086860 Amendment 08-1	Springfield Township York County Sewer Authority P. O. Box 75 Seven Valleys, PA 17360	York County Springfield Township	UNT East Branch Codorus Creek 7-I	Y
PA0070190 (Sew)	Allegheny East Conference P. O. Box 266 Pine Forge, PA 19548	Berks County Douglass Township	Manatawny Creek 3-D	Y
PA0087742 (Sew)	Eagle's Peak Campground P. O. Box 181550 Fairfield, OH 45018	Lebanon County Millcreek Township	UNT Furnace Creek 3-C	Y
PA0024961 (Sew)	Oley Township Municipal Authority One Rose Virginia Road Oley, PA 19547	Berks County Oley Township	Manatawny Creek 3-B	Y
PA0082791 (IW)	Chester County Solid Waste Authority—Lancaster Landfill 7224 Division Highway Narvon, PA 17555-9505	Chester County Honey Brook Township Lancaster County Caernarvon Township	Conestoga River 7-J	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0114367 (SR)	Danny R. Deivert SRSTP 55 Conley Road Mifflinburg, PA 17844	Union County Buffalo Township	UNT to Rapid Run 10C	Y

NOTICES

3271

<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>
PA0111538 (Sewage)	Pine Valley Associates, LP Pine Valley Mobile Home Park 215 West Church Road Suite 105 King of Prussia, PA 19406	West Buffalo Township Union County	North Branch Buffalo Creek HQ-CWF	Y
PA0208922 (SN)	David and Teresa Spiwak Country Manor 603 East 4th Street Bloomsburg, PA 17815	Columbia County Mount Pleasant Township	UNT to Fishing Creek 5C	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>
PA0040878	Gentile Enterprises, Inc. Keystone Adolescent Center 270 Sharon Road Greenville, PA 16125	West Salem Township Mercer County	UNT to Shenango River 20-A	Y
PA0103811	Waste Management Disposal Services of PA, Inc. 1436 West Sunbury Road West Sunbury, PA 16061	Cherry and Clay Townships Butler County	Findley Run (Outfall 001) and a UNT to the South Branch Slippery Rock Creek (Outfalls 002 and 003) 20-C	Y
PA0103047	Jerome M. Laughlin Laughlin Builders 8333 Edinboro Road Erie, PA 16509-4265	McKean Township Erie County	UNT to Elk Creek 15EC	Y

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

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

PA0244431, IW, SIC 3731, **PennShip, SVC, LLC**, 5195 South 19th Street, Philadelphia, PA 19112. This proposed facility is located in City of Philadelphia, **Philadelphia County**.

Description of Proposed Activity: Issuance of an NPDES permit to discharge of groundwater seepage and river return water at Philadelphia Naval Complex, Dry Dock 3 into the Delaware River.

The receiving stream, Delaware River Estuary (Zone 4), and is classified for: WWF.

The proposed effluent limits for Outfall 011 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	100	200	250
Oil and Grease	15		30
pH	Within limits of 6.0 to 9.0 Standard Units at all times		
Iron, Total	Monitor and Report	Monitor and Report	
Copper, Total	Monitor and Report	Monitor and Report	
Lead, Total	Monitor and Report	Monitor and Report	
Zinc, Total	Monitor and Report	Monitor and Report	
PCBs, Total	Monitor and Report	Monitor and Report	

Other Conditions:

1. PCBs Requirements.

The EPA waiver is in effect.

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

Application No. PA 0246948, CAFO, **Eckman Acres Farm**, 357 Black Barren Road, Peach Bottom, PA 17563.

Brian Eckman has submitted an NPDES permit renewal application for the Eckman Acres Farm, an existing swine and dairy operation in Fulton Township, **Lancaster County**. The CAFO is situated near a UNT to Conowingo Creek, which is classified as a HQ-CWF. The CAFO has a target animal population of approximately 496 animal equivalent units consisting of 3,200 finishing swine, 55 adult dairy cows, 15 heifers and 15 calves.

The Department of Environmental Protection (Department) has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue the NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit. The permit application and draft permit are on file at the Southcentral Regional Office of the Department.

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

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

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

PA0097110, Industrial Waste, SIC 4153, **Shade Landfill, Inc.**, 1176 No. 1 Road, Cairnbrook, PA 15924. This application is for the renewal of an NPDES permit to discharge treated leachate and underdrain and stormwater from the Shade Landfill in Shade Township, **Somerset County**.

The following effluent limitations are proposed for discharge to receiving waters, Laurel Run and Dark Shade Creek both classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Buffalo Township Municipal Authority on the Allegheny River located at Freeport, PA, 105 miles below the discharge point.

Outfall 001: existing discharge to Laurel Run, design flow of 0.025 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	0.025	Monitor and Report			
CBOD ₅			31		78
BOD			37	140	
Suspended Solids			23	46	
Oil and Grease			15		30
Ammonia-nitrogen					
(5-1 to 10-31)			3.4	6.8	
(11-1 to 4-30)			4.9	10	
Total Residual Chlorine			0.5		1.0
Fecal coliforms					
(5-1 to 9-30)			200/100 ml		1,000/100 ml
(10-1 to 4-30)			2,000/100 ml		
Antimony			0.022	0.044	
Beryllium			0.005	0.01	
Boron			3.6	7.2	
Cadmium					
Interim			0.003	0.006	
Final			0.0006	0.0012	
Copper					
Interim			0.025	0.05	
Final			0.021	0.042	
Iron			3.3	6.6	
Iron, dissolved			0.66	1.32	
Lead			0.007	0.014	
Silver			0.006	0.012	
Thallium			0.004	0.008	
Zinc			0.11	0.20	
Nickel					
Interim			0.150	0.30	
Final			0.124	0.248	
a-Terpineol			0.016	0.033	
Benzoic acid			0.071	0.12	
p-Cresol			0.014	0.025	
Phenol			0.015	0.026	
pH			Not less than 6.0 nor greater than 9.0		

Outfall 001: existing discharge to Laurel Run, design flow of 0.04 mgd. These limits are effective if the monthly average flow rate is greater than 0.025 mgd up to 0.04 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	0.04	Monitor and Report			
CBOD ₅			31		78
BOD			37	140	
Suspended Solids			23	46	
Oil and Grease			15		30
Ammonia-nitrogen					
(5-1 to 10-31)			2.9	5.8	
(11-1 to 4-30)			4.9	10	
Total Residual Chlorine			0.41		1.0
Fecal coliforms					
(5-1 to 9-30)			200/100 ml		1,000/100 ml
(10-1 to 4-30)			2,000/100 ml		
Antimony			0.018	0.036	
Beryllium			0.005	0.01	
Boron			2.8	5.6	
Cadmium					
Interim			0.002	0.004	
Final			0.0005	0.001	
Copper					
Interim			0.02	0.04	
Final			0.017	0.034	
Iron			2.6	5.2	
Iron, dissolved			0.53	1.06	
Lead			0.006	0.012	
Silver			0.005	0.010	
Thallium			0.004	0.008	
Zinc			0.11	0.20	
Nickel					
Interim			0.150	0.30	
Final			0.098	0.196	
a-Terpineol			0.016	0.033	
Benzoic acid			0.071	0.12	
p-Cresol			0.014	0.025	
Phenol			0.015	0.026	
pH			Not less than 6.0 nor greater than 9.0		

Outfall 001: new discharge to Dark Shade Creek, design flow of 0.025 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	0.025	Monitor and Report			
CBOD ₅			31		78
BOD			37	140	
Suspended Solids			23	46	
Oil and Grease			15		30
Ammonia-nitrogen					
(5-1 to 9-30)			4.9	10	
(10-1 to 4-30)			0.5		1.0
Fecal coliforms					
(5-1 to 9-30)			200/100 ml		1,000/100 ml
(10-1 to 4-30)			2,000/100 ml		
Antimony			0.022	0.044	
Beryllium			0.005	0.01	
Boron			20.9	41.8	
Cadmium			0.003	0.006	
Copper			0.025	0.05	
Iron			3.3	6.6	
Iron, dissolved			0.66	1.32	
Lead			0.007	0.014	
Silver			0.006	0.012	
Thallium			0.004	0.008	
Zinc			0.11	0.20	
Nickel			0.68	1.36	

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
a-Terpineol			0.016	0.033	
Benzoic acid			0.071	0.12	
p-Cresol			0.014	0.025	
Phenol			0.015	0.026	
pH			Not less than 6.0 nor greater than 9.0		

Outfall 001: new discharge to Dark Shade Creek, design flow of 0.04 mgd. These limits are effective if the monthly average flow rate is greater than 0.025 mgd up to 0.04 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	0.04		Monitor and Report		
CBOD ₅			31		78
BOD			37	140	
Suspended Solids			23	46	
Oil and Grease			15		30
Ammonia-nitrogen			4.9	10	
Total Residual Chlorine			0.5		1.0
Fecal coliforms (5-1 to 9-30) (10-1 to 4-30)			200/100 ml 2,000/100 ml		1,000/100 ml
Antimony			0.018	0.036	
Beryllium			0.005	0.01	
Boron			13.7	27.4	
Cadmium			0.002	0.004	
Copper			0.025	0.05	
Iron			2.6	5.2	
Iron, dissolved			0.53	1.06	
Lead			0.006	0.012	
Silver			0.005	0.010	
Thallium			0.004	0.008	
Zinc			0.11	0.20	
Nickel			0.45	0.90	
a-Terpineol			0.016	0.033	
Benzoic acid			0.071	0.12	
p-Cresol			0.014	0.025	
Phenol			0.015	0.026	
pH			Not less than 6.0 nor greater than 9.0		

Outfall 002: existing discharge, average flow of 0.002 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Suspended Solids			35	70	
Cadmium			0.005	0.01	
Iron			3.0	6.0	
Manganese			1.03	2.06	
Silver			0.011	0.022	
Iron, dissolved			7.0		

Outfalls 003—007: existing discharge, design flow of varied mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Suspended Solids			Monitor and Report		
Oil and grease			Monitor and Report		
CBOD ₅			Monitor and Report		
Dissolved Solids			Monitor and Report		
Ammonia-nitrogen			Monitor and Report		
Arsenic			Monitor and Report		

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Cadmium			Monitor and Report		
Chromium			Monitor and Report		
Iron			Monitor and Report		
Iron, dissolved			Monitor and Report		
Lead			Monitor and Report		
Mercury			Monitor and Report		
Selenium			Monitor and Report		
Silver			Monitor and Report		
Zinc			Monitor and Report		
pH			Monitor and Report		

The EPA waiver is in effect.

PA0205079-A1, Industrial Waste, SIC, 2086, **American Beverage Company**, One Daily Way, Verona, PA 15147. This application is for amendment of an NPDES permit to discharge stormwater from Daily Juice Products in Verona Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Plum Creek, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Fox Chapel Authority, located at 1.7 miles below the discharge point.

Outfall 005: new discharge, design flow of varied mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum

Discharges from this outfall shall consist solely of uncontaminated stormwater runoff.

The EPA waiver is in effect.

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

PA0032549, Sewage. **Department of Conservation and Natural Resources**, Presque Isle State Park Administration Building, Route 832, Peninsula Drive, Erie, PA 16505-0510. This proposed facility is located on West Fisher Drive, Presque Isle State Park, in Millcreek Township, **Erie County**.

Description of Proposed Activity: This application is for renewal of an NPDES permit to discharge treated sewage from the Presque Isle State Park sewage treatment plant.

The receiving stream, Presque Isle Bay, is in the Lake Erie watershed and classified for: WWF and protected for critical use of aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, there is no existing/proposed downstream potable water supply (stream and public water supplier) to consider until Lake Erie.

The proposed interim limits for Outfall 001 are based on a design flow of 0.0175 mgd and will be effective upon permit issuance until completion of the new Presque Isle State Park sewage treatment plant.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	25		50
Total Suspended Solids	30		60
Total Residual Chlorine	0.50		1.2
E. Coli	126/100 ml as a Geometric Average		
pH	6.0 to 9.0 Standard Units at all times		

The proposed final effluent limits for Outfall 001 are based on a design flow of 0.030 mgd and will become effective upon completion of the new Presque Isle State Park sewage treatment plant.

Parameter	Monthly (mg/l)	Weekly (mg/l)	Maximum (mg/l)
CBOD ₅	25		50
Total Suspended Solids	30		60
Phosphorus as "P"	1.0		
Total Residual Chlorine	0.50		1.2
E. Coli	126/100 ml as a Geometric Average		
pH	6.0 to 9.0 Standard Units at all times		

The EPA waiver is in effect.

PA0026387, Sewage. **St. Marys Municipal Authority**, P. O. Box 1994, 11 Lafayette Street, St. Marys, PA 15857-1994. This facility is located in St. Marys, **Elk County**.

Description of Proposed Activity: 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 PA American Water Company intake on the Clarion River located at Clarion, approximately 70 miles below point of discharge.

The receiving stream, Elk Creek, is in Watershed 17-A and is classified for: CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 4.31 mgd.

<i>Parameters</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Average Weekly (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX	XX			
CBOD ₅	900	1,440	25	40	50
Total Suspended Solids	1,080	1,620	30	45	60
NH ₃ -N					
(5-1 to 10-31)	86		2.4		4.8
(11-1 to 4-30)	259		7.2		14.4
Fecal Coliform					
(5-1 to 9-30)		200/100 ml as a Geometric Average			
(10-1 to 4-30)		2,000/100 ml as a Geometric Average			
Chronic WET Limit			1.25TUc		
Zinc					
(Interim)	XX		0.31		0.62
(Final)	3.95		0.11		0.22
Bis (2-ethylhexyl) Phthalate					
(Interim)			0.011		0.022
(Final)			0.005		0.01
Ultraviolet Light Intensity			XX		
Dissolved Oxygen			Minimum of 6 mg/l at all times		
pH			6.0 to 9.0 Standard Units at all times		

XX—Monitor and report on monthly DMRs.

The proposed effluent limits for Outfalls 002 and 003 are based on a design flow of n/a mgd.

These discharges shall consist of uncontaminated stormwater runoff from the treatment plant site.

Special Conditions:

- Chronic Whole Effluent Toxicity Limit.
- Toxics Reduction Evaluation for Zinc and Bis (2-Ethylhexyl) Phthalate.
- UV Light Intensity.
- Federal Pretreatment Program.
- Whole Effluent Toxicity Testing for the Renewal Permit.
- Stormwater Best Management Practices.

The EPA waiver is not in effect.

Notice of Draft Permit for Site-Specific Water Quality Criterion for Copper

Under 25 Pa. Code § 16.24(e), the Department of Environmental Protection (Department) proposes to amend the following permit by incorporating the results of a Water-Effect Ratio (WER) into the calculation of the water quality based effluent limit for copper. The WER is a biological determination of a site-specific aquatic life criterion, determined by conducting toxicity testing on sensitive aquatic species using site or simulated site water and comparing it to testing performed using lab dilution water. The WER procedure recognizes that the physical and chemical characteristics of site water can influence the toxicity of a chemical on aquatic life. On December 13, 2005, the City of Saint Marys submitted a final report on the confirmatory WER tests for copper, which were conducted in June and November 2005. Following review of their sampling protocol and study results, Environmental Protection Agency determined that the WER listed to follow is approvable, and can be used to modify the subject NPDES permit copper limit.

Alternate site specific criteria for copper have been developed by multiplying the fish and aquatic life copper criterion contained in Ch. 16, App. A., Table 1, by the following WER. The WER acts as a multiplier in the calculation of the NPDES permit limits for copper.

<i>Facility</i>	<i>Permit Number</i>	<i>Receiving Stream</i>	<i>Dissolved WER</i>
City of Saint Marys	PA0026387	Elk Creek	4.45

The copper limitation has been removed, based on the site-specific criterion developed by means of the previous referenced WER process.

This change will affect the copper limits of the Saint Marys' discharge only.

Persons wishing to comment on this proposal are invited to submit a statement to:

Regional Manager, Water Management
Department of Environmental Protection
230 Chestnut Street
Meadville, PA 16335-3481

Comments must be received within 30 days from the date of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determination regarding this proposal. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

Following the 30-day comment period, the Water Management Program Manager will amend and issue the final NPDES permit to reflect the results of the WER for copper.

The proposal and related documents are on file and may be inspected and arrangements made for copying at the office indicated previously.

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

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

WQM Permit No. 1308401, Sewerage, **Tuthill Corporation Blue Mountain Ski Area**, P. O. Box 216, Palmerton, PA 18071-0216. This proposed facility is located in Lower Towamensing Township, **Carbon County**.

Description of Proposed Action/Activity: This project is for the expansion of the Blue Mountain Ski Area WWTP with projected sewage flows of 60,000 gpd.

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

WQM Permit No. 3608402, Sewerage, **Frederick W. Steudler**, 2599 Old Philadelphia Pike, Bird-in-Hand, PA 17505. This proposed facility is located in Providence Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction/Operation of a sewage treatment plant to serve the Tamarack Mobile Home Park. This sewage treatment plant will replace their failing community onlot sewage disposal system.

WQM Permit No. 2108402, Sewerage, **Hampden Township Sewer Authority**, 230 South Sporting Hill Road, Mechanicsburg, PA 17050. This proposed facility is located in Hampden Township, **Cumberland County**.

Description of Proposed Action/Activity: Modifications/Upgrades to existing Pumping Stations 2 and 13. Pumping Station 2—demolish existing dry well and convert well into a submersible pump. Pumping Station 13—demolish existing station and construct new wet well and valve pit.

WQM Permit No. 0608201, Industrial Waste, **Delaware County Solid Waste Authority**, Rolling Hills Landfill, 583 Longview Road, Boyertown, PA 19512. This proposed facility is located in Earl Township, **Berks County**.

Description of Proposed Action/Activity: Upgrades/Modifications to Rolling Hills Leachate Treatment Plant; conversion to activated sludge process—replacement of activated carbon treatment—Ozonation addition.

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

WQM Permit No. 5608403, Sewerage, **G. Lynn Waugaman**, 447 South Shore Trail, Central City, PA 15926. This proposed facility is located in Indian Lake Borough, **Somerset County**.

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

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

WQM Permit No. 2572405, Sewerage, **Amendment No. 1, McKean Township**, 9231 Edinboro Road, McKean, PA 16426. This proposed facility is located in McKean Township, **Erie County**.

Description of Proposed Action/Activity: This is to rerate the facility to a Maximum Monthly Average flow of 0.042 mgd. Physical construction activities are not proposed under this permit application.

WQM Permit No. 1008201, Industrial Waste, **Seneca Landfill, Inc.**, P. O. Box 1080, Mars, PA 16046. This proposed facility is located in Jackson Township, **Butler County**.

Description of Proposed Action/Activity: Seneca is submitting this Water Quality Management Permit Application in support of planned upgrades to the leachate treatment plant to increase the treatment capacity. By eliminating bottlenecks created by some of the treatment system components and adding some new equipment, Seneca will be able to process up to 129,600 gpd.

WQM Permit No. 42017402, Sewerage, **Paul V. Wittenbrink**, 434 Hammock Drive, Orchard Park, NY 14127-1685. This proposed facility is located in Corydon Township, **McKean 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. Applications for NPDES Wavier Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)****VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities**

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 0908009	Natural Lands Trust, Inc. 1031 Palmers Mill Road Media, PA 19063	Bucks	Buckingham Township	Paunacussing Creek HQ-CWF
PAI01 1508034	Jackson Immuno Research Laboratories, Inc. P. O. Box 9 West Grove, PA 19390	Chester	Penn Township	UNT East Branch Big Elk Creek HQ-TSF-MF
PAI01 1508035	S. Paone, Inc. 1120 Bethlehem Pike P. O. Box 280 Spring House, PA 19477	Chester	East Whiteland Township	UNT Valley Creek EV
PAI01 1508036	Conestoga Property, LLC 348 Sugartown Road Devon, PA 19333	Chester	West Vincent Township	Pine Creek HQ-TSF
PAI01 1508037	Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106-7676	Chester	Tredyffrin Township	Valley Creek EV
PAS10 J058	The McKee Group 940 West Sproul Road Suite 301 Springfield, PA 19064	Delaware	Bethel Township	Naamans Creek WWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023908005	Barry Follweiler Northwestern Self-Storage 3372 Jordan Road Orefield, PA 18069	Lehigh	Lynn Township	School Creek EV

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024808010	EPI, LLC Attn: Jeff A. Greenwalt 6831 East 32nd Street Suite 300 Indianapolis, IN 46226	Northampton	Lower Nazareth and Bethlehem Townships	Monocacy Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024508006	Pocono Mountain's Municipal Airport Authority P. O. Box 115 Mt. Pocono, PA 18344	Monroe	Coolbaugh Township	Red Run HQ-CWF

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI000508001	Department of Transportation Engineering District 9-0 1620 North Juniata Street Hollidaysburg, PA 16648	Bedford	Hopewell Township	Yellow Creek HQ-CWF

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

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

CAFO Notices of Intent Received

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

PAG124835, CAFO, SIC 0213 and 0211, **Lonnie Carpenter Farm**, R. D. 1, Box 5536, Canton, PA 17724. This proposed facility is located in Canton Township, **Bradford County**.

Description of Size and Scope of Proposed Operation/Activity: The applicant proposes the issuance of a CAFO General Permit for an existing beef steer and veal calf farm that will be expanding operations to include 4,360 finishing swine, totaling 686.55 Animal Equivalent Units. The expansion will include the construction of a single swine barn equipped with an underbarn manure storage facility with a working capacity of 1,590,109 gallons.

The receiving stream, a UNT to Beech Flats Creek is in Watershed 4C (Towanda Creek) and is classified for CWF.

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

PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published

in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

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

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

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Application No. 2308503, Public Water Supply.

Applicant	Aqua Pennsylvania
Township	Marple
County	Delaware
Responsible Official	Joseph Thurwanger 762 West Lancaster Avenue Bryn Mawr, PA 19010
Type of Facility	PWS
Consulting Engineer	Aqua Pennsylvania, Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010
Application Received Date	April 28, 2008
Description of Action	Construction of the Newtown Booster Pump Station.

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

Permit No. 0108509, Public Water Supply.

Applicant	Bonneauville Borough Municipal Authority
Municipality	Bonneauville Borough
County	Adams

Responsible Official Bernie Shanebrook
Borough Manager
86 West Hanover Street
Gettysburg, PA 17325

Type of Facility Public Water Supply

Consulting Engineer Bruce Hulshizer, P. E.
Buchart-Horn Inc.
445 West Philadelphia Street
York, PA 17401-3383

Application Received: May 14, 2008

Description of Action New Well No. 11 (Hickory Heights) with manganese sequestration and chlorination.

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

Permit No. 0208508, Public Water Supply.

Applicant **Municipal Authority of the Borough of West View**
210 Perry Highway
Pittsburgh, PA 15299

Township or Borough Neville Township and Franklin Park Borough

Responsible Official Joseph Dinkel, Executive Director
Municipal Authority of the Borough of West View
210 Perry Highway
Pittsburgh, PA 15229

Type of Facility Water treatment plant and pump station

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

Application Received Date May 13, 2008

Description of Action Sodium hypochlorite feed system at the Franklin Park Pump Station and polymer feed system at the Joseph A. Berkley Water Treatment Plant.

MINOR AMENDMENT

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

Application No. 2608501MA, Minor Amendment.

Applicant **Municipal Authority of Westmoreland County**
124 Park and Pool Roads
New Stanton, PA 15672

Township or Borough Rostraver Township

Responsible Official Christopher Kerr
Resident Manager
Municipal Authority of Westmoreland County
124 Park and Pool Roads
New Stanton, PA 15672

Type of Facility Rostraver water storage tank

Consulting Engineer The EADS Group, Inc.
450 Aberdeen Drive
Somerset, PA 15501

Application Received Date May 16, 2008

Description of Action Painting the Rostraver Township water storage tank.

Application No. 0208506MA, Minor Amendment.

Applicant **Municipal Authority of Westmoreland County**
124 Park and Pool Roads
New Stanton, PA 15672

Township or Borough White Oak Borough

Responsible Official Christopher Kerr
Resident Manager
Municipal Authority of Westmoreland County
124 Park and Pool Roads
New Stanton, PA 15672

Type of Facility White Oak water storage tank

Consulting Engineer The EADS Group, Inc.
450 Aberdeen Drive
Somerset, PA 15501

Application Received Date May 16, 2008

Description of Action Painting the White Oak Borough water storage tank.

WATER ALLOCATIONS

Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth

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

WA2-1010, Water Allocations. Borough of Springdale, P. O. Box 153, Springdale, PA 15144, Allegheny County. The applicant is requesting the right withdraw 3,170,000 gallons of water, average day, from Wells No. 4 and No. 5 located along the Allegheny River.

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 remedi-

ate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

Former Lancaster Brickyard Site, Manheim Township, **Lancaster County**. ARM Group, Inc., P. O. Box 797, Hershey, PA 17033-0797, on behalf of Lancaster County Solid Waste Management Authority, P. O. Box 4425, Lancaster, PA 17604 and Franklin and Marshall College, P. O. Box 3003, Lancaster, PA 17604-3003, submitted a Notice of Intent to Remediate site soils, nonmedia solids and groundwater impacted by petroleum products, solvents, plasticizers, synthetic lubricants and scrap metals. The site was used at one time as a borrow pit for the Lancaster Brick Company and later was an unpermitted municipal landfill. The site will be remediated to a combination of Statewide Health and Site-Specific Standards and developed for nonresidential commercial use.

State Street Plaza, Lemoyne Borough, **Cumberland County**. Alliance Environmental Services, 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of State Street Plaza Associates, LP, 30 Marianne Drive, York, PA 17402, submitted a Notice of Intent to Remediate

site soils contaminated with heating oil and gasoline released from unregulated underground storage tanks. This site will be remediated to the Site-Specific Standard and will continue being used for nonresidential purposes.

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

McCurdy Residence, Slippery Rock Township, **Lawrence County**. ATC Associates, Inc., 103 North Meadows Drive, Suite 215, Wexford, PA 15090 on behalf of The Bauer Company, Inc., 119 Ruth Hill Road, Worthington, PA 16226 has submitted a Notice of Intent to Remediate. Site contamination is the result of a truck accident that occurred on May 16, 2007. The right diesel fuel saddle tank was punctured and diesel fuel was released to the ground surface and migrated toward the northern french drain system. The french drain system discharges to a low flow intermittent site stream that was observed to have a sheen as a result of the release. The property is used for residential purposes and is expected to have the same use in the future. The Notice of Intent to Remediate was published in the *New Castle News* on January 4, 2008.

DETERMINATION FOR APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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

Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

General Permit Application No. WMGR028NE001. Nazareth Asphalt Plant, Highway Materials, Inc., 1750 Walton Road, Blue Bell, PA 19422. A Determination of Applicability application to be attached to General Permit No. WMGR028 to recycle unused amounts of baghouse fines at this residual waste processing facility located in Upper Nazareth Township, **Northampton County**. The application for Determination of Applicability was received in the Regional Office on May 20, 2008.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Applications submitted 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.

Northcentral Region: Regional Solid Waste Manager, 208 West 3rd Street, Suite 101, Williamsport, PA 17701-6448.

Permit Application No. 100963. Lycoming County Resource Management Services, P. O. Box 187, Montgomery, PA 17752. The application for the expansion of the Lycoming County Landfill, located in Brady Township, **Lycoming County**, was submitted to the Williamsport Regional Office on May 15, 2008. A Local Municipal Involvement Process meeting will be scheduled sometime in early July, 2008.

Comments concerning the application should be directed to David Garg, P. E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the general permit application may contact the Williamsport Regional Office, (570) 327-3740. TDD users should contact the Department of Environmental Protection through the Pennsylvania Relay Service, (800) 654-5984.

Application received, under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.103), 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.

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

Permit ID No. 300491. EME Homer City Generation LP, 1750 Power Plant Road, Homer City, PA 15748. EME Homer City Generation LP, 1750 Power Plant Road, Homer City, PA 15748-9558. A major permit modification application for the proposed horizontal and vertical expansion of an existing ash disposal site in Blacklick and Center Townships, **Indiana County** was received in the Regional Office on May 29, 2008.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

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

notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984. Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (act) and regulations adopted under the act.

PLAN APPROVALS

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

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

39-327-004: Sumitomo (SHI) Cryogenics of America, Inc. (1833 Vultee Street, Allentown, PA 18103) for construction of a new vapor degreaser at their facility in Allentown, **Lehigh County**.

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

36-03052B: Boose Aluminum Foundry Co., Inc. (P. O. Box 261, 77 North Reamstown Road, Reamstown, PA 17567-0261) for removing an automatic molding machine and replacing it with a Cope and Drag Line in East Cocalico Township, **Lancaster 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.

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

36-03067A: Covance Research Products, Inc. (310 Swampbridge Road, Denver, PA 17517) for installation of a second pet cremation chamber in West Cocalico Township, **Lancaster County**. The plan approval will include emission, stack testing, monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

36-05123E: Corixa Corp.—d/b/a GlaxoSmithKline Biologicals (325 North Bridge Street, Marietta, PA 17547-0304) for installation of an emergency generator at their biological manufacturing facility in East Donegal Township, **Lancaster County**. Due to the limited use of the emergency generator, the emissions will be minimal and retained within the current facility State-only operating permit limits. The plan approval will contain emission limits along with monitoring, recordkeeping and reporting conditions to ensure the facility complies with the applicable air quality requirements. The source will be subject to 40 CFR Part 60, Subpart IIII—New Source Perfor-

mance Standards for Stationary Compression Ignition Internal Combustion Engines.

67-03149A: Boxwood Manufacturing Corp. (100 Boxwood Lane, York, PA 17402) for construction of two coating booths and anodizing/chromate plating operations at their facility in Springettsbury Township, **York County**. The plan approval will include monitoring, work practice standards, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

08-00003F: CraftMaster Manufacturing, Inc. (P. O. Box 311, Towanda, PA 18848) for installation of two regenerative thermal oxidizers (RTOs); one to control the air contaminant emissions from the existing line I pressurized refiners and first stage dryers and one to control the air contaminant emissions from the existing line II pressurized refiners and first stage dryers at the Towanda facility in Wysox Township, **Bradford County**. The control devices are proposed to be installed to reduce HAP emissions to comply with 40 CFR Part 63, Subpart DDDD (National Emission Standards for HAPs: Plywood and Composite Wood Products). The plan approval application was also submitted to request the installation of two additional refiner reject cyclones on line I and line II to operate in parallel with the existing cyclones to improve air flow and particulate removal efficiency. The respective facility is a major facility for which a Title V operating permit (08-00003) has been issued. Potential emissions of NOx and CO are as specified in the conditions listed; potential increases in SOx and PM will be insignificant. VOC emission will decrease as a result of this installation. The de minimis emission increase in NOx emissions resulting from the RTOs, summed with the past net NOx emission increase exceeds the significant emission threshold for NOx emissions; CraftMaster must therefore purchase emission reduction credits, as specified herein, to offset the net emissions increase as specified in 25 Pa. Code §§ 127.203a, 127.205 and 127.210.

The Department of Environmental Protection's (Department) review of the information contained in the application indicates that the proposed RTOs and refiner reject cyclones will comply with all applicable requirements pertaining to air contamination sources and the emission of air contaminants including the best available control technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the new source review requirements of Chapter 127, Subchapter E, 40 CFR Part 63, Subpart DDDD and 25 Pa. Code §§ 123.13, 123.21, 123.31 and 123.41. Based on this finding, the Department intends to issue a plan approval for the proposed installations. Additionally, if the Department determines that the sources and the air cleaning devices are operating in compliance with the plan approval conditions, the conditions established in the plan approval will be incorporated into the operating permit by means of an administrative amendment under 25 Pa. Code § 127.450.

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

1. Under the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the NOx and CO emissions from the line I RTO shall not exceed the following:

a) For NOx; 85 ppmdv corrected to 3% oxygen and 4.8 tons in any 12-consecutive month period.

b) For CO; 250 ppmdv corrected to 3% oxygen and 8.6 tons in any 12-consecutive month period.

2. Under the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the NOx and CO emissions from the line II RTO shall not exceed the following:

a) For NOx; 85 ppmdv corrected to 3% oxygen and 5.6 tons in any 12-consecutive month period.

b) For CO; 250 ppmdv corrected to 3% oxygen and 9.9 tons in any 12-consecutive month period.

3. Under the emission reduction provisions of 25 Pa. Code § 127.207, the VOC emissions from the line I pressurized refiners and first stage dryers and associated RTO shall not exceed 7.4 tons in any 12-consecutive month period (as propane by Method 25A). This limit may be revised based on the results of the stack testing required in this plan approval.

4. Under the emission reduction provisions of 25 Pa. Code § 127.207, the VOC emissions from the line II pressurized refiners and first stage dryers and associated RTO shall not exceed 8.6 tons in any 12-consecutive month period (as propane by Method 25A). This limit may be revised based on the results of the stack testing required in this plan approval.

5. Under 25 Pa. Code § 123.13, no person may permit the emission into the outdoor atmosphere of PM from the exhaust of each RTO associated with the line I and line II pressurized refiners and first stage dryers in a manner that the concentration of PM in the effluent gas exceeds 0.04 grain per dry standard cubic foot.

6. Under 25 Pa. Code § 123.21, no person may permit the emission into the outdoor atmosphere of SOx, expressed as SO₂, from the exhaust of the each RTO associated with the line I and line II pressurized refiners and first stage dryers in a manner that the concentration of the SOx in the effluent gas exceeds 500 parts per million, by volume, dry basis.

7. Each RTO shall only be fired on natural gas and/or propane/air mix.

8. Under 25 Pa. Code § 127.12(a)(3), the permittee shall install, operate and maintain a pressure monitoring device that shall accurately measure and record the pressure drop across each RTO media at least once every 15 minutes. This information shall be used to monitor material buildup and to take appropriate corrective action to prevent excessive material buildup on the RTO media. The records shall be kept for a minimum of 5 years and shall be made available to the Department upon request.

9. Under 40 CFR 63.2269 and 25 Pa. Code § 127.12 (a)(3), the permittee shall install, operate and maintain a temperature monitoring device (two type K thermocouples as shown in the plan approval application) that shall accurately measure and record each RTO's combustion chamber temperature at least once every 15-minutes. The permittee shall comply with the installation, accuracy, inspection, maintenance, calibration and recordkeeping requirements specified in 40 CFR 63.2269(a) and (b) and the data availability requirements of 40 CFR 63.2270. Records shall be kept for a minimum of 5 years and shall be made available to the Department upon request.

10. Under 40 CFR 63.2262(k) and 25 Pa. Code §§ 127.1 and 127.12, the permittee shall monitor the RTOs' combustion chamber temperature during the stack testing required in this plan approval. The permittee shall establish a minimum combustion chamber temperature as the average of the three minimum 15-minute combustion

chamber temperatures monitored during the three test runs. Additionally, the established minimum combustion chamber temperature shall assure compliance with the NO_x and CO emission limits contained in this plan approval. The permittee shall maintain the 3-hour block average combustion chamber temperature above the minimum combustion chamber temperature established during stack testing. However, the minimum 3-hour block average combustion chamber temperature shall not be less than 1,550° F.

11. By October 1, 2009, the permittee shall perform stack testing on the line I and line II pressurized refineries and first stage dryers and associated RTOs to demonstrate compliance with the NO_x, CO and VOC emission limitations contained in this plan approval. The permittee shall also perform stack testing to determine the total HAP emissions (ppmvd as carbon dry basis by Method 25A) from the refineries, dryers and associated RTOs, or that the total HAPs are being reduced by at least 90% by the RTOs. Stack testing shall be performed in accordance with the applicable provisions of 25 Pa. Code Chapter 139 (relating to sampling and testing) and 40 CFR Part 63, Subpart DDDD using test methods and procedures approved by the Department. Testing must be performed under representative operating conditions as defined in 40 CFR Part 63, Subpart DDDD. In addition, NO_x and CO testing shall be performed with and without the fuel enhancement system (FES) (that is, one set of tests with only the RTO burner and another set of tests with only the FES).

By August 2, 2009, the permittee shall submit two copies of a test protocol to the Department's Northcentral Region for review and approval. This protocol shall describe the test methods and procedures to be used in the performance of testing, and shall include dimensioned sketches of the exhaust systems showing the locations of all proposed sampling ports. The protocol shall also identify all process and control device parameters, which will be monitored and recorded during testing, including the parameters monitored to verify representative operating conditions.

At least 14 days prior to stack testing, the permittee shall notify the Department (Northcentral Regional Office and Central Office, Source Testing Section) of the actual dates and times that testing will occur so that Department personnel can arrange to be present during testing. The Department is under no obligation to accept the results of the testing without having been given proper notification.

Within 60 days following the completion of the stack testing, the permittee shall submit two copies of a test report to the Department's Northcentral Region for review and approval. The test report shall contain the results of the testing, a description of the test methods and procedures actually used, copies of all raw test data with sample calculations and copies of all process data recorded during testing, including, combustion chamber temperatures and the established minimum combustion chamber temperature as required in this plan approval. The results of the testing shall be expressed in units identical to the units of the limitations identified in this plan approval and expressed in units of the limitations identified in 40 CFR Part 63, Subpart DDDD.

12. The permittee shall keep accurate records of the amounts of CO, NO_x and VOCs emitted each month from the Line I and Line II pressurized refineries and first stage dryers and associated RTOs to determine compliance with the annual CO, NO_x and VOC emission limitations. The

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

13. For each RTO, the permittee shall follow the maintenance schedule as specified in the document titled "R-RL-1009 Durr System Special Maintenance Instructions." A copy of the instructions shall be readily visible near the RTO operators in the RTO operations room. Records shall be kept of the maintenance performed (that is, date of inspection, components inspected and maintenance/calibration performed) on a continuous basis, a monthly basis, a 3 month basis, annually and every 2 years. The records shall be maintained for a minimum of 5 years and shall be made available to the Department upon request.

14. Under the new source review requirements of 25 Pa. Code §§ 127.203a, 127.205 and 127.210, the permittee shall purchase and apply 55.3 tpy of NO_x emission reduction credits (ERCs) prior to the start of operation of the RTOs to offset the total of the net increase in emissions. The purchase and application of the NO_x ERCs shall be tracked in the Department's ERC registry system. Failure to purchase and apply 55.3 tpy of NO_x ERCs prior to the start of operation of the RTOs shall make this plan approval null and void.

15. Conditions contained in Title V operating permit 08-00003 remain in effect unless superseded or amended by conditions contained in this plan approval. If there is a conflict between a condition or requirement contained in this plan approval and a condition or requirement contained in Title V operating permit 08-00003, the permittee shall comply with the condition or requirement contained in this plan approval rather than the conflicting condition or requirement contained in Title V operating permit 08-00003.

16. Issuance of an operating permit is contingent upon all air cleaning devices being installed and all sources and air cleaning devices being maintained and operated as described in the plan approval application and supplemental materials submitted with the application, and in accordance with all conditions contained in this plan approval, and upon satisfactory demonstration that any air contaminant emissions are in compliance with all limitations specified herein and with the requirements specified in 40 CFR Part 63, Subpart DDDD, as well as in compliance with the requirements specified in, or established under, any other applicable rules and regulations contained in Article III of the Rules and Regulations of the Department.

Copies of the application and the Department's review of the application 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, Manager, 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.

41-00075A: Construction Specialties, Inc. (P. O. Box 380, Muncy, PA 17756-0380) submitted an application to the Department of Environmental Protection (Department) for plan approval to construct and operate a surface coating operation (three paint booths and associ-

ated panel filters) to control PM emissions at their Montgomery facility located in Montgomery Borough, **Lycoming County**.

The Department's review of the information submitted by Construction Specialties indicates that the proposed surface coating operation will meet all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the fugitive air contaminant emission requirement of 25 Pa. Code § 123.1, the PM emission limitation of 25 Pa. Code § 123.13 and the surface coating requirements of 25 Pa. Code § 129.52. The surface coating operation has the potential to emit 8.00 tons of VOCs and 1.86 tons of combined HAPs in any 12-consecutive month period. Additionally, if the Department determines that the surface coating operation is in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into a State-only operating permit by means an administrative amendment under 25 Pa. Code § 127.450. Construction Specialties, Inc. is a State-only facility.

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, each paint spray booths shall be equipped with spray booth filters and the resultant PM concentration in the exhausts shall not exceed 0.01 grain per dry standard cubic foot.

2. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, each paint spray booths shall be equipped with instrumentation to continuously monitor the differential pressure across the filters.

3. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall maintain an adequate supply of spare paint booth filters in order to immediately replace any filter in need of replacement.

4. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the total combined emissions of VOCs from the three paint spray booths shall not exceed 8.00 tons in any 12-consecutive month period. These emissions include those associated with cleanup of the surface coating operation.

5. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the total emissions of all HAPs from the three paint spray booths shall not exceed 1.86 tons in any 12-consecutive month period. These emissions include those associated with cleanup of the surface coating operation.

6. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12 and § 129.52, the VOC content of the as applied coatings shall not exceed the following levels:

1. 3.0 lbs VOC/lb coating solids for topcoats and enamels.
2. 14.3 lbs VOC/lb coating solids for washcoats.
3. 3.3 lbs VOC/lb coating solids for final repair coats.
4. 2.2 lbs VOC/lb coating solids for basecoats.
5. 14.3 lbs VOC/lb coating solids for cosmetic specialty coatings.
6. 3.9 lbs VOC/lb coating solids for sealers.

7. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, xylene shall be the only cleaning solvent used in the surface coating operation. The total combined amount of xylene used in Source IDs P110, P120 and P130 shall not exceed 250 gallons in any 12-consecutive month period.

8. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, all coatings shall be applied by HVLP (High Volume, Low Pressure) spray technology. The pressure at the cap of the gun shall not exceed 10 psi.

9. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall test the pressure at the cap of the HVLP guns at least once per week and record the reading in a logbook to verify compliance with the pressure requirement. These records shall be retained for a minimum of 5 years and be presented to the Department upon request.

10. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, all coatings, additives and cleaning solvents shall be kept in closed containers when not in actual use.

11. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, spray equipment, lines and the like shall be cleaned either by flushing/spraying a solid liquid stream into an appropriate recovery receptacle or by soaking equipment in closed containers. Under no circumstances shall solvent be atomized while flushing/spraying. The use of solvent-laden rags to wipe down equipment is acceptable as long as the rags are stored in closed containers after use, until properly disposed of. Under no circumstances shall waste solvent or other materials or solvent-laden rags be treated in a manner that would intentionally promote the evaporative loss of solvent.

12. The permittee shall maintain daily records of all coatings, and cleaning solvents used in, or associated with the use of the surface coating operation. The respective records shall include the following:

- a. The identity of each material used.
- b. The mix ratio.
- c. The density or specific gravity.
- d. An up-to-date Certified Product Data Sheet (CPDS) for each material used.
- e. The amount in gallons or pounds of each coating used each month.
- f. The density of each material as-applied in pounds per gallon.
- g. The VOC content of each material as-applied.
- h. The HAP content of each material as-applied (% by weight).
- i. The amount of VOCs and the amount of HAPs emitted during each month from the use of each individual material.
- j. The rolling 12-month VOC and HAP emissions updated on a monthly basis.

Records generated under this condition shall be retained onsite for a period of at least 5 years from the date of generation and shall be provided to the Department upon request.

13. The permittee shall submit an annual report to the Department of the following:

a. The identity and amount of each coating used each month in each of the paint booths and the corresponding 12-consecutive month totals.

b. The VOC and HAP emissions each month in each of the paint booths and the corresponding 12-consecutive month totals.

c. The total VOC and HAP emissions each month from all three booths and the corresponding 12-consecutive month totals.

d. The amount cleaning solvent used each month and the corresponding 12-consecutive month total.

This annual report is due every March 1 for the previous January through December period.

A copy of the plan approval application is 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, Manager, 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.

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

43-011E: Greenville Metals, Inc. (99 Crestview Drive Extension, Transfer, PA 16154) for installation of a new baghouse (C205) to control emissions from the MNS Exothermic Reaction Process (Source 205) and from the EAF (Source 202). The existing baghouse (BH01) will no longer control the MNS Process (Source 205), but will primarily control only the Argon Oxygen Decarburization (Source 203) and be used as backup for the new baghouse (C205) for the EAF (Source 202) in Pymatuning Township, **Mercer County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source:

- Source 202:
- Subject to 25 Pa. Code § 123.21.
- Source 205:
- PM emissions exiting the control device from only the exothermic process shall not exceed 0.02 grain per dry standard cubic foot.
- The average gas effluent concentration of SO₂ from the exothermic reaction shall be less than 380 parts per million, by volume, dry basis.
- The exothermic process shall be limited to produce eight reactions per day.
- SO₂ emissions in the stack shall be analyzed monthly using an approved SO₂ analyzer to assure sufficient lime injection rates. The stack shall be analyzed in those months when reactions occur and if weather permitting. The frequency of the stack analysis will be monthly for

the first 12-months of operation. If no deviations are recorded, the Department of Environmental Protection (Department) will extend the monitoring to quarterly.

- The determination of the SO₂ emissions shall be based upon 30 stack readings taken at 1 minute increments using the averaging measurement method described in 40 CFR Subpart 60 Appendix A—Test Methods: Method 6C.

- The SO₂ analyzer shall be returned to the manufacturer for calibration, maintenance and certification to original specifications every 6 months unless the certification can be done in house with instrument technicians and EPA approved protocol calibration gases. Records shall be maintained onsite and kept for a period of 5 years of the dates of certification.

- Daily records shall be maintained of raw materials used and product produced from each MNS reaction.

- Lime injection records shall be kept for each heat to assure sufficient lime injection takes place to control sulfur emissions.

- Source 202 and 205:

- PM emissions exiting the control devices associated with this source shall not exceed 0.0052 grains per dry standard cubic foot.

- Stack test for PM @ outlet of C205.

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

- The company shall maintain a log of the following, at a minimum, from the operational inspections:

- Pressure drop across the operating baghouse (C205 and/or BH01)

- Permittee looked for any unusual conditions that might indicate a need for further maintenance.

- The permittee shall perform a daily operational inspection of the operating control devices (C205 and/or BH01).

- The permittee shall perform monthly maintenance inspections of the control devices (C205 and BH01).

- A magnehelic gauge or equivalent shall be permanently installed and maintained at a conveniently readable location to indicate the pressure drop across the control devices (C205 and BH01).

- All gauges employed by the permittee to monitor the required control device (C205) operating parameters shall have a scale such that the expected normal reading shall be no less than 20% of full scale and be accurate within +/- 2% of full scale reading.

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

- The permittee shall maintain 20% of the required filter elements for both control devices (C205 and BH01) associated with this source, onsite, for emergency replacement.

- The permittee shall operate the control device (C205 and/or BH01) at all times that the source is in operation.

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

62-032C: Ellwood National Forge (One Front Street, Irvine, PA 16329) for the installation of two new gas neutralizer emission control devices on the four existing electrically powered nitride furnaces in Brokenstraw Township, **Warren County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source:

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

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

- The emissions from the outlet of the control device shall not exceed the following:

- Ammonia (NH₃): 35 ppmv.

- Ammonia (NH₃): 0.03 tpy based on a consecutive 12-month period.

- NO_x: 0.3 tpy based on a consecutive 12-month period for all four nitride furnaces (632—635).

- The permittee shall stack test for PM, NO_x and Ammonia (NH₃) at the outlet of the control device. The initial compliance test may be performed on either control device (C632A or C634A) with subsequent testing being performed on the alternate one.

- The permittee shall maintain a record of all preventive maintenance inspections of the control devices. The records of the maintenance inspections shall include, at a minimum, the dates of the inspections, the name of the person performing the inspection, any problems or defects identified, any actions taken to correct the problems or defects, and any routine maintenance performed.

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

- Neutralizing chamber temperature—continuously as defined as at least once every 15 minutes.

- The facility shall keep a record of the following and maintain for a minimum of 5 years:

- Ammonia (NH₃) gas usage—monthly.

- NO_x emissions—monthly.

- Ammonia (NH₃) emissions—monthly.

- The permittee shall perform a daily operational inspection of the control devices.

- The control device minimum operating temperature in the neutralizing chamber shall be 1,650° F.

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

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

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

OPERATING PERMITS

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

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

46-00039: Exelon Generation Co.—Moser Generating Station (Moser and Yost Streets, Pottstown, PA 19464) for operation of an electrical power peak generating station in Lower Pottsgrove Township, **Montgomery County**. As a result of potential emissions of NO_x and SO_x, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

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

36-03034: Purina Mills, LLC—Lancaster Feed Mill (3029 Hempland Road, Lancaster, PA 17601) for renewal of their State-only operating permit in East Hempfield Township, **Lancaster County** issued in June 2003.

36-03135: Shared Mail Acquisitions, LLC—d/b/a Doodad (72 Industrial Circle, Lancaster, PA 17601) for renewal of their State-only operating permit in Upper Leacock Township, **Lancaster County** issued in July 2003.

67-03123: American Ash Recycling Corp. of PA (1072 Roosevelt Avenue, York, PA 17404) for operation of their ash recycling facility in West Manchester Township, **York County**. The natural minor operating permit will contain appropriate monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

67-03144: KRB Machinery (1058 Cool Creek Road, Wrightsville, PA 17368) for operation of one NorAm M-3 downdraft paint booth in Lower Windsor Township, **York County**. The State-only operating permit will include emission restrictions, monitoring and recordkeeping requirements designed to keep the facility operating within all applicable air quality requirements.

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

59-00017: Hitachi Metals Automotive Components USA, LLC (P.O. Box 68, Blossburg, PA 16912) for operation of an automotive parts iron foundry in Lawrence Township, **Tioga County**.

The facility incorporates two 10 ton capacity electric induction melting furnaces, a 50 ton capacity electric induction holding furnace, a 10 ton capacity ductile iron inoculation station, two auto pouring stations, two mold cooling lines, two mold transfer vibrating shakeout conveyor systems, two cooling/separation drums, two despruing conveyors, three abrasive blasting machines, two reject mold conveyors and shakeouts, a return sand collection conveyor system and rotary screen, a refuse sand storage building, a fluid bed sand cooler, five shell core machines, two cold box core-making machines, an ecoat dip tank and associated natural gas-fired curing oven, a 10.5 mmBtu/hr natural gas-fired annealing oven, seven sand, sand/binder and dust storage silos, 11 natural gas-fired makeup air units (with a total combined heat input of 34.5 mmBtu/hr), 18 natural gas/propane-fired unit heaters and boilers (with a total combined heat input of 3.3 mmBtu/hr), a 125 kw diesel fuel-fired emergency generator, a solvent parts washer and two aqueous parts washers.

The PM emissions from the electric induction melting furnaces, holding furnace, ductile iron inoculation station, auto pouring stations, mold cooling lines, shakeout conveyor systems, cooling/separation drums, despruing conveyors, abrasive blasting machines, reject mold conveyors and shakeouts, return sand collection system and rotary screen, refuse sand storage building, fluid bed sand cooler and seven silos are controlled by a total of 20 fabric collectors. The VOCs from the two cold box core-making machines are controlled by a packed bed scrubber.

The air contaminant emissions from the facility are not expected to exceed 99.9 tons of PM/PM10, 43.8 tons of VOCs, 22.86 tons of HAPs, 22.1 tons of NOx, 9.07 tons of CO and .25 ton of SOx per year.

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 contained in Operating Permit 59-304-008B, issued on November 15, 1999 (and subsequently amended on February 18, 2000; July 7, 2000; May 9, 2002 and February 5, 2004), and Plan Approval 59-304-008G, issued on July 20, 2006 (and subsequently amended on September 14, 2006), and conditions previously established as requirements of a plan approval exemption determination made on April 25, 2002.

The conditions previously contained in Operating Permit 59-304-008B include:

1. A condition limiting the total combined PM emissions from the entire facility to no more than 99.9 tons in any 12-consecutive month period.
2. Conditions limiting the PM emissions from the exhausts of the facility's fabric collectors, other than those used to control PM emissions from the seven silos, to no more than .005 grain per dry standard cubic foot of effluent gas volume.
3. A condition limiting the amount of metal that may be melted in the two electric induction melting furnaces

to no more than a combined total of 98,000 tons in any 12-consecutive month period.

4. A condition allowing ferro-manganese or other manganese-bearing materials to be added to the metal melted in the two electric induction melting furnaces provided the total quantity of such material does not exceed 24,000 pounds per year.

5. A condition prohibiting the permittee from intentionally adding any alloy material containing nickel, chromium or other substance designated as a HAP (other than manganese) to the metal melted in the two electric induction furnaces except that such HAPs may be present in the pig iron or scrap fed to the furnaces provided the total combined content of all HAPs (other than manganese) in the furnace charge is no greater than 1% by weight.

6. Conditions requiring the facility's fabric collectors, other than those used to control PM emissions from the seven silos, to be equipped with instrumentation to continuously monitor the pressure differential across the collector and requiring the permittee to administer an inspection/preventative maintenance program for each such fabric collector which shall, at a minimum, include reading and logging the collector's pressure differential on a regular basis (although this requirement is being modified to require daily reading/logging).

7. Conditions requiring spare bags to be kept onsite for the facility's fabric collectors, other than those used to control the PM emission from the two sand/binder silos approved by the April 25, 2002, plan approval exemption determination.

8. Conditions permitting the use of the fabric collector associated with the two electric induction melting furnaces to control the air contaminant emissions from a slag-off operation at any time other than when tapping/pouring is occurring on either of the furnaces, requiring the hood used to capture the fugitive air contaminant emissions from the slag-off operation to be dampered off from the fabric collector at all times except when dumping slag containers into the slag bucket and requiring the respective hood to be equipped with a flashing beacon which shall be activated whenever the damper to the fabric collector is open.

9. A condition limiting the total combined VOC emissions from five shell core machines to no more than 1.0 ton in any 12-consecutive month period.

10. Conditions limiting the VOC emissions from each of the two cold box core-making machines to no more than 5.13 pounds per hour, the total combined VOC emissions from both machines to no more than 6.3 tons in any 12-consecutive month period and the total combined HAP emissions from both machines to no more than 1.0 ton in any 12-consecutive month period.

11. A condition limiting the total combined amount of resin/binder used in the two cold box core making machines (although this condition is being modified from a prior limit of no more than 156,000 pounds in any 12-consecutive month period to no more than 258,385 pounds in any 12-consecutive month period).

12. Conditions prohibiting the pH of the scrubbing solution used in the scrubber associated with the two cold box core-making machines from exceeding 4.5, requiring a recirculating scrubbing solution flow rate of at least 38 gpm and requiring the scrubber to be equipped with instrumentation which continuously monitors the pres-

sure differential across the scrubber, the scrubbing solution pH and the recirculating scrubbing solution flow rate.

13. Conditions prohibiting the annealing oven from being fired on any fuel but natural gas and restricting its use to the heat treatment of clean castings.

14. A condition limiting the VOC emissions from the two aqueous parts washers to no more than 100 pounds in any 12-consecutive month period.

15. Conditions requiring the maintenance of records of the amount of metal melted in the electric induction melting furnaces each month, the types and amounts of manganese-bearing additives used in the electric induction melting furnaces each month, the number of hours each fabric collector-controlled source (other than the seven silos) is operated each month, the amount of cores produced and the amount of sand used in the shell core machines each month, the number of hours each cold box core-making machine is operated each month, the amount of sand and the types and amounts of binders, catalysts and other additives used in each cold box core-making machine each month, the amount of natural gas used in the annealing oven each month and the types and amounts of solvents used in aqueous parts washers each month.

The conditions previously contained in Plan Approval 59-304-008G include:

16. Conditions limiting the total combined VOC emissions from the entire facility to less than 43.8 tons in any 12-consecutive month period and requiring the maintenance of records of the amount of VOCs emitted from each source at the facility each month.

17. A condition limiting the VOC emissions from the ecoat dip tank to no more than 3.72 tons in any 12-consecutive month period.

18. Conditions prohibiting the addition to the ecoat dip tank of more than 19,118 gallons of coating and 605.62 gallons of flow control additive in any 12-consecutive month period as well as the addition of more than 1 gallon of flow control additive for every 31.6 gallons of coating added over any 12-consecutive month period except as maybe allowed under No. 20 herein.

19. A condition limiting the materials which may be placed in the ecoat dip tank to water, the parts to be coated, biocides containing no VOCs or VHAPs, flow control additives containing no VHAPs and coatings containing no VHAPs and no more than .12 pound of VOCs per gallon except as may be allowed under No. 20 herein.

20. A condition allowing the permittee to use an alternate coating in the ecoat dip tank provided the VOC content of the alternate coating does not exceed .18 pound per gallon and provided that no more than 1 gallon of flow control additive is added for every 42 gallons of the alternate coating added over any 12-consecutive month period.

21. Conditions limiting the materials used for cleanup activities associated with the ecoat dip tank to water and requiring all VOC-containing materials to be stored in closed containers when not in use.

22. A condition requiring the maintenance of records of the identity, quantity and VOC content of each material added to the ecoat dip tank each day.

The conditions previously established as requirements of a plan approval exemption determination made for two sand/binder silos on April 25, 2002, include:

23. Conditions requiring each of the two silos to be controlled by a fabric collector and limiting the PM emissions from these fabric collectors to no more than .01 grain per dry standard cubic foot of effluent gas volume.

24. Conditions limiting the hours material can be pneumatically conveyed into each of the two silos to no more than 150 hours in any 12-consecutive month period and requiring the maintenance of records of the number of hours this occurs for each silo each month.

The new conditions the Department proposes to incorporate into the operating permit to be issued include:

25. A condition limiting the total combined emissions of any individual HAP from the entire facility to less than 10 tons in any 12-consecutive month period and the total combined emissions of all hazardous air pollutants to less than 25 tons in any 12-consecutive month period.

26. Conditions requiring the maintenance, and semi-annual submission, of records of the amount of PM, VOCs and HAPs emitted from each source in the facility each month.

27. A condition specifying applicable requirements of Subpart ZZZZZ of the National Emission Standards for HAPs, 40 CFR 63.10880 through 63.10906 (National Emission Standards for HAPs for Iron and Steel Foundries Area Sources).

28. A condition requiring a number of pieces of process equipment controlled by internally-exhausting fabric collectors to be controlled by the respective collectors and to only be vented inside.

29. Conditions prohibiting the use of any fuel other than natural gas in 11 makeup air units and the use of any fuels other than natural gas or propane in 18 heaters and boilers.

30. Conditions requiring the performance of PM and VOC stack testing on a group of the facility's sources by December 31, 2010, and every 4 years thereafter, and on another group of the facility's sources by December 31, 2012, and every 4 years thereafter.

31. Conditions requiring the semi-annual submission of the records maintained of the amount of metal melted in the electric induction melting furnaces each month, the types and amounts of manganese-bearing additives used in the electric induction melting furnaces each month, the number of hours each fabric collector-controlled source (other than the seven silos) is operated each month, the amount of cores produced and the amount of sand used in the shell core machines each month, the number of hours each cold box core-making machine is operated each month, the amount of sand and the types and amounts of binders, catalysts and other additives used in each cold box core-making machine each month, the amount of natural gas used in the annealing oven each month, the identity, amount and VOC content of each material added to the ecoat dip tank each day, the types and amounts of solvents used in the aqueous parts washers each month and the number of hours per month that material is pneumatically conveyed to each of the two sand/binder silos approved by the April 25, 2002, plan approval exemption determination.

32. A condition requiring spare bags to be kept onsite for the fabric collectors associated with the two sand/binder silos approved by the April 25, 2002, plan approval exemption determination.

33. Conditions limiting the fuel used in the emergency generator to virgin diesel fuel to which no reclaimed or

waste oil or other waste materials have been added, limiting the operation of the generator to no more than 500 hours in any 12-consecutive month period and requiring the maintenance, and semi-annual submission, of records of the number of hours the generator is operated each month.

34. Conditions limiting the VOC emissions from the solvents parts washer to less than 2.7 tons in any 12-consecutive month period, prohibiting the use of solvents in the parts washer which contain HAPs as an intentionally-added ingredient and requiring the maintenance and semi-annual submission, of records of the types and amounts of solvents placed into, and removed from, the parts washer each month.

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

11-00084: United Metal Fabricators, Inc.—Richland Facility (1316 Eisenhower Boulevard, Johnstown, PA 15904) the facility's major sources of emissions include several paint spray booths, an adhesive spray booth, a drying oven and several welding booths in Richland Township, **Cambria County**.

56-00265: Abilene Boot Co., Inc. (841 South Center Avenue, Somerset, PA 15501) the facility's major sources of emissions include adhesive and solvent usage from the plant's first making, finishing and chemical departments in Somerset Township, **Somerset County**.

56-00219: Berwind Coal Sales Co.—Huskin Run Tipple (509 15th Street, Windber, PA 15963) the facility's major sources of emissions include truck dumping into coal hopper, a rotary breaker, screen, radial coal stackers, coal conveyors, plant roadways and storage piles in Shade Township, **Somerset County**.

65-00613: International Mill Service, Inc.—Patton Site (1155 Business Center Drive, Horsham, PA 19044-3454) the facility's major sources of emissions at this slag and scrap processing plant include a main plant for scrap separation and slag crushing/screening, a portable plant for slag crushing/screening and a diesel powered electric generating engine in Rostraver Township, **Westmoreland County**.

03-00093: Keystone Coal Mining Corp., Keystone Cleaning Plant (P. O. Box 219, Shelocta, PA 15774) the facility's major sources of emissions include truck dumping into coal hopper, vertical and radial coal stackers, coal conveyors, plant roadways, storage piles and emissions from air pollution control in Plumcreek Township, **Armstrong County**.

32-00183: Millcreek Processing, Challenger Coal Yard (110 Cedar Lane, McMurray, PA 15317) the facility's major sources of emissions include truck dumping into coal hopper, crushers, screens, radial coal stackers, coal conveyors, plant roadways and storage piles in East Wheatfield Township, **Indiana County**.

65-00657: Tresco Paving Corp.—T.P.C. Asphalt Supply (P. O. Box 14004, Pittsburgh, PA 15239) The facility's major sources of emissions include discharge gates, slat conveyor hopper, thermal dryer, asphalt cement tanks, fuel oil tank, plant roadways and emissions from air pollution control devices in Salem Township, **Westmoreland County**.

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

33-00010: Humphrey Charcoal—Brookville Plant (13760 Knoxdale Road, Brookville, PA 15825) for operation of their facility's air contamination source consisting of: a 1.05 mmBtu/hr boiler, stockpiling, raw material, charcoal briquette process, lump charcoal process, dryer and bagging operation in Pine Creek Township, **Jefferson 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 ¹		greater than 6.0; less than 9.0	
Alkalinity greater than acidity ¹			

¹ 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.

Permit Number 03971301 and NPDES Permit No. PA0215091, AMFIRE Mining Company, LLC, (One Energy Place, Latrobe, PA 15650), to revise the permit for the Ridge Mine in South Bend Township, **Armstrong County** to change the land use on 1.4 surface activity site acres in the existing permit from wildlife habitat to industrial. No additional discharges. Application received March 26, 2008.

Permit Number 30071301 and NPDES Permit No. NA, Freeport Mining, LP, (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to operate the Freeport Mine in Jefferson and Morgan Townships, **Greene County** a new underground mine and related NPDES point. Surface Acres Proposed 146.0, Underground Acres Proposed 5,281.0, Subsidence Control Plan Acres Proposed 5,281.0. Receiving streams: South Fork Tenmile Creek, classified for the following use: WWF and UNT to Castile Run, classified for the following use: WWF. Application received November 30, 2007.

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

56940106 and NPDES No. PA0212903. Fieg Brothers, 3070 Stoystown Road, Stoystown, PA 15563, revision of an existing bituminous surface mine to add mining on the Lower Pittsburgh coal seam in Brothersvalley Township, **Somerset County**, affecting 77.4 acres. Receiving streams: UNTs to/and Buffalo Creek and UNTs to/and Hays Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 21, 2008.

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

37020105 and NPDES Permit No. PA0242241. Kerry Coal Company (309 Industrial Park Drive, Wampum, PA 16157). Renewal of an existing bituminous surface strip and tippel refuse disposal operation in Wayne Township, **Lawrence County** affecting 39.7 acres. Receiving streams: UNT to the Beaver River and Connoquenessing Creek, classified for the following use: WWF. The first downstream potable water supply intake from the point of discharge is Beaver Falls Municipal Authority. Application for reclamation only. Application received May 29, 2008.

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

40980103R2. No. 1 Contracting Corp. (49 South Main Street, Ashley, PA 18706), renewal of an existing anthracite surface mine, refuse reprocessing and refuse disposal operation in Hazle and Banks Townships, **Luzerne and Carbon Counties** affecting 37.0 acres, receiving stream: none. Application received May 27, 2008.

Coal Applications Returned

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

26070106 and NPDES Permit No. PA0251305. Amerikohl Mining, Inc. (1384 SR 711, Stahlstown, PA 15687). Returned application for a bituminous surface mine, located in Dunbar Township, **Fayette County**, affecting 588.5 acres. Receiving streams: UNTs to Youghioghney River. Application received December 20, 2007. Application returned May 29, 2008.

Noncoal Applications Received

Effluent Limits—The following noncoal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

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

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

04910301 and NPDES Permit No. PA0259358. Jertart, Inc. (3701 Duss Avenue, Baden, PA 15005). Revision application to add 2.1 acres to an existing large noncoal surface mine, located in Harmony Township, **Beaver County**, affecting 28.3 acres. Receiving stream: Legionville Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Revision application received May 22, 2008.

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

8074SM2C6. Highway Materials, Inc., (1750 Walton Road, Blue Bell, PA 19422), correction to an existing quarry operation for an incidental boundary correction in Whitemarsh Township, **Montgomery County** adding 3.2 acres for a total of 330.8 acres, receiving stream: Lorraine Run. Application received April 9, 2008.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and

other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E60-192. Seiple Family Foundation, 159 South Second Street, Sunbury, PA 17801. Turtle Creek Bridge, in East Buffalo Township, **Union County**, United States Army Corps of Engineers, Baltimore District (Lewisburg, PA Quadrangle N: 9.5 inches; W: 0.75 inch).

To construct and maintain: 1) a temporary low-flow full-channel causeway made of three 36-inch culverts and R-6 / R-4 riprap immediately downstream of the proposed bridge; 2) a 40-foot clear span timber truss bridge with a minimum underclearance of 5-foot 9-inches, the associated gabion basket armored earth-filled approach ramps and R-8 riprap stream bank under and near the bridge in Turtle Creek located 2,250 feet east-northeast of Supplee Mill and Furnace Roads. This project proposes to temporarily impact 20 linear feet of the channel and permanently impact 25 linear feet of the channel in Turtle Creek, which is classified as a CWF.

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

E02-1584. David W. Reiss, 9595 Goehring Road, Cranberry Township, PA 16066 in Franklin Park Borough, **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District. To construct and maintain a box culvert (Emsworth, PA Quadrangle N: 11.8 inches; W: 12.6 inches, Latitude: 40° 33' 54"; Longitude: 80° 05' 32"). The applicant proposes to construct and maintain a box culvert having a span of 20.0 feet with an underclearance of 4.0 feet (1.0 foot depressed below the natural stream bed) in the channel of Bear Run (TSF) to provide access to a single-family residential development. The project is located just south from the intersection of Montgomery and McAleer Roads and will impact approximately 20.0 linear feet of stream channel.

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

E10-449, AK Steel Corporation. Proposed New Railroad Track, in Butler, **Butler County**, United States Army Corps of Engineers, Pittsburgh District (Butler, PA Quadrangle N: 40° 49' 19.86"; W: 79° 56' 43.26").

Project includes construction of approximately 4,200' of new railroad track located adjacent to and adjoining existing track. The project is located in McCalmont, PA and extends approximately 4,200' north along existing railroad direction.

E20-154A, Bloomfield Township Sewage Authority, 22978 Shreve Ridge Road, Union City, PA 16438. North Inlet Area Reconstruction Project, in Bloomfield Township, **Crawford County**, United States Army Corps of Engineers, Pittsburgh District (Lake Canadohta, PA Quadrangle N: 41° 47' 43"; W: 79° 50' 25").

The applicant proposes to amend permit E-154 which authorized the Bloomfield Township Sewage Authority to construct and maintain a sanitary sewer pipeline under the bed and across the channel of various streams in Bloomfield Township, Crawford County including:

1. West Shreve Run at a point approximately 120 feet upstream of Lake Canadohta.
2. West Shreve Run at a point approximately 355 feet upstream of Lake Canadohta.
3. West Shreve Run at a point approximately 340 feet upstream of Lake Canadohta.
4. UNT Lake Canadohta at a point approximately 305 feet upstream of Lake Canadohta.
5. Oil Creek at a point approximately 35 feet downstream of Lake Canadohta.
6. Oil Creek at a point approximately 60 feet downstream of Lake Canadohta.
7. UNT Lake Canadohta at a point approximately 200 feet upstream from its confluence with East Shreve Run.

The applicant proposes to amend permit E-154 to construct and maintain a sanitary sewer pipeline under the bed and across the channel of various streams in Bloomfield Township, Crawford County including:

1. West Shreve Run at a point approximately 120 feet upstream of Lake Canadohta.
2. West Shreve Run at a point approximately 355 feet upstream of Lake Canadohta.
3. West Shreve Run at a point approximately 340 feet upstream of Lake Canadohta.
4. UNT Lake Canadohta at a point approximately 305 feet upstream of Lake Canadohta.
5. Oil Creek at a point approximately 35 feet downstream of Lake Canadohta.
6. Oil Creek at a point approximately 60 feet downstream of Lake Canadohta.
7. UNT Lake Canadohta at a point approximately 200 feet upstream from its confluence with East Shreve Run, and to construct and maintain a 1,900-foot long sanitary forermain by means of directional drilling under a 1,900-foot long EV wetland at a location extending SW of the intersection of West View Road and Delta Drive.

E24-249, Department of Conservation and Natural Resources, Bureau of Facility, Design and Construction, Rachel Carson State Office Building, P. O. Box 8451, Harrisburg, PA 17105-8541. Bridge Over North Fork Straight Creek, in Jones Township, **Elk County**, United

States Army Corps of Engineers, Pittsburgh District (Glen Hazel, PA Quadrangle N: 41° 35' 39"; W: 78° 30' 57").

To construct and maintain a single span prestressed concrete box beam bridge having a clear span of 38 feet and an average underclearance of 3.39 feet on a 90° skew across North Fork Straight Creek on Straight Creek Road approximately 200 feet upstream of the confluence of Straight and North Fork Straight Creeks.

E27-081, Hickory Township, 95 Hardwood Drive, Kane, PA 16735. Bridge Over Otter Creek, **Forest County**, United States Army Corps of Engineers, Pittsburgh District (Kellettville, PA Quadrangle N: 41° 36' 27.7"; W: 79° 20' 24.2").

This project includes the placement of a 50 foot long by 12 foot 8 inches wide bridge over Otter Creek to connect existing roadways on either side. This project is located approximately 3 miles northeast of the intersection of SH 666 and Queen Road where Queen Road sets roughly 2 miles east of the intersection of US 62 and SH 666.

E33-231, Stanton Dynamics, Inc., 7032 Pansy Ringgold Road, Brookville, PA 15825. Stanton Dynamics Fabrication Shop, in Beaver Township, **Jefferson County**, United States Army Corps of Engineers, Pittsburgh District (Coolspring, PA Quadrangle N: 41° 4' 15"; W: 79° 1' 15").

The applicant proposes to fill 0.026 acre (de minimis) of PEM wetland to construct and maintain a fabrication shop and associated facilities adjacent to and South of the intersection of SR 36 and SR 3005. Project includes the mitigation of 0.08 acre of PEM wetland onsite.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

D26-130EA, Ohiopyle State Park, P. O. Box 105, Ohiopyle, PA 15470-0105. Stewart Township, **Fayette County**, United States Army Corps of Engineers, Pittsburgh District.

Project proposes to breach and remove Meadow Run Dam across Meadow Run (HQ-CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 300 feet of stream channel. The dam is located approximately 2,700 feet southwest of the intersection of Farmington Ohiopyle Road (SR 381) and Dinner Bell Road (SR 2011) (Fort Necessity, PA Quadrangle Latitude: 39° 50' 59"; Longitude: 79° 30' 17").

DAM SAFETY

Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.

D36-235EA, Masonic Village of Elizabethtown, One Masonic Drive, Elizabethtown, PA 17022-2199.

To remove a small existing dam and legacy sediment that was deposited within the natural valley bottom along an approximately 3,200 foot section of Conoy Creek (TSF). The purpose of the project is to restore aquatic resources to a natural condition that existed prior to landclearing, mill damming and other post-settlement activities. Radio-carbon dating of buried presettlement era vegetation and other carbon sources at this site indicate that several feet of legacy sediment is stored within the project area. The

interpretation of the site is that legacy sediment was stored here prior to 1931 when the existing dam was constructed. The excavation and removal of legacy sediment will reestablish as much as possible the natural ecological and landscape conditions. The dam removal, and natural floodplain, stream and riparian wetland

restoration site is located adjacent to Bainbridge Road, approximately 1 mile southwest of the intersection with Masonic Drive in Elizabethtown Borough, Lancaster County (Elizabethtown, PA Quadrangle 76° 37' 5"; W: 40° 8' 3" N).

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Waste Management, Division of Storage Tanks, P. O. Box 8763, Harrisburg, PA 17105-8763, within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.

<i>SSIP Application No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
08007	Delta-Energy PA No. 1 350 Hochberg Road Monroeville, PA 15146 Attn: Michael R. Silsbee	Greene	Cumberland Township	7 ASTs storing petroleum products	210,000 gallons total
08009	Samax Enterprises, Inc. 1001 New Ford Mill Road Morrisville, PA 19067 Attn: Joseph Fleischman	Bucks	Falls Township	11 ASTs storing hazardous substances	111,577 gallons total

ACTIONS

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

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

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal 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>
PA0024015 (Minor Sewage)	Cressona Borough Authority 58 South Sillyman Street Cressona, PA 17929	Cressona Borough Schuylkill County	West Branch Schuylkill River 03A	Y
PA0062421 (Minor Industrial Waste)	Borough of Jim Thorpe 421 North Street Jim Thorpe, PA 18229-2528	Jim Thorpe Borough Carbon County	Mauch Chunk Creek 02B	Y
PA-0063053 (Industrial Waste)	Tamaqua Area Water Authority Still Creek Water Treatment Plant 320 East Broad Street Tamaqua, PA 18252	Schuylkill County Rush Township	Little Schuylkill River 3A	Y
PA-0053813 (Minor Industrial Waste)	Farm & Home Oil, LLC 3115 State Road Telford, PA 18968	Lower Macungie Township Lehigh County	UNT to Swabia Creek 2C	Y
PA-0040932 (Minor Sewage)	Northwestern Lehigh School District Weisenberg Elementary School 6493 Route 309 New Tripoli, PA 18066	Lehigh County Weisenberg Township	UNT to Lyon Creek 2C	Y
PA-0063657 (Minor Sewage)	Wyoming Area School District Sarah J. Dymond Elementary School 20 Memorial Street Exeter, PA 18643	Luzerne County Exeter Township	UNT to Sutton Creek 4G	Y

Chesapeake Bay nutrient monitoring requirements for ammonia nitrogen, kjeldahl nitrogen, nitrite-nitrate as N, Total Nitrogen and Total Phosphorus are being added to this permit.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PAS322201	Crayola, LLC 1100 Church Lane P. O. Box 431 Easton, PA 18044-0431	Northampton County Forks Township	UNT to Bushkill Creek 1F	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>
PA0088978 (Sew)	West Pennsboro Township Municipal Authority 2150 Newville Road Carlisle, PA 17013	Cumberland County West Pennsboro Township	Conodoguinet Creek 7-B	Y
PA0083721 (Sew)	Tom Rodas Paradise Mobile Home Park 1190 Wyndsong Drive York, PA 17403-4492	York County Paradise Township	UNT to Beaver Creek 7-F	Y

<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>
PA0080705 (Sew)	Fredericksburg Sewer and Water Authority P. O. Box 161 Fredericksburg, PA 17026	Lebanon County Bethel Township	Deep Run 7-D	Y
PAG20033603020-R	Greenpoint Farm, Inc. 402 Bayard Road Kennett Square, PA 19348	Lancaster County Quarryville Borough	UNT Big Beaver Creek TSF	Y
<i>Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.</i>				
<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>
PA0206016 Sewage	Donald L. Gardner 213 Pine Run Road Amity, PA 15311	Washington County South Franklin Township	UNT of Chartiers Creek	Y
PA0219282 Sewage	Oak Grove Church of Christ 169 Ashwood Drive Industry, PA 15052-1929	Beaver County Ohioville Borough	UNT of South Branch Brady Run	Y
PA0217794 Sewage	Keith B. Enos 111 Strawcutter Road Derry, PA 15627	Westmoreland County Derry Township	Dry Drainage Swale to Union Run	Y
<i>Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.</i>				
<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>
PA0210196	Seneca Landfill, Inc. P. O. Box 1080 Mars, PA 16046	Jackson Township Butler County	Connoquenessing Creek 20-C	Y
PA0040967	Kinzua Ltd. 287 Stone Hill Lane Clarendon, PA 16313-9762	Mead Township Warren County	Allegheny River Reservoir 16-B	Y
PA0030295	Commodore Perry School District 3002 Perry Highway Hadley, PA 16130	Perry Township Mercer County	Millner Run 20-A	Y

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

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

NPDES Permit No. PA0080756, Sewage, **Hershey Farm Restaurant and Motor Inn**, P. O. Box 159, Strasburg, PA 17579. This proposed facility is located in Strasburg Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to the Pequea Creek in Watershed 7-K.

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

NPDES Permit No. PA0253774, Sewage, **Hill Properties, LLC**, P. O. Box 7170, East Liverpool, OH 43920. This proposed facility is located in Somerset Township, **Washington County**.

Description of Proposed Action/Activity: Permit issuance for replacement of existing holding tank to small flow treatment facility to serve the Hill Properties Truck Dealership.

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

NPDES Permit No. PA0240087, Sewage, **Paul V. Wittenbrink**, 434 Hammock Drive, Orchard Park, NY 14127-1685. This proposed facility is located in Corydon Township, **McKean County**.

Description of Proposed Action/Activity: This is a Single Residence Sewage Treatment Plant replacing a malfunctioning onlot system discharging to Chander Run in Watershed 16-B.

NPDES Permit No. PA0240095, Sewage, **Mahoning Township**, US Route 224, Box 99, Hillsville, PA 16132-0999. This proposed facility is located in Mahoning Township, **Lawrence County**.

Description of Proposed Action/Activity: This permit is for a new NPDES permit, for a new discharge of treated sewage from a POTW. This is a minor discharge.

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

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

WQM Permit No. 4008401, Sewerage, **Dallas Area Municipal Authority**, 530 South Memorial Highway, Shavertown, PA 18708. This proposed facility is located in Dallas Township, **Luzerne County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit.

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

WQM Permit No. 3607402, Sewerage, **Hershey Farm Restaurant and Motor Inn**, P. O. Box 159, Strasburg, PA 17579. This proposed facility is located in Strasburg Township, **Lancaster County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of two separate dual trains (0.12 mgd and 0.05 mgd) of equalization, anoxic and aeration tanks, clarification, UV disinfection and sludge holding.

WQM Permit No. WQG01010801, Sewerage, **Heidi and Robert Van Vilet**, 565 Mud Run Road, York Springs, PA 17372. This proposed facility is located in Huntingdon Township, **Adams County**.

Description of Proposed Action/Activity: Construction/Operation of a small flow sewage treatment system to serve their single-family residence.

WQM Permit No. 3608201, CAFO, **Larry Fetter, Kreider Farms**, 1461 Lancaster Road, Manheim, PA 17545. This proposed facility is located in East Donegal Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction/Operation of manure storage and sand settling facilities consisting of: One 190' wide by 130' long by 10' deep egg-wash water storage impoundment with a 12-inch sub-base meeting a design specific discharge of 10^{-4} cm/sec. 12-oz. geotextile on the sub-base, 60-mil HDPE liner, a centralized leak detection trench lined on the sides and bottom with 45-mil EPDM, an observation pit that receives leak detection drainage from the impoundment and a pump and return line to return any leak detection drainage to the impoundment. Ancillary improvements necessary to implement this project including pumps and transfer lines.

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

WQM Permit No. 1804401-A1, Sewerage 4952, **East Nittany Valley Joint Municipal Authority**, 216 Spring Run Road, Mill Hall, PA 17751. This proposed facility is located in Porter and Lamar Townships, **Clinton County**.

Description of Proposed Action/Activity: Odor and corrosion control system to serve portions of the Villages of Lamar and Mackeyville.

WQM Permit No. WQG01410801, Sewerage 4952, **Walter and Margie Doebler**, 49 Doebler Lane, Williamsport, PA 17701. This proposed facility is located in Loyalsock Township, **Lycoming County**.

Description of Proposed Action/Activity: Construction of small flow sewage treatment system.

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

WQM Permit No. 6374406-A7, Sewerage, **Canonsburg-Houston Joint Authority**, 65 East Pike Street, Canonsburg, PA 15317-1375. This existing facility is located in Canonsburg Borough, **Washington County**.

Description of Proposed Action/Activity: Permit issuance for treatment plant repairs and upgrades as related to Optimization Study.

WQM Permit No. 6308402, Sewerage, **Hill Properties, LLC**, P. O. Box 7170, East Liverpool, OH 43920. This proposed facility is located in Somerset Township, **Washington County**.

Description of Proposed Action/Activity: Permit issuance for replacement of existing holding tank to small flow treatment facility to serve the Hill Properties Truck Dealership.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1506075	Southdown Homes 55 Country Club Drive Suite 200 Downingtown, PA 19335	Chester	East Brandywine Township	East Branch Brandywine Creek HQ-TSF
PAI01 1508017	Elisa Rogers 525 Arbordale Road Wayne, PA 19087	Chester	Tredyffrin Township	Valley Creek EV
PAI01 2308001	Randolph and Anne Bates 1835 Middletown Road Gradyville, PA 19039	Delaware	Edgmont Township	Ridley Creek HQ-TSF

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 5108003	The Salvation Army 701 North Broad Street Philadelphia, PA 19123	Philadelphia	City of Philadelphia	Schuylkill River CWF
<i>Northeast Region: Watershed Management Program Manager; 2 Public Square, Wilkes-Barre, PA 18711-0790.</i>				
PAI023905025	Prospect Acquisitions, LP 404 Sunneytown Pike Suite 200 North Wales, PA 19454	Lehigh	Upper Milford Township	Tributary to Leibert Creek HQ-CWF, EV Wetlands
PAI024507016	East Stroudsburg School District 321 North Courtland Street P. O. Box 298 East Stroudsburg, PA 18301	Monroe	Middle Smithfield Township	Brodhead Creek HQ-CWF
PAI024808008	Department of Military and Veteran Affairs Bureau of Facilities Management Building 0-47 Fort Indiantown Gap Annville, PA 17003	Northampton	Forks Township	Bushkill Creek HQ-CWF

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

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

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

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

General Permit Type—PAG-2

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
East Rockhill Township Bucks County	PAG200 0904098-R	Emil Jacoby 1710 North Ridge Road Perkasie, PA 18944	Tributary Tohickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Plumstead Township Bucks County	PAG200 0908040	1371 West Street Road Partnership P. O. Box 161 Warminster, PA 18974	Cabin Run Tohickon Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Middletown Township Bucks County	PAG200 0907131	Glen Willow Properties 7 North Willow Street Suite D Montclair, NJ 07042	Mill Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Solebury Township Bucks County	PAG200 0908039	Solebury Township 3092 Sugan Road P. O. Box 139 Solebury, PA 18963-9998	Rabbit Run Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower and Upper Salford Townships Montgomery County	PAG200 4607191	New Life Youth and Family Services 585 Freeman School Road Schwenksville, PA 19473	UNT East Branch Perkiomen Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Hanover Township Montgomery County	PAG200 4608021	St. Luke's Hospital 1021 Park Avenue P. O. Box 9003 Quakertown, PA 18951	Macoby Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Providence Township Montgomery County	PAG200 4608037	Americo Moscariello 24 Donny Brook Way Collegeville, PA 19426	Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hatboro Township Montgomery County	PAG200 4608038	Borough of Hatboro 414 South York Road Hatboro, PA 19040	Pennypack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Saucon Township Lehigh County	PAG2003908005	Stephen Strelecki Lehigh Custom Homes P. O. Box 172 Hellertown, PA 18055	Saucon Creek CWF	Lehigh County Conservation District (610) 391-9583
City of Wilkes-Barre Luzerne County	PAG2004008006	Siniawa 16, LP 851 Commerce Boulevard Dickson City, PA 18519	Susquehanna River WWF	Luzerne County Conservation District (570) 674-7991
Pringle Borough Luzerne County	PAG2004008010	Luzerne County Flood Protection Authority Attn: Stephen Urban 200 North River Street Wilkes-Barre, PA 18711	Toby Creek WWF	Luzerne County Conservation District (570) 674-7991
Mt. Pleasant Township Adams County	PAG2000108005	Robert A. Hartlaub Hartlaub's Auto Parts 497 Beck Road Gettysburg, PA 17325	Swift Run WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Hamiltonban Township Adams County	PAG2000107041	Dave Donaldson 780 Carroll's Tract Road Gettysburg, PA 17325	UNT to Middle Creek CWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Southampton Township Cumberland County	PAG2002108009	Sunoco, Inc. Jeffrey Bauer 5733 Butler Street Pittsburgh, PA 15201	Middle Spring Creek CWF	Cumberland County Conservation District 310 Allen Road Carlisle, PA 17013 (717) 240-7812
Muhlenberg Township Berks County	PAG2000608017	Melvin Wagner Good Shepherd UCC of Tuckerton 100 Tuckerton Road Reading, PA 19605	Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Conoy Township Lancaster County	PAG2003605115(1)	Bob Kettering 3121 A Mount Joy Road Mount Joy, PA 17552	UNT Susquehanna River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Rapho Township Lancaster County	PAG2003608009	Lancaster County Bible Church 2392 Mount Joy Road Manheim, PA 17545	Chickies Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Ephrata Township Lancaster County	PAG2003608015	Gardel, LLC 471 North Reading Road Ephrata, PA 17522	UNT Cocalico Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Rapho Township Lancaster County	PAG2003608016	Rapho Township 971 Colebrook Road Manheim, PA 17545	UNT Chickies Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Upper Leacock Township Lancaster County	PAG2003608019	Jesse B. Ebersol 2659 Stumptown Road Bird In Hand, PA 17505	UNT Mill Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Brecknock Township Lancaster County	PAG2003608020	HMS Host Corporation 6600 Rockledge Drive Bethesda, MD 10817	Muddy Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
East Hempfield Township Lancaster County	PAG2003608032	Lancaster General Hospital 555 North Duke Street Box 3555 Lancaster, PA 17604	Little Conestoga Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Muhlenberg Township Berks County	PAG2000608017	Melvin Wagner Good Shepherd UCC of Tuckerton 100 Tuckerton Road Reading, PA 19605	Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201

NOTICES

3301

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Greenwich Township Berks County	PAG2000608026	Richard Blair 62 Five Points Road Mertztown, PA 19539	Saony Creek TSF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Centre County Philipsburg Borough Rush Township	PAG2001407013 (1)	Philipsburg Sanitary Sewer James Simler Philipsburg Borough 4 North Centre Street Philipsburg, PA 16866	Cold Stream HQ-CWF Moshannon Creek TSF Onemile Run CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
Snyder County Selinsgrove Borough	PAG2005508003	David Henry Susquehanna University 514 University Avenue Selinsgrove, PA 17870-1001	Penns Creek WWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, Ext. 5
Snyder County Perry Township	PAG2005508004	Carl Shaffer 3620 Red Bank Road Mt. Pleasant Mills, PA 17853	North Branch of Mahantango TSF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, Ext. 5
Somerset County Somerset Township	PAG2005608003	Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106	UNT B to east Branch of Coxes Creek TSF	Somerset County Conservation District (814) 445-4652
<i>General Permit Type—PAG-3</i>				
<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Columbia County Town of Bloomsburg	PAR804869	Sunoco, Inc. Montour Home Comfort Services 112 Broad Street Montoursville, PA 17754	UNT to Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Lawrence Township Tioga County	PAR204828 (Stormwater)	Hitachi Metals Automotive Components USA, LLC P. O. Box 68 Blossburg, PA 16912	Tioga River WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Montoursville Borough Lycoming County	PAR804844	Montour Oil Service Co. 112 Broad Street Montoursville, PA 17754-2241	Storm Sewer To Loyalsock Creek TSF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Rostraver Township Westmoreland County	PAR506110	Westmoreland Waste, LLC 1428 Delberts Drive Unit 2 Monongahela, PA 15063	UNT of Speers Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
City of Pittsburgh Allegheny County	PAR706104	Lindy Paving, Inc. 586 Northgate Circle New Castle, PA 16105	Monongahela River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Paint Township Clarion County	PAR508306	Veolia ES Solid Waste of PA, Inc. 6330 Route 219 P. O. Box 30 Norristown, PA 19404-0030	UNT to the Clarion River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-4</i>				
<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Adams County Huntingdon Township	PAG043875	Heidi and Robert Van Vilet 565 Mud Run Road York Springs, PA 17372	Mud Run WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Bedford County Juniata Township	PAG043715	Craig S. Roland 237 Whitetail Lane Manns Choice, PA 15550-7147	UNT Raystown Branch Juniata River	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Loyalsock Township Lycoming County	PAG045253 Sewerage	Walter and Margie Doebler 46 Doebler Road Williamsport, PA 17701	UNT Millers Run WWF	Water Management Program 208 West Third Street Williamsport, PA 17701 (570) 327-3664
Croyle Township Cambria County	PAG046172	Gaye L. Walters 184 Beyers Road Summerhill, PA 15958	Little Conemaugh River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Franklin Township Greene County	PAG046370	John J. Comport 211 Salter Path Lane Waynesburg, PA 15370	UNT of Smith Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Allegheny Township Somerset County	PAG046369	Joseph Myers 396 Walker Road Buffalo Mills, PA 15534	UNT of Three Lick Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Perry Township Lawrence County	PAG048509	Charles J. and Deborah L. Santilo 1184 Van Gorder Mill Road Ellwood City, PA 16117-7464	UNT to Slippery Rock Creek 20-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Lancaster Township Butler County	PAG048585	Gregory A. Hulbert 103 Hillside Drive Harmony, PA 16037	UNT to Perry Lake and Scholars Run 20-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
West Salem Township Mercer County	PAG048559	James and Laura Carlson 340 Vernon Road Greenville, PA 16125	UNT to Big Run 20-A	DEP—NWR0 Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Annin Township McKean County	PAG048569	John Lapp 42 Knapp Road Port Allegany, PA 16743	Twomile Creek 16-C	DEP—NWR0 Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Penn Township Butler County	PAG048587	Larry W. Rodgers P. O. Box 2167 Butler, PA 16056	UNT to Thorn Creek 20-C	DEP—NWR0 Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-8

<i>Facility Location & County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Newville Borough Cumberland County	PAG083585	Newville Borough Sewer Authority 99 Cove Avenue Newville, PA 17241	Newville Borough WWTP	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

General Permit Type—PAG-12

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lancaster County Mount Joy Township	PAG123659	Herman Zeager 159 Yoder Road Bainbridge, PA 17502	Conewago Creek TSF 7-G	DEP—SCRO Watershed Management Program 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802
Huntingdon County Union Township	PAG123658	Jason Fox 15629 Trough Creek Valley Road Huntingdon, PA 16652	Little Trough Creek TSF 11-D	DEP—SCRO Watershed Management Program 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802
Lancaster County Mount Joy Township	PAG123604	Scott Gochenaur 3057 Harvest Road Elizabethtown, PA 17022	UNT Little Chickies Creek TSF 7-G	DEP—SCRO Watershed Management Program 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802
Lancaster County Conoy Township	PAG123531	Herman Zeager 159 Yoder Road Brainbridge, PA 17502	Snitz Creek WWF 7-G	DEP—SCRO Watershed Management Program 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802
Perry County Tyronne Township	PAG123653	Bill and Sharon Bartho KNS Farms 201 Bartho Drive Landisburg, PA 17040	Green Valley Run WWF 7-A	DEP—SCRO Watershed Management Program 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802

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

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

Operations Permit issued to **Manufacturers Golf and Country Club**, 511 Dreshertown Road, P. O. Box 790, Fort Washington, PA 19034 (PWSID No. 1460841) Upper Dublin Township, **Montgomery County** on May 27, 2008, for the operation of a pH adjustment and a phosphate inhibitor feed system for corrosion control approved under construction permit No. 4608508.

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

Permit No. 3405504, Public Water Supply.
 Applicant **Mifflintown Municipal Authority**
 Municipality **Milford Township**
 County **Juniata**

Type of Facility

This project includes installation of a raw water intake in the Juniata River, use of the Juniata River as an additional source of supply, construction of a raw water pump station, construction of a new filtration plant to replace the existing filtration system and installation of the Industrial Park Loop.

The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Department of Environmental Protection's (Department) review of the project and the information received in the Uniform Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department approved the Uniform Environmental Assessment on May 30, 2008.

Consulting Engineer

David L. Peck, P. E.
 Uni-Tec Consulting Engineers, Inc.
 2007 Cato Avenue
 State College, PA 16801
 February 23, 2007

Permit to Construct Issued

Permit No. 0608503 MA, Minor Amendment, Public Water Supply.

Applicant

Western Berks Water Authority

Municipality

Spring Township

County

Berks

Type of Facility

Upgrades to existing raw water and high service pumps at treatment plant.

Consulting Engineer

Russell M. Smith, P. E.
 Spotts Stevens and McCoy, Inc.
 345 North Wyomissing Boulevard
 Reading, PA 19610-0307

Permit to Construct Issued

May 23, 2008

Operations Permit issued to **New Enterprise Water Association**, South Woodbury Township, **Bedford County** on May 12, 2008, for the operation of facilities approved under Construction Permit No. 0502504.

Operations Permit issued to **Sittler's Mobile Home Park**, 3060044, Maxatawny Township, **Berks County** on May 23, 2008, for the operation of facilities approved under Construction Permit No. 0606511.

Operations Permit issued to **Sandy Point Properties, LTD**, 7210022, North Middleton Township, **Cumberland County** on June 2, 2008, for the operation of facilities approved under Construction Permit No. 2107508.

Operations Permit issued to **Marietta Gravity Water Company**, 7360082, West Hempfield Township, **Lancaster County** on May 29, 2008, for the operation of facilities approved under Construction Permit No. 3607504 MA.

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

Permit No. 3307501, Public Water Supply.
 Applicant **Winslow Township Supervisors**
 Township or Borough Winslow Township
 County **Jefferson County**
 Type of Facility Public Water Supply
 Consulting Engineer Jeffrey B. Spencer, EIT
 Gwin, Dobson & Foreman, Inc.
 3121 Fairway Drive
 Altoona, PA 16602
 Permit to Construct May 20, 2008
 Issued

Permit No. 1607501, Public Water Supply.
 Applicant **Paint Township Municipal Water Authority**
 Township or Borough Paint Township
 County **Clarion County**
 Type of Facility Public Water Supply
 Consulting Engineer William G. Murphy, P. E.
 Maguire Group, Inc.
 One Court Street
 New Britain, CT 06051
 Permit to Construct May 22, 2008
 Issued

Permit No. 2407501, Public Water Supply.
 Applicant **Ridgway Township Municipal Authority**
 Township or Borough Ridgway Township
 County **Elk County**
 Type of Facility Public Water Supply
 Consulting Engineer Richard Wray, P. E.
 Hegemann & Wray Consulting Engineers
 429 Park Avenue
 Cresson, PA 16330
 Permit to Construct May 29, 2008
 Issued

Permit No. 4294501-MA2, Public Water Supply.
 Applicant **Pennsylvania American Water Company—Kane**
 Township or Borough Wetmore Township
 County **McKean County**
 Type of Facility Public Water Supply
 Consulting Engineer Jerry Hankey, P. E.
 Pennsylvania American Water
 1909 Oakland Avenue
 Indiana, PA 15701
 Permit to Construct May 30, 2008
 Issued

Permit No. 2507507, Public Water Supply.
 Applicant **Edwards Mobile Home Park**
 Township or Borough Springfield Township
 County **Erie County**
 Type of Facility Public Water Supply
 Consulting Engineer Arthur M. Kuholski, P. E.
 Lake Engineering
 140 Meadville Street
 Edinboro, PA 16412
 Permit to Construct June 2, 2008
 Issued

Operations Permit issued to **Signature Aluminum, Inc.**, PWSID No. 6430819, Sugar Grove Township, **Mercer County**, on May 29, 2008, for the operation of the newly constructed greensand filtration system with potassium permanganate regeneration, for arsenic removal. This permit is issued in accordance to specifications approved by Construction Permit No. 4307502, issued October 31, 2007.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

Borough or Township	Borough or Township Address	County
Upper Allen Township	100 Gettysburg Pike Mechanicsburg, PA 17055	Cumberland

Plan Description: Approval of a revision to the Official Sewage Plan of Upper Allen Township, Cumberland County. The proposed Pennington Farms subdivision consists of 38 new residential building lots having detached single-family units and one existing single-family dwelling with a sewage flow of 8,619 gpd tributary to the Allen View trunk interceptor by way of an extension of Upper Allen Township's collection and conveyance system, including a new pump station and force main. Treatment will occur at the Upper Allen Township Grantham Wastewater Treatment Plant. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

Plan Location:

Borough or Township	Borough or Township Address	County
Delaware Township	R. R. 1, Box 410 Thompsontown, PA 17094	Perry

Plan Description: The approved plan revision provides for a new small flow treatment facility to replace a malfunctioning onlot sewage system. It will have a treated discharge of 400 gpd to Delaware Creek, a tributary to the Juniata River. The proposed facility will serve the Velma Kerstetter single-family residence. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

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:

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

IFS Industries, Former Prizer Painter Stove Works, Inc., City of Reading, **Berks County**. Golder Associates, Inc., Spring Mill Corporate Center, 555 North Lane, Suite 6057, Conshohocken, PA 19428, on behalf of IFS Industries, Inc., 400 Orrton Avenue, Reading, PA 19603 and Prizer Painter Stove Works, Inc., 600 Arlington Street, Reading, PA 19603, submitted a final report concerning remediation of site soils and groundwater contaminated with metals, naphthalene and VOCs. The report is intended to document remediation of the site to a combination of Statewide Health and Site-Specific Standards.

Norfolk Southern Enola Railyard Former Lagoon Area, East Pennsboro Township, **Cumberland County**. ENSR International, Four Gateway Center, 444 Liberty

Avenue, Suite 700, Pittsburgh, PA 15222-1220, on behalf of Norfolk Southern Corporation, 110 Franklin Road, SE, Box 13, Roanoke, VA 24042-0013 and Consolidated Rail Corporation, Two Commerce Square, 2001 Market Street, Philadelphia, PA 19101-1416, has submitted a remedial investigation report concerning remediation of site soils and groundwater contaminated with PCBs, lead, heavy metals, BTEX, PHCs, PAHs and solvents. The applicant proposes to remediate the site to the Site-Specific Standard.

Buckeye/Laurel Pipe Line, Tell Township, **Huntingdon County**. Kleinfelder East, Inc., 260 Executive Drive, Suite 500, Cranberry Township, PA 16066, on behalf of Laurel Pipe Line Company, LP, 9999 Hamilton Boulevard, Tek Park Five, Breinigsville, PA 18031, has submitted a Final Report concerning remediation of site soils and groundwater contaminated with BTEX and naphthalene. The report is intended to document remediation of the site to the Statewide Health Standard.

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

Conway Central Express Route 11/15 Mill Road Truck Accident, Monroe Township, **Snyder County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Conway Central Express, 2580 Old Route 15, New Columbia, PA 17856 has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

Powdered Metal Products, St. Marys Borough, **Elk County**. GeoServices, Ltd. Environmental & Hydrogeologic Services, 1525 Cedar Cliff Drive, Camp Hill, PA 17011 on behalf of Metal Powder Product Company, 879 Washington Street, St. Marys, PA 15857 has submitted a Risk Assessment Report concerning remediation of site soil and site groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

McCurdy Residence, Slippery Rock Township, **Lawrence County**. ATC Associates, Inc., 103 North Meadows Drive, Suite 125, Wexford, PA 15090 on behalf of The Bauer Company, Inc., 119 Ruth Hill Road, Worthington, PA 16226 has submitted a Final Report concerning remediation of site soil contaminated with benzene, toluene, ethylbenzene, cumene, naphthalene, fluorine and phenanthrene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A

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

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Former Lehigh Valley Railroad Maintenance Facility, Sayre Borough, **Bradford County**, KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of Brian Driscoll, 1 Progress Plaza, Towanda, PA 18848 has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with organics (TCE) in groundwater, LNAPL contamination in a confined area (diesel fuel), metals (lead) in drainage swales. The report was approved by the Department of Environmental Protection on May 9, 2008.

Dale Watson Property, Boggs Township, **Centre County**. Alliance Environmental Services, A. Herbert, Rowland and Grubic, Inc. Co., 1820 Linglestown Road, Harrisburg, PA 17110 on behalf of Dale Watson, 1195 Old 220 Road, Bellefonte, PA 16823 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated

attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on May 22, 2008.

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

Armco Sawhill Tube (John Maneely Company—Sharon Pipe Plant, City of Sharon, **Mercer County**. The Payne Firm, Inc., 11231 Cornell Park Drive, Cincinnati, OH 45242 on behalf of John Maneely Company, 1 Council Avenue, Wheatland, PA 16161 has submitted a Remedial Investigation Report concerning the remediation of site soil contaminated with ethyl benzene, tetrachlorethene, trichloroethene, xylenes (total), benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, dibenzofuran, naphthalene, N-nitroso-di-n-propylamine, Aroclor-1248, Aroclor-1254, antimony, arsenic, cadmium, chromium (total), cobalt, lead, mercury, selenium, zinc and site groundwater contaminated with 1,2,4-Trichlorobenzene, 1,4-Dichlorobenzene, 2,3,7,8-TCDD equivalent, benzene, chlorobenzene, cis-1,2-dichloroethene, tetrachloroethene, trichloroethene, vinyl chloride, 2-Picoline, benzo(a)pyrene, bis(2-Ethylhexyl)-phthalate, dibenz(a,h)anthracene, phenanthrene, Aroclor-1242, Aroclor-1254, Aroclor-1260, antimony, arsenic, barium, beryllium, cadmium, chromium III, chromium VI, copper, lead, manganese, mercury, nickel, selenium, sulfate, thallium, zinc. The Remedial Investigation Report was disapproved by the Department of Environmental Protection on May 20, 2008.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

58-310-013GP3: F. S. Lopke Contracting, Inc. (3430 SR 434, Apalachin, NY 13732) on May 23, 2008, to construct and operate a Portable Crushing Operation with watersprays at their site in Forest Lake Township, **Susquehanna County**.

58-329-001GP9: F. S. Lopke Contracting, Inc. (3430 SR 434, Apalachin, NY 13732) on May 23, 2008, to install and operate a Diesel I/C Engine at their site in Forest Lake Township, **Susquehanna County**.

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

GP3-21-03085: John W. Gleim, Jr., Inc. (625 Hamilton Street, Carlisle, PA 17013) on May 29, 2008, for Portable Nonmetallic Mineral Processing Plants under GP3 in Penn Township, **Cumberland County**.

GP11-21-03085: John W. Gleim, Jr., Inc. (625 Hamilton Street, Carlisle, PA 17013) on May 29, 2008, for Nonroad Engines under GP11 in Penn Township, **Cumberland County**.

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

GP3-41-05: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on May 6, 2008, for

the construction and operation of a portable nonmetallic mineral crushing and screening plant under the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at Plant No. 15 in Loyalsock Township, **Lycoming County**.

GP11-41-01: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on May 6, 2008, for the construction and operation of a 400 horsepower diesel engine under the General Plan Approval and/or General Operating Permit for Portable Nonroad Engines (BAQ-GPA/GP-11) at Plant No. 15 in Loyalsock Township, **Lycoming County**.

GP5-18-03A: NCL Natural Resources, LLC (25231 Grogan's Mill Road, The Woodlands, TX 77380) on May 8, 2008, for the construction and operation of a 215 brake horsepower reciprocating internal combustion compressor engine equipped with a nonselective oxidation catalyst under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP-5) in Beech Creek Township, **Clinton County**.

GP5-12-01: Dominion Transmission, Inc. (445 West Main Street, Clarksburg, WV 26301) on May 21, 2008, for the operation of a 145 brake horsepower natural gas-fired reciprocating internal combustion compressor engine equipped with a catalytic converter and an automatic air fuel ratio controller under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP-5) at the Emporium (Tract 168) Compressor Station in Portage Township, **Cameron County**.

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

GP-24-161A: Greentree Landfill Gas Co., LLC—Greentree Booster Compressor (635 Toby Road, Kersey, PA 15846) on May 30, 2008, for a natural gas fired compressor engine (BAQ-GPA/GP-5) in Horton Township, **Elk County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Sachin Shankar, New Source Review Chief, (484) 250-5920.

15-0029E: Dopaco, Inc. (241 Woodbine Drive, Downingtown, PA 19335) on May 30, 2008, for installation of an eight station flexographic printing press at an existing Title V facility in Downingtown Borough, **Chester County**. Potential emissions of VOCs are projected to be less than 7.8 tpy, while HAPs will be limited to 1.2 tpy. These air emissions will be controlled through the use of coating and cleanup solvent compositions with low or no VOC constituents. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

06-05063C: Boyertown Foundry Co. (P. O. Box 443, New Berlinville, PA 19545-0443) on May 27, 2008, to modify the core making operation at their foundry in Boyertown Borough, **Berks County**.

36-05008E: Tyson Foods, Inc. (P. O. Box 1156, 403 South Custer Avenue, New Holland, PA 17557-0901) on May 27, 2008, for use of treated landfill gas in the facility's combustion sources in Earl Township, **Lancaster County**.

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

08-00002E: E.I. duPont de Nemours & Co., Inc. (Patterson Boulevard, Towanda, PA 18848) on May 1, 2008, for construction of a two roll corona treater and associated catalytic ozone decomposers in North Towanda Township, **Bradford County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Sachin Shankar, New Source Review Chief, (484) 250-5920.

15-0124: MacKissic, Inc. (1189 Old Schuylkill Road, P. O. Box 0111, Parker Ford, PA 19457) on May 28, 2008, to operate a paint spray booth in East Coventry Township, **Chester County**.

09-0053: Greif Packaging, LLC (695 Louis Drive, Warminster, PA 18974) on May 29, 2008, to operate a lining surface coating booth in Warminster Township, **Bucks County**.

15-0027I: Johnson Matthey, Inc. (456 Devon Park Drive, Wayne, PA 19807-1892) on May 30, 2008, to operate a new diesel catalyst production line in Tredyffrin Township, **Chester County**.

23-0001X: Sunoco, Inc., R & M (100 Green Street, P. O. Box 426, Marcus Hook, PA 19061-0426) on May 30, 2008, to operate FCC unit in Marcus Hook Borough, **Delaware County**.

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

41-302-050: Wirerope Works, Inc. (100 Maynard Street, Williamsport, PA 17701) on June 2, 2008, to authorize the use of cyclone collectors incorporating flue gas recirculation systems to control PM emissions from two 15 mmBtu/hr anthracite coal-fired boilers instead of the cyclone collectors originally approved by the Department of Environmental Protection in the City of Williamsport, **Lycoming County**.

14-00014C: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on May 30, 2008, to extend the authorization to construct a railcar aggregate unloading operation, an oil/liquid asphalt storage operation, a dust storage silo and a pugmill to November 26, 2008, and to extend the authorization to operate a portable aggregate crushing and screening plant and associated 400 horsepower diesel engine, portable aggregate screening plant and associated 101 horsepower diesel engine and asphalt plant aggregate bins, conveyors and screen on a temporary basis to November 26, 2008, in Spring Township, **Centre County**. The plan approval has been extended.

55-399-006A: Apex Homes, Inc. (7172 US Highway 522, Middleburg, PA 17842) on May 30, 2008, to extend the authorization to operate a modular home manufacturing operation on a temporary basis to November 26, 2008, in Middlecreek Township, **Snyder County**. The plan approval has been extended.

49-302-062: Sun-Re Cheese Corporation (178 Lenker Avenue, Sunbury, PA 17801) on May 30, 2008, to extend the authorization to operate an anaerobic digestion system and associated biogas flare on a temporary basis to November 26, 2008, in the City of Sunbury, **Northumberland County**. The plan approval has been extended.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

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

35-00034: The Humane Society of Lackawanna County (967 Griffin Pond Road, Clarks Summit, PA 18411) on May 30, 2008, to reissue a State-only (Natural Minor) Operating Permit to operate an animal crematory in South Abington Township, **Lackawanna County**.

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

67-03110: Govesan Manufacturing, Inc. (939 Monocacy Road, York, PA 17404-1615) on May 28, 2008, for their power coating operation in the City of York, **York County**. This is a renewal of the State-only operating permit.

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

41-00046: Pennsylvania College of Technology (One College Avenue, Williamsport, PA 17701) on May 1, 2008, for the operation of a college in the City of Williamsport, **Lycoming County**.

17-00062: Dubois Regional Medical Center (100 Hospital Avenue, Dubois, PA 15801) on May 6, 2008, for the operation of a hospital in the City of Dubois, **Clearfield 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.

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

46-00245: Neptune Chemical Pump Co. (204 DeKalb Pike, Lansdale, PA 19446) on May 30, 2008, to operate two spray booths and a pressurized drum in Lansdale—Montgomery Township, **Montgomery County**. On May 13, 2008, the issued State-only Operating Permit was administratively amended for a change of ownership for the new owner (Dover Fluid Management, Inc.) and a facility name change (Neptune Chemical Pump Co.). Comments will only be taken on the changes covered in this notice.

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

08-00002: E.I. duPont de Nemours & Co., Inc. (Patterson Boulevard, Towanda, PA 18848) on June 2, 2008, in accordance with the requirements of 25 Pa. Code § 127.450, to incorporate conditions established in Plan Approval 08-00002A, issued on May 29, 2007, for the modification of a polymer-coated foil treating oven and the installation of a condenser on the respective oven in North Towanda Township, **Bradford County**.

17-00053: Nydree Flooring, Inc. (4608 Quehanna Highway, Karthaus, PA 16845) on June 2, 2008, in accordance with the requirements of 25 Pa. Code § 127.450, to transfer a permit for the operation of a specialty wood flooring products manufacturing facility from Prism Enterprises, LLC, d/b/a Permagrain, to Nydree Flooring, LLC in Karthaus Township, **Clearfield County**.

41-318-045: High Steel Structures, Inc. (3501 West Fourth Street, Williamsport, PA 17701) on June 2, 2008, in accordance with the requirements of 25 Pa. Code § 127.450, to transfer a permit for the operation of a structural steel fabrication and surface coating operation from High Steel Structures, Inc. (Federal employer identification number 23-1480548) to High Steel Structures, Inc. (Federal employer identification number 16-1779877) in the City of Williamsport, **Lycoming County**.

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

33-00125: AMFIRE Mining Co., LLC (R. D. 2 Fermantown Road, Brockway, PA 15824) on May 27, 2008, a Natural Minor Operating Permit was Administratively Amended to incorporate the change of ownership from Energy Resources to AMFIRE Mining Company, LLC in Snyder Township, **Jefferson County**.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

65-00378: BP Products North America, Inc. (801 East Ordiance Road, Baltimore, MD 21226) on May 28, 2008, Title 25 Pa. Code § 127.449(i), this is a de minimis emission increase of 0.25 ton of VOCs per year resulting from the conversion of an existing gasoline storage tank to the exclusive storage of denatured ethanol, the installation of a new denatured ethanol unloading arm and the installation of 4,000 gallon denatured ethanol sump at the BP Products North America, Inc. Greensburg Terminal located in Greensburg, **Westmoreland County**.

26-00032: Uniontown Hospital (500 West Berkeley Street, Uniontown, PA 15401-5569) on May 28, 2008, Title 25 Pa. Code § 127.449(i), this is a de minimis emission increase of 0.87 ton of NOx, 2.41 tons of CO and lesser amount of other pollutants resulting from the installation of a 10.4 mmBtu/hr Burnham Boiler and a de minimis emission increase from each unit of 0.24 ton of NOx, 0.01 ton of CO and lesser amount of other pollutants resulting from the replacement of two 350 kW Emergency Standby Diesel Engines with two 750 kW Caterpillar Emergency Standby Diesel Engines at the Uniontown Hospital located in Uniontown, **Fayette County**.

Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.

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

09-00149: M & M Stone Co. (2840 West Clymer Avenue, Telford, PA 18969) on May 28, 2008, to operate a nonferrous mineral processing plant in West Rockhill Township, **Bucks County**. This operating permit was revoked because of a permanent shutdown of operations at the facility.

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

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

56070109 and NPDES No. PA0262480. Marquise Mining Corporation, 3889 Menoher Boulevard, Johnstown, PA 15905, commencement, operation and restoration of a bituminous surface-auger and blasting mine in Shade Township, **Somerset County**, affecting 238.1 acres. Receiving streams: Dixie and Fallen Timber Runs classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. This application includes a request for a variance to conduct mining activities within 100 feet of Fallen Timber Road beginning at a point 1,700 feet southeast of the intersection of Fallen Timber Road and SR 403 then continuing southeast along the north side of the road a distance of approximately 4,200 feet. Application received August 31, 2007. Permit issued May 29, 2008.

56010107 and NPDES No. PA0249114. Marquise Mining Corporation, 3889 Menoher Boulevard, Johnstown, PA 15904, permit renewal for reclamation only of a bituminous surface mine in Shade Township, **Somerset County**, affecting 74.3 acres. Receiving streams: Fal-lentimber Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 28, 2008. Permit issued May 27, 2008.

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

03040102 and NPDES Permit No. PA0250601. Thomas J. Smith, Inc. (2340 Smith Road, Shelocta, PA 15774). Permit revised to allow augering within 100 feet of UNT B to the North Fork of Pine Creek, at an existing bituminous surface/auger mining site located in Boggs Township, **Armstrong County**, affecting 87.5 acres. Receiving streams: UNTs to North Fork Pine Creek. Application received May 9, 2008. Revision issued May 29, 2008.

Noncoal Permits Actions

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

Permit No. 01870301 and NPDES Permit No. PA0593931, Vulcan Construction Materials LP, 5601 Ironbridge Parkway, Suite 201, Chester, VA 23031, renewal of NPDES Permit, Berwick, Conewago and Oxford Townships, **Adams County**. Receiving streams: Slagle Run and UNT to Slagle Run classified for the following use: WWF. The first downstream potable water supply intake from the point of discharge is New Oxford Municipal Authority and Hanover Municipal Water Works. NPDES renewal application received October 17, 2007. Permit issued May 30, 2008.

Permit No. 4077SM7 and NPDES Permit No. PA0212580. New Enterprise Stone & Lime Company, Box 77, Church Street, New Enterprise, PA 16664, renewal of NPDES Permit, in Jenner Township, **Somerset County**. Receiving streams: Roaring Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Greater Johnstown Water Authority Quemahoning Reservoir. NPDES renewal application received March 18, 2008. Permit issued May 27, 2008.

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

7775SM10C3 and NPDES Permit No. PA0011789. Lehigh Cement Company, (537 Evansville Road, Fleetwood, PA 19522), correction to an existing quarry to increase the NPDES discharge rate for discharge of treated mine drainage in Maiden Creek Township, **Berks County**, receiving stream: Maiden Creek. Application received March 4, 2008. Correction issued May 28, 2008.

45880301C2 and NPDES Permit No. PA0594113. Tarheel Quarry, LLC, (2000 Highway 35, Morgan, NJ 08879), renewal of NPDES Permit for discharge of treated mine drainage in Tobyhanna Township, **Monroe County**, receiving stream: UNT to Lehigh River. Application received April 8, 2008. Renewal issued May 28, 2008.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (43 P. S. §§ 151—161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

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

28084110. M & J Explosives, Inc., P. O. Box 608, Carlisle, PA 17013-0608, blasting activity permit issued for residential development in Chambersburg Borough

and Guilford Township, **Franklin County**. Blasting activity permit end date is May 31, 2008. Permit issued May 19, 2008.

21084131. Newville Construction Services, Inc., 408 Mohawk Road, Newville, PA 17241-9424, blasting activity permit issued for sewage treatment plant development in Newville Borough and North Newton Township, **Cumberland County**. Blasting activity permit end date is May 20, 2009. Permit issued May 22, 2008.

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

02084008. Richard Lawson Excavating (3467 Washington Avenue, Finleyville, PA 15332). Blasting activity permit for construction at the Kelly Run Landfill, located in Forward Township, **Allegheny County**, with an expected duration of 1 year. Permit issued May 29, 2008.

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

67084116. J. Roy's, Inc., (Box 125, Bowmansville, PA 17507), construction blasting for Green Spring Industrial Park in Conewago Township, **York County** with an expiration date of May 22, 2009. Permit issued May 27, 2008.

13084101. Douglas Explosives, Inc., (P. O. Box 77, Philipsburg, PA 16866), construction blasting for Split Rock Resort in Kidder Township, **Carbon County** with an expiration date of May 16, 2009. Permit issued May 29, 2008.

45084123. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Jonahs Estates in Polk and Penn Forest Townships, **Monroe and Carbon Counties** with an expiration date of June 30, 2009. Permit issued May 29, 2008.

40084002. JVB, Inc., (14 Foster Avenue, Freeland, PA 18224) and Bernard J. Hasara Drilling & Blasting Service, (1125 East Mahanoy Avenue, Mahanoy City, PA 17948), construction blasting for JVB, Inc. Building Expansion in Foster Township, **Luzerne County** with an expiration date of November 30, 2008. Permit issued May 30, 2008.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing

Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E67-834: P.H. Glatfelter Company, Attn: Robert J. Miller, 228 South Main Street, Spring Grove, PA 17362, Jackson Township, **York County**, United States Army Corps of Engineers, Baltimore District.

To repair and maintain approximately 1,000 linear feet of flood control levee using R-5 and R-7 rip-rap, to install and maintain a gabion retaining wall and to fill 0.03 acre of wetland all impacts are associated with Bunch and Codorus Creeks (WWF). The project is located approximately 1,700 feet west of the intersection of South Main and Church Streets (Seven Valleys, PA Quadrangle N: 22.0 inches; W: 17.25 inches, Latitude: 39° 52' 18"; Longitude: 76° 52' 23") in Jackson Township, York County.

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

E02-1553. Department of Transportation, District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017. To construct a bridge in South Fayette Township, **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District (Canonsburg, PA Quadrangle N: 18.9 inches; W: 1.8 inches, Latitude: 40° 21' 15"; Longitude: 80° 08' 17"). To construct and maintain a 32 ft. wide, 132 ft. long single span bridge skewed 31.5° with an underclearance of 13.0 ft. to replace the existing SR 3026, 44 ft. wide, 81 ft. long, single span bridge skewed 50° with an underclearance of 8.1 ft. over Millers Run (WWF) with a drainage area of 28.1 square miles; construct and maintain associated rip rap scour protection; construct temporary cofferdams for abutment construction; construct and maintain approximately 200 ft. of stream

channel shifting from 0 to 20 ft. to the north to accommodate the bridge realignment; fill and maintain the floodway to increase the elevation of the approach roads; and to construct and maintain adjoining stormwater outfalls. The project is located approximately 1.5 miles west of Bridgeville.

E65-917. Municipal Authority of Westmoreland County, P. O. Box 730, Greensburg, PA 15601. To install a 48" waterline crossing in New Stanton Borough and Hempfield Township in **Westmoreland County**, United States Army Corps of Engineers, Pittsburgh District (Mt. Pleasant, PA Quadrangle N: 15.7 inches; W: 13.8 inches, Latitude 40° 1' 42"; Longitude 79° 35' 56"). To install a 48" waterline crossing on Wilson Run (WWF) and temporarily impaction 0.019 acre of wetland for the purpose of installing the waterline. The project is located approximately .45 mile west of the intersection of I-70 and US Route 119.

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

E10-444, Butler County Parks & Recreation, P. O. Box 1208, Butler, PA 16003-1208. Alameda Park Stream Restoration, in City of Butler, **Butler County**, United States Army Corps of Engineers, Pittsburgh District (Mount Chestnut, PA Quadrangle N: 40° 52' 43"; W: 79° 55' 39").

To conduct the following activities associated with the Alameda Park Stream Restoration project along a total

reach of approximately 1,380 feet of Sullivan Run in Alameda Park:

1. Realign approximately 440 feet of the channel of Sullivan Run.
2. Install rock riprap bank protection for a total of 150 feet of Sullivan Run and a tributary to Sullivan Run.
3. Excavation and stabilization along two areas of the floodway of Sullivan Run for a total of 580 feet to establish riparian floodplain.
4. Install log vane structures at various locations in Sullivan Run.

ENVIRONMENTAL ASSESSMENTS

Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.

EA0409-002. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Road, Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in South Beaver Township, **Beaver County**, United States Army Corps of Engineers, Pittsburgh District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 2,600 linear feet of dangerous highwall. The project will include the backfilling of 0.274 acre of PEM wetland and 1.70 acres of open water that have developed within the open surface mine pit. Proposed mitigation includes 0.444 acre of wetland and 0.500 acre of open water (New Galilee, Quadrangle N: 1.5 inches; W: 16.0 inches).

SPECIAL NOTICES

Certified Emission Reduction Credits in the Commonwealth's ERC Registry

Emission reduction credits (ERCs) are surplus, permanent, quantified and Federally enforceable emission reductions used to offset emission increases of oxides of nitrogen (NOx), volatile organic compounds (VOCs) and the following criteria pollutants: carbon monoxide (CO), lead (Pb), oxides of sulfur (SOx), particulate matter (PM), PM-10 and PM-10 precursors.

The Department of Environmental Protection (Department) maintains an ERC registry in accordance with the requirements of 25 Pa. Code § 127.209. The ERC registry system provides for the tracking of the creation, transfer and use of ERCs. Prior to registration of the credits, ERC Registry Applications are reviewed and approved by the Department to confirm that the ERCs meet the requirements of 25 Pa. Code §§ 127.206—127.208. Registration of the credits in the ERC registry system constitutes certification that the ERCs satisfy applicable requirements and that the credits are available for use. The following registered and certified ERCs in the ERC Registry are currently available for use as follows:

- (1) To satisfy new source review (NSR) emission offset ratio requirements;
- (2) To "net-out" of NSR at ERC-generating facilities;
- (3) To sell or trade the ERCs for use as emission offsets at new or modified facilities.

The certified ERCs shown, expressed in tons per year (tpy), satisfy the applicable ERC requirements contained in 25 Pa. Code §§ 127.206—127.208. ERCs created from the curtailment or shutdown of a source or facility expires for use as offsets 10 years after the emission reduction occurs. ERCs generated by the over control of emissions by an existing facility do not expire for use as offsets. However, credits in the registry that are not used in a plan approval will be discounted if new air quality requirements are adopted by the Department or United States Environmental Protection Agency.

For additional information concerning this listing of certified ERCs, contact the Bureau of Air Quality, Division of Permits, Department of Environmental Protection, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. This Pennsylvania ERC registry report, ERC Registry application and instructions are located at www.depweb.state.pa.us, select Air Topics, Air Quality Home, Permits, Emission Reduction Credits.

NOTICES

3313

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
R. R. Donnelley & Sons Co. County: Lancaster Contact Person: Frederick Shaak, Jr.	VOCs	16.00		Internal Use
Kurz Hastings, Inc. County: Philadelphia Contact Person: George Gornick (215) 632-2300	VOCs	137.45		Trading
Kurz Hastings, Inc. County: Philadelphia Contact Person: George Gornick (215) 632-2300	NOx VOCs	8.01 64.55	Varies from 03/28/2013 to 01/9/2014	Trading
PPG Industries, Inc. Source Location: Springdale Complex County: Allegheny Contact Person: Lori Burgess (412) 274-3884	VOCs	171.82		Trading
Recipient/Holder of ERC: Coastal Aluminum Rolling Mills Inc. ERC Generating Facility: Fasson Div. of Avery Dennison Corp. ERC-generating facility location: Quakertown, Bucks Contact Person: Jesse Hackenberg (570) 323-4430	VOCs	3.62		Internal Use/ Trading
Congoleum Corporation Source Location: Marcus Hook County: Delaware Contact Person: Theresa C. Garrod (609) 584-3000	NOx VOC	5.20 0.9		Trading
Recipient/Holder of ERC: Lehigh Valley Industrial Park, Inc. ERC Generating Facility: International Steel Group, Inc. Source Location: Bethlehem County: Northampton Contact Person: Justin Ryan (610) 866-4600	NOx	234.3	06/19/2008	Trading
Morgan Adhesives Company (MACTac) Source Location: Scranton County: Lackawanna Contact Person: Tim Owens (330) 688-1111	VOCs	75.00	06/30/2008	Trading
National Fuel Gas Supply Corporation Sources: Generators Nos. 1 and 2, Dehydrator 1 Source Location: Ellisburg Station County: Potter Contact Person: Gary A. Young (814) 871-8657	NOx VOCs	16.14 1.80	02/1/2009	Internal Use
TYK America, Inc. Source Location: Irvona Facility County: Clearfield Contact Person: David B. Orr (412) 384-4259	NOx VOCs	0.30 0.02	11/6/2008	Trading
Smithkline Beechman Pharmaceuticals Sources: Two boilers and oxidizer Source Location: Spring Garden Street Facility County: Philadelphia Contact Person: Eileen Ackler (610) 239-5239	NOx VOCs	5.72 0.10	12/31/2008	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Recipient/Holder of ERC: PG&E Energy Trading-Power, LP ERC Generating Facility: Global Packaging, Inc. ERC-generating facility location: Oaks Plant, Montgomery County Contact Person: Sarah M. Barpoulis (301) 280-6607	VOCs	43.50		Trading
The Procter & Gamble Paper Products Company Source Location: Mehoopany Plant County: Wyoming Contact Person: John Romero (570) 833-3285	NOx PM10 VOCs PM10	91.10 14.0 206.10 31.10	05/03/2009 05/03/2009	Internal Use/Trading
Newcomer Products, Inc. Source Location: Latrobe County: Westmoreland Contact Person: Edward M. Nemeth (724) 694-8100	VOCs	16.00	07/14/2010	Trading
Scranton-Altoona Terminals Corporation Source Location: Monroe Township County: Cumberland County Contact Person: Thomas M. Carper (717) 939-0466	VOCs	4.84	09/30/2010	Trading
Pennzoil Wax Partner Company Source Location: Rouseville County: Venango Contact Person: David W. Dunn (713) 546-6941	NOx VOCs CO	15.47 0.68 14.86	02/26/2010	Trading
Pennzoil Wax Partner Company Source Location: Rouseville County: Venango Contact Person: David W. Dunn (713) 546-6941	NOx VOCs CO	2.82 44.34 0.57	04/1/2010	Trading
INDSPEC Chemical Corp. Source: Boiler No. 8 Source Location: Petrolia County: Butler Contact Person: Terry Melis (412) 756-2376	NOx SOx	158.68 1,217.95		Trading
Sun Company, Inc. Source: Wastewater Conveyance System Source Location: Marcus Hook Borough County: Delaware Contact Person: Steve Martini (610) 859-1000	VOCs	147.93		Trading/ Internal Use
Columbia Gas Transmission Corporation Source Location: Kent Station County: Indiana Contact Person: Gregory Lago (304) 357-2079	NOx VOCs	44.36 2.66	05/31/2011	Trading
Columbia Gas Transmission Corporation Source Location: Homer Station County: Indiana Contact Person: Gregory Lago (304) 357-2079	NOx VOCs	45.89 3.79	05/31/2011	Trading
ISG Steelton, Inc. Source: Rail Heat Treating & Quenching Source Location: Steelton Plant County: Dauphin Contact Person: James R. Hernjak (717) 986-2042	NOx VOCs	7.00 43.00	11/9/2009	Trading

NOTICES

3315

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
General Electric Transportation System Source: Boiler No. 2 Source Location: East Lake Road County: Erie Contact Person: Mark D. Restifo (814) 875-5406	NOx VOCs PM SOx CO	280.90 1.70 29.50 2,006.70 111.90	12/31/2010	Trading
3M Minnesota Mining & Manufacturing Source Location: Bristol Plant County: Bucks Contact Person: Jeff Muffat (651) 778-4450	VOCs VOCs	479.00 279.00	11/30/2011 12/17/2011	Trading
Kosmos Cement Company, Cemex, Inc. Source Location: Neville Road, Pittsburgh County: Allegheny Contact Person: Amarjit Gill (713) 653-8554	NOx VOCs PM10 SOx CO	910.00 26.00 61.00 442.00 44.00	04/24/2011	Trading
Edgewater Steel Ltd. Source Location: College Avenue, Oakmont County: Allegheny Contact Person: Peter M. Guzanick (412) 517-7217	NOx VOCs PM10 SOx CO	17.05 1.87 5.44 32.29 17.93	08/6/2008	Trading
Recipient/Holder of ERC: Maple North America Development Company, LLC ERC Generating Facility: Laclede Steel Corporation Source Location: Fairless County: Bucks Contact Person: Paul D. Jones (415) 768-2281	NOx VOCs	104.00 45.00	11/29/2011	Trading
Recipient/Holder of ERC: Natsource Emissions Brokers ERC Generating Facility: Laclede Steel Corporation Source Location: Fairless County: Bucks Contact Person: David Oppenheimer (212) 232-5305	NOx VOCs	0.27 1.50	11/29/2011	Trading
Trinity Industries, Inc. Source Location: Greenville County: Mercer County Contact Person: Dennis Lencioni (214) 589-8141	VOCs	61.65	10/31/2010	Trading
Rohm and Haas Company Source Location: Bristol Township County: Bucks Contact Person: Lloyd Davis (215) 785-8871	VOCs VOCs	1.15 0.32	10/30/2010 01/30/2011	Trading
Recipient/Holder of ERC: Waste Management Disposal Services of Pennsylvania ERC Generating Facility: The Worthington Steel Company Source Location: Malvern, East Whiteland County: Chester Contact Person: Eli Brill (215) 269-2111	VOCs	43.00	01/31/2012	Traded

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Recipient/Holder of ERC: Waste Management of Pennsylvania, Inc. ERC Generating Facility: The Worthington Steel Company Source Location: Malvern, East Whiteland County: Chester Contact Person: Eli Brill (215) 269-2111	VOCs	70.00	01/31/2012	Traded
PPL, Inc. Source Location: Holtwood Station County: Lancaster Contact Person: Linda A. Boyer (610) 774-5410	NOx VOCs PM10 SOx	3,521.09 9.70 105.50 13,241.30	04/29/2009	Trading
North American Refractories Company Source Location: Womelsdorf County: Lebanon Contact Person: Rhonda Vete (412) 469-6122	NOx NOx VOCs PM10 SOx CO	5.11 62.57 0.25 15.60 24.85 19.45	12/15/2010 09/30/2008 09/30/2008	Trading
The Quaker Oats Company Source Location: Shiremanstown Plant County: Cumberland Contact Person: Richard C. Pitzer (717) 731-3334	NOx VOCs PM	4.00 1.68 60.49	Varies from 04/3/2010 to 07/15/2011	Trading
Glasgow, Inc. Source Location: Plymouth Meeting County: Montgomery Contact Person: Brian Chabak (215) 884-8800	NOx VOCs NOx VOCs	2.72 0.21 6.54 0.52	12/31/2010 12/31/2010 06/01/2010 06/01/2010	Trading
Scranton-Altoona Terminals Corporation Source Location: East Freedom Terminal County: Cumberland County Contact Person: Thomas M. Carper (717) 939-0466	VOCs	9.19	04/1/2009	Trading
SLI Lighting, Inc. Source Location: Ellwood City County: Lawrence Contact Person: Tim Haubach (724) 752-6493	VOCs	5.70	06/3/2010	Trading
Harvard Industries, Inc. Plant Name: Pottstown Precision Casting, Inc. Source Location: West Pottsgrove Township County: Montgomery Contact Person: Allan B. Currie, Jr. (517) 740-2991 or (517) 592-3706	NOx VOCs	28.25 8.70	11/12/2011	Trading
Alcoa, Inc. Source Location: Lebanon Township County: Lebanon Contact Person: Kevin S. Barnett (412) 553-2094	VOCs	347.43	Varies from 09/29/2010 to 05/1/2012	Trading
American Color Graphics, Inc. Formerly Flexi-Tech Graphics, Inc. Source Location: Barnhart Drive, Hanover County: York Contact Person: Glenn Shaffer (717) 792-8104	VOCs	9.60	01/15/2012	Trading
Allegro Microsystems, Inc. Source Location: Upper Moreland Township County: Montgomery Contact Person: Wendy Cooper (610) 286-7434	VOCs	42.61	03/29/2012	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Calumet Lubricants Company Source Location: Rouseville Plant County: Venango Contact Person: Harry Klodowski (724) 940-4000	NOx VOCs SOx	89.80 2.38 87.70	05/21/2012	Trading
Avery Dennison Corporation Source Location: Dungan Road County: Philadelphia Contact Person: Frank J. Brandauer (626) 398-2773	VOCs	3.13	06/30/2012	Trading
Henry Miller Spring & Manufacturing Company Source Location: Sharpsburg County: Allegheny Contact Person: David J. Jablonowski (412) 782-7300	NOx VOCs	10.96 36.47	01/22/2010	Trading
Penco Products, Inc. Source Location: Lower Providence Township County: Montgomery Contact Person: Allan J. Goss (610) 666-0500	NOx VOCs	3.11 29.48	10/1/2011	Trading
Norfolk Southern Railway Co. Source Location: Hollidaysburg Car Shop County: Blair Contact Person: Carl Russo (814) 949-1479	NOx VOCs	4.35 69.80	07/19/2012	Trading
World Kitchen, Inc. Source Location: Charleroi Plant County: Washington Contact Person: James Rowlett (724) 489-2288	NOx	251.43		Trading
PPG Industries, Inc. Source Location: Greenwood Township County: Crawford Contact Person: David J. Neal (412) 492-5507	NOx	1,118.50		Trading
Sentry Paint Technologies, Inc. Source Location: Mill Street, Darby County: Delaware Contact Person: Benjamin Breskman (610) 522-1900	VOCs	3.56	04/30/2013	Trading
R. H. Sheppard Company, Inc. Source Location: Core making operation in Hanover County: York Contact Person: Julie L. Smith (717) 637-3751	VOCs	14.43	04/15/2013	Trading
International Paper Source: Bleach Plant, Erie Mill County: Erie Contact Person: Allyson Bristow (901) 419-4852	VOCs	72.06		Trading
International Paper Source Location: Erie Mill County: Erie Contact Person: Allyson Bristow (901) 419-4852	NOx VOCs	1,235.00 943.00	09/30/2012	Trading
Corning Incorporated Source Location: College Township County: Centre Contact Person: Douglas A. Wolf (607) 974-4267	NOx	1,400.01	06/23/2013	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Sea Gull Lighting Products, Inc. Source Location: 25th and Wharton Streets County: Philadelphia Contact Person: Mark Gardiner (215) 468-7255	VOCs	12.50	03/1/2013	Trading
Allegro Microsystems, Inc. Source Location: Upper Moreland Township County: Montgomery Contact Person: Wendy Cooper (610) 286-7434	NOx CO	2.90 1.30	10/20/2013	Trading
Recipient/Holder of ERC: First Quality Tissue, LLC ERC Generating Facility: PPL Holtwood, LLC ERC Generation Source Location: Martic Township County: Lancaster Contact Person: Mark Zeffiro (814) 231-5267	NOx	74.98	04/29/2009	Internal Use
Recipient/Holder of ERC: First Quality Tissue, LLC ERC Generating Facility: Alcoa, Inc. ERC Generation Source Location: South Lebanon County: Lebanon Contact Person: Mark Zeffiro (814) 231-5267	VOCs	43.72	04/05/2012	Internal Use
Lancaster Malleable Castings Company Source Location: Manheim Township County: Lancaster Contact Person: Jeffrey L. Ressler (717) 295-8200	VOCs CO	11.71 1.30	03/31/2013	Internal Use/Trading
International Paper Source: Lock Haven Mill Source Location: Castanea Township County: Clinton Contact Person: Thomas M. Sauer (570) 740-1211	NOx VOC SOx	1,287.00 27.90 6,606.00	03/22/2012	Offsets/Trading
Brodart Company Source Location: Montgomery Facility County: Lycoming Contact Person: Robyn J. Dincher (570) 326-2461, Ext. 6408	VOCs	24.91	04/18/2013	Trading
Pennsylvania House White Deer Furniture Plant Source: Conveyor and Monorail lines Source Location: White Deer Plant County: Union Contact Person: Robert J. Varney (570) 523-2356	VOCs	82.90	03/15/2012	Trading
Exelon Power Source: Delaware Generating Station Source Location: Philadelphia County: Philadelphia Contact Person: Kimberly Scarborough (610) 765-5883	NOx	286.5	12/16/2014	Trading
Worthington Steel Company Source Location: East Whiteland Township County: Chester Contact Person: Matt Johnson (614) 438-7960	NOx	10.00	04/01/2013	Trading

NOTICES

3319

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Buckeye Pipe Line Company, LP Source Location: Reed Township County: Dauphin Contact Person: Jason Mengel (484) 232-4491	VOCs	12.00	02/28/2012	Trading
Bollman Hat Company Source Location: Willow Street, Adamstown County: Lancaster Contact Person: David L. Wails (717) 484-4361	VOCs	14.34	10/03/2013	Trading
Property Investing Center (Goodville Industrial Center) Source Location: East Earl Township County: Lancaster Contact Person: Richard Stauffer (717) 738-3488	VOCs	84.09	09/13/2013	Trading
Armstrong World Industries, Inc. (Lancaster Flooring) Source Location: 1067 Dillerville Road County: Lancaster Contact Person: Gene Hartzell (717) 396-3668	VOC NOx	31.79 1.9	09/01/2013 to 08/20/2014 08/20/2014	Internal Use/ Trading
RUTGERS Organics Corporation Source Location: 201 Struble Road, State College County: Centre Contact Person: Mary Jo Smith (814) 231-9277	NOx NOx VOC	5.27 3.35 2.17	08/15/2013 04/16/2014 03/26/2014	Internal Use/ Trading
AK Steel Corporation Source Location: Butler County: Butler Contact Person: Robert J. Hocks (724) 284-2685	NOx NOx	13.00 24.82	11/06/2011 01/30/2012	Trading/ Internal Use
Cabinet Industries, Inc. Source Location: Danville Borough County: Montour Contact Person: Laura Lee Spatzer (570) 275-1400, Ext. 1400	VOC	7.29	09/01/2015	Trading
Honeywell-International Source Location: Emlenton Plant County: Venango Contact Person: Shane Dunn (814) 887-4081	VOC	49.82	04/30/2010	Trading
Naval Surface Warfare Center, Carderock Division Source Location: Philadelphia Naval Shipyard County: Philadelphia Contact Person: Michael Santella (215) 897-1315; DSN 443	NOx	157.50	09/30/2008	Internal Use
Reliant Energy Mid-Atlantic Power Holdings, LLC Source Location: Pennsylvania Avenue, Warren County: Warren Contact Person: Keith A. Schmidt (814) 533-8193	NOx VOCs SOx PM CO	695.76 2.99 2,925.36 64.60 20.85	09/28/2012	Trading
Arbill Industries, Inc. Source Location: 2207 West Glenwood Avenue County: Philadelphia Contact Person: Barry Bickman (800) 523-53673	VOCs NOx SOx	20.32 0.38 0.21	01/01/2016	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Dominion Transmission, Inc. Source Location: Big Run Compressor Station County: Jefferson Contact Person: David Testa (412) 690-1815	NOx	10.00	10/13/2013	Trading
Carmeuse Lime, Inc. Source Location: Hanover Lime Plant County: Adams Contact Person: Kenneth Kauffman (717) 630-8266	NOx VOC SOx PM10 PM2.5	46.61 1.96 10.26 14.64 7.18	01/03/2016	Trading
Port Glenshaw Glass, LLC Source Location: 1101 William Flynn Highway, Glenshaw PA 15116 County: Allegheny Contact Person: Harry Klodowski (724) 940-4000	VOC NOx SOx PM-2.5 PM-10	10.64 59.46 74.89 23.11 25.40	11/24/2014	Trading/ Internal Use
Cinram Manufacturing, LLC Source Location: City of Olyphant County: Lackawanna Contact Person: Mark A. Thallmayer (570) 383-3291	VOC VOC	6.53 6.75	02/06/2016 05/09/2016	Internal Use
Bemis Company, Inc. Source Location: Hazle Township County: Luzerne Contact Person: Thomas G. Franko (570) 501-1429	VOC	22.27	01/01/2016	Trading
Techneglas, Inc. Source Location: Pittston Facility County: Luzerne Contact Person: Harry F. Klodowski, Jr. (724) 940-4000	VOC NOx	784.88 33.82	12/17/2013 to 08/11/2014	Trading
Horsehead Corporation (Zinc Corp. of America) Source: Acid Roaster Plant-Monaca Smelter Source Location: Monaca County: Beaver Contact Person: William N. Bailey (724) 773-9057	NOx SOx PM10 PM2.5 CO	3.3 382.5 9.4 3.2 1.4	10/23/2012	Netting/ Offsetting
Recipient/Holder of ERC: Natsource MAC 77, Ltd. ERC Generating Facility: Eljer Plumbingware, Inc. Source Location: Ford City Plant County: Armstrong Contact Person: Mithun Rathore (281) 340-8300	NOx VOCs	105.22 7.26	06/08/2014 to 10/04/2014 03/15/2014 to 10/04/2014	Trading
Bluegrass Folding Carton Company, LLC (Formerly Smurfit Stone Container Enterprises, Inc.) Source Location: Upper Providence Township County: Montgomery Contact Person: Tom Tutwiler (610) 935-4119	VOC	60.36	05/31/2015	Internal Use/Trade
Fleetwood Industries Source Location: St. Lawrence Plant County: Berks Contact Person: Robert Mervine (610) 779-7700	VOC	24.5	07/31/2015	Internal Use/Trade
Sunoco, Inc. (R & M) Source Location: 200 Neville Road, Pittsburg, PA 15225 County: Allegheny Contact Person: Gary P. Rabik (610) 859-3435	VOC	25.16	04/01/2017	Trading /Internal use

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Leggett & Platt, Inc. Source Location: Zell Brothers County: York Contact Person: Theresa Block (417) 358-8131	VOC	6.51	11/01/2015	Trading
Anchor Glass Container Corporation Source Location: Plant No. 5 County: Fayette Contact Person: Joseph G. Clemis (813) 884-0000	VOCs NOx PM-10 PM-2.5 SOx CO	21.0 309.0 68.0 51.0 259.0 20.0	11/04/2014	Trading

Bureau of Air Quality

Summary of ERC Transaction

The following ERC transactions are approved by the Bureau of Air Quality, Department of Environmental Protection, Commonwealth of Pennsylvania. The ERC transaction requirements are specify in 25 Pa. Code § 127.208.

Generating Facility Information

ERC Generating Facility Name: Sunoco, Inc.
Location of Source: Marcus Hook, Delaware County, PA
Certified ERCs (tpy): 426.59 tpy of VOCs
Amount of ERCs traded to Purchaser/Recipient: 278.66 tpy of VOCs
Date of ERCs Transfer: 05/14/2008
ERCs available for future use: 147.93 tpy

Purchaser/Recipient of ERCs

Purchaser/Recipient of ERCs: Sunoco, Inc.
Location of Source: Philadelphia Refinery, Philadelphia, PA
Permit Number: Philadelphia AMS 06144
VOC credits used: 278.66 tpy
VOC credits available for future use: Nil

Notice of Proposed Prompt Interim Response Under the Hazardous Sites Cleanup Act

Former Karnish Instruments Sites City of Lock Haven, Clinton County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6029.101—6020.1305), proposes to initiate a prompt interim response at two former Karnish Instruments Sites located in Lock Haven, Clinton County.

The sites of concern are two former Karnish Instruments, Inc. locations in the City of Lock Haven. Ron's Rental, located at 210 Third Avenue in Lock Haven, is in an area of mixed residential and commercial use. The second site is located at the corner of East Water and Proctor Streets at the Piper Airport in Lock Haven. Each site comprises approximately 0.5 acre. The Piper Airport location consists of a vacant lot and a concrete pad approximately 10 by 20 feet, which is all that remains of the former building. The Ron's Rental location consists of a two-story building that is approximately 70 by 90 feet which was in existence during Karnish Instrument's operation. The first story is a currently operating rental business while the second story contains four residential apartments.

These sites were used by Karnish Instruments to conduct repair and maintenance of aircraft instruments containing radium paint. According to the deeds, the property currently known as Ron's Rental was owned by Louis and Frances Karnish from October 1956 until June 1976. Karnish continued operating at the Ron's Rental site until approximately 1979. In 1982, through an Article

of Agreement, Ron Myers, Sr. leased the building that is currently Ron's Rental to conduct business as a lawn equipment rental and repair shop. Myers took ownership of the building in 1996 and the business is currently operating at this location.

Soils in several areas outside of the building are contaminated with radium-226 to a depth of up to 8 feet. Multiple areas throughout the inside of the building are impacted with radium-226 in the concrete floor, the concrete block walls and the wooden floor on the second story. Additionally, due to the contamination of the building materials, radon is present at levels greater than the health and safety standards on both the first and second stories. At the Piper Airport location, isolated soil contamination was discovered adjacent to the concrete pad.

The Department's major objective in addressing these sites is to protect the public health and environment by eliminating the health threat posed by exposure to the radium and radon contamination through inhalation and direct contact.

To achieve this objective, the following alternatives were considered:

Alternative No. 1—No Further Action.

This action would be to conduct no further activities at the site leaving it in its current condition.

Alternative No. 2—Soil removal in exterior areas and "surgical" removal of contaminated building materials inside the structure at Ron's Rental.

This alternative involves the excavation of exterior contaminated soils at both the Piper Airport Site and the Ron's Rental Site. Additionally, contamination in the

structure at the Ron's Rental Site would be "surgically" removed in identified hotspots found during site investigation. Removal would include contaminated areas of the concrete floor and walls on the first story, contaminated areas of the floor on the second story and removal of work benches containing surface contamination. Soil beneath the contaminated areas of the floor would be removed from accessible areas to an estimated depth of 4-feet. A final radiological site survey would be conducted.

Alternative No. 3—Soil removal in exterior areas and complete demolition of the structure at Ron's Rental.

Alternative 3 consists of excavation of contaminated soils at both the Piper Airport Site and the Ron's Rental Site. Additionally, the entire structure at Ron's Rental would be completely demolished, contaminated building debris would be segregated from noncontaminated debris, contaminated soils from beneath the structure would be removed and a final radiological site survey would be conducted.

The Department's preferred course of action is Alternative No. 3, *Soil removal in exterior areas and complete demolition of the structure at Ron's Rental*. This was determined to be the response that is the most cost effective, permanent and protective of human health and the environment.

All information (documents, technical references, detailed site information, and the like), which was used as the basis for evaluation of alternatives and selection of the proposed interim response action outlined in this notice, is contained in the Administrative Record. The Administrative Record is available for public inspection from 8:30 a.m. to 5 p.m., Monday through Friday, at the Lock Haven City Hall, 20 East Church Street, Lock Haven, PA or by calling Kathy Arndt to arrange an appointment from 8 a.m. to 4 p.m., Monday through Friday, at the Department's Northcentral Field Operations Office, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.

Written comments concerning the Department's proposed response action and information in the Administrative Record will be accepted either in person if delivered to the West Third Street office on or before Friday,

September 12, 2008, or by mail postmarked on or before September 12, 2008, sent to the attention of Cheryl Sinclair at 208 West Third Street, Williamsport, PA 17701, or by e-mail sent to csinclair@state.pa.us on or before midnight September 12, 2008. All written and oral comments received during the public comment period and the Department's responses, will be placed into the Administrative Record.

The Department is providing this notice under section 506(b) of HSCA. The date of publication of this notice in the *Pennsylvania Bulletin* initiates the 90-day comment period on the Administrative Record, as provided under HSCA.

**Notice of Public Meeting and Public Hearing
Former Karnish Instruments Sites
City of Lock Haven, Clinton County**

The Department of Environmental Protection (Department) will conduct a public meeting at 6 p.m. on Tuesday, July 29, in the Council Chambers at Lock Haven City Hall to discuss the proposed remedial actions at both the Piper Airport site and the Ron's Rental site. Staff from the Department's Environmental Cleanup and Radiation Protection programs will make presentations and then answer questions from the public.

The public meeting will be followed by a Department public hearing beginning at 7:30 p.m. during which time citizens will have an opportunity to present oral testimony regarding the proposed remedial actions. Anyone who wishes to present oral testimony during the public hearing may register that evening prior to the hearing. Citizens will have a maximum of 5 minutes each to present testimony. Written testimony of any length also will be accepted. The testimony will be recorded by a court reporter and transcribed into a written document. The Department will respond in writing to all relevant testimony provided during the public hearing.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act of 1990 should contact Daniel T. Spadoni at (570) 327-3659 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of May 2008, the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed to perform radon-related activities in Pennsylvania. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in Pennsylvania 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>
Robert Beattie	851 Bangor Road Nazareth, PA 18064	Testing
James Bistline	61 Sunset Drive Carlisle, PA 17013	Testing
Patrick Borkowski	P. O. Box 63827 Philadelphia, PA 19147	Testing
Robert Corcia Cedar Creek Home Inspection, LLC	6 Cranberry Creek Estates Cresco, PA 18326	Testing
Victor Delfi	R. R. 3, Box 3197 Stroudsburg, PA 18360	Testing

NOTICES

3323

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Enviroquest, Inc.	1738 North Third Street Suite A Harrisburg, PA 17102	Mitigation
William Fennel	975 Wayne Avenue PMB 218 Chambersburg, PA 17201	Testing
Paul Fletecher Alpha Energy Lab	2501 Mayes Road Suite 100 Carrollton, TX 75006	Laboratory
Scott Gilligan	504 Bainbridge Street Suite 3F Philadelphia, PA 19147	Testing
Adam Ginocchi	407 Jenny Lane New Castle, PA 16101	Testing
Vilas Godbole	6314 Hilltop Drive Brookhaven, PA 19015	Mitigation
Nicholas Hindley	214 Ninth Street Honesdale, PA 18431	Testing
House-Check, Inc.	P. O. Box 731 Valley Forge, PA 19482	Testing
Daniel Jorich	115 Limekiln Road New Cumberland, PA 17070	Testing
Leonard Kelsey Radon Specialists, LLC	134 Broad Street Stroudsburg, PA 18360	Mitigation
Robert Kerecz	451 North 6th Street Allentown, PA 18102	Testing
Ryan Lingold	4767 Shimerville Road Emmaus, PA 18049	Testing
Michael Maberry	1110 Indian Drive Auburn, PA 17922	Testing
Frank Marsico	504 Woodcrest Drive Mechanicsburg, PA 17050	Testing
Surekha Paunikar Alpha Environmental, Inc.	2048 Carmel Drive Jamison, PA 18929	Testing
Leonard Petty	6192 Boxer Drive Bethel Park, PA 15102	Testing
Edward Schluth	242 Newtown Road Warminster, PA 18974	Testing
Malissa Sears	1675 North Commerce Parkway Weston, FL 33326	Laboratory
Jon Shaffer	1115 Cornell Street Pittsburgh, PA 15212	Testing
Cesare Sportelli	750 Washington Street Easton, PA 18042	Testing
David Steinman	1899 Lititz Pike Lancaster, PA 17601	Testing
David Stendell	P. O. Box 1582 Bethlehem, PA 18016	Testing
Gregory Stewart	5 Franklin Street Pittsburgh, PA 15209	Mitigation
Bradford Whitely	233 Broad Street Montoursville, PA 17754	Testing

**Bureau of Deep Mine Safety
Approval of Request for Variance**

The Department of Environmental Protection (Department), Bureau of Deep Mine Safety (BMS) has approved AMFIRE Mining Company, LLC's request for a variance from the requirements of section 319 of the Pennsylvania Bituminous Coal Mine Act at the Madison 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 BMS web site at www.depweb.state.pa.us/deepminesafety/site/default.asp.

Summary of the Request: AMFIRE Mining Company, LLC requests a variance regarding a permanent pumping facility at the Madison Mine.

The basis for the Bureau's approval is summarized as follows:

1. The section of the statute, written many years ago, which incorporated the technology of that time, required permanent pumps to be housed in an incombustible housing so that if a fire occurred, it could be contained until found or it burnt itself out in the structure.

2. When the law was written, DC power was the primary power source for pumping systems and was a significant source of fire since DC power systems did not provide the circuit protection provided by a modern properly installed and maintained AC power system.

3. As the mines modernized in the mid 1970s, most DC power was eliminated and replaced with AC power.

4. This Investigating Committee believes that very few if any documented fires have occurred at a properly installed and maintained AC pumping station.

5. CO monitoring systems have proven to be a very dependable fire protection system which provides early warning of any fire so it can promptly be investigated and the fire source abated before a fire has a chance to spread.

Continued authorization for operation under the approval is contingent upon compliance with the measures described in your enclosed plan and the following conditions.

1. The pump installation will be continuously monitored with a Pyott Boone CO monitoring system.

2. The pump installation will have automatic fire protection provided by a Pyott Boone Model 229/50 ABC Dry Powder Chemical System or equivalent.

**Bureau of Deep Mine Safety
Approval of Request for Variance**

The Department of Environmental Protection (Department), Bureau of Deep Mine Safety (BMS) has approved Eighty Four Mining Company's request for a variance from the requirements of section 290(d) of the Pennsylvania Bituminous Coal Mine Act at the Mine No. 84. 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 BMS web site at www.depweb.state.pa.us/deepminesafety/site/default.asp.

Summary of the Request: Eighty Four Mining Company requests a variance to reduce the number of mains in the 10B corridor area at the Mine No. 84.

The basis for the Bureau's approval is summarized as follows:

1. Mine 84 has a lot of experience with 3 entry development and the Bureau of Mine Safety has extensive experience regulating it. Based upon that experience, it is our professional judgment that this composite approach is at least as safe as installing the four main entries required by the statute.

2. Longwall mines have successfully ventilated three entry systems for distances up to 12,000 feet.

3. The Mowl fan will ventilate the development of the 10 B longwall panel. It currently exhausts 381,000 cfm at 15.2" water gauge.

4. An enhanced and expanded CO monitoring system will enhance escapability through the variance area by providing early warning to those working in the area. The monitored area will include the track entry as well as the belt entry.

Continued authorization for operation under the approval is contingent upon compliance with the measures described in the enclosed plan and the following conditions.

1. All unused crosscuts through the variance area must have adequate ground to roof support placed on both entrances in line with the entry rib. Additional supplemental support will be installed throughout the area as required.

2. The dispatcher should be notified prior to mining commencing in the variance area.

[Pa.B. Doc. No. 08-1106. Filed for public inspection June 13, 2008, 9:00 a.m.]

Nonpoint Source Liaison Workgroup; Meeting Location Change

The Nonpoint Source Liaison Workgroup will now convene at an alternate location than was previously advertised in the *Pennsylvania Bulletin*. The meeting will be held on June 19, 2008, at 10 a.m. at the Fish and Boat Commission Headquarters, 1601 Elmerton Avenue, Harrisburg, PA.

Questions concerning the meeting should be directed to Stephen Lathrop at (717) 772-5618 or slathrop@state.pa.us. The agenda and meeting materials for the meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us (DEP Keywords: "Public Participation, Participate").

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Stephen Lathrop at (717) 772-5618 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 08-1107. Filed for public inspection June 13, 2008, 9:00 a.m.]

Settlement of NPDES Permit Appeal under 25 Pa. Code § 92.61(g)

Flexsys America, LP v. Department of Environmental Protection; EHB Docket No. 2006-102-R

This matter involved the appeal of the National Pollutant Discharge Elimination System Permit No. PA0022004 (NPDES Permit) issued by the Commonwealth of Pennsylvania, Department of Environmental Protection (Department) to Flexsys America, LP (Flexsys) to discharge industrial waste, storm water and abandoned mine drainage to Pigeon Creek and Taylor's Run.

The Department's final action to resolve this NPDES Permit appeal was a settlement as reflected by a March 12, 2008, Consent Order and Agreement (Agreement) entered into by the Department and Flexsys. The major provisions of the settlement require Flexsys to conduct a comprehensive investigation to demonstrate that it is not discharging abandoned mine drainage from Outfall S03, but uncontaminated groundwater. Upon the conclusion of this investigation, Flexsys will submit to the Department an NPDES Permit Amendment Application, which correctly identifies the sources of water being discharged from Outfall S03. The Department will take an action on such application. In addition, Flexsys agreed to withdraw its appeal before the Environmental Hearing Board (Board).

Copies of the full agreement are in the possession of Bruce M. Herschlag, Assistant Regional Counsel, Commonwealth of Pennsylvania, Department of Environmental Protection, Office of Chief Counsel, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4262 and John W. Carroll, Esquire, Pepper Hamilton LLP, 100 Market Street, Suite 210, P. O. Box 1181, Harrisburg, PA 17108-1181, (717) 255-1155 and may be reviewed by any interested person on request during normal business hours.

Persons believing to be aggrieved by this Agreement have a right to appeal to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457. Appeals must be filed by July 14, 2008.

If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 783-3483. TDD users may contact the Board through the AT&T Pennsylvania Relay Service at (800) 654-5984.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 08-1108. Filed for public inspection June 13, 2008, 9:00 a.m.]

Settlement of NPDES Permit Appeal under 25 Pa. Code § 92.61(g)

West Penn Power Company v. Department of Environmental Protection, EHB Docket No. 2006-227-L

This matter involved the appeal of the National Pollutant Discharge Elimination System Permit No. PA0091740 (NPDES Permit) issued by the Commonwealth of Pennsylvania, Department of Environmental Protection (Department) to West Penn Power Company (West Penn) to

discharge, under certain conditions, landfill leachate from Outfalls 001 and 002 into Riddle Run and Tawney Run, respectively.

The Department's final action to resolve this NPDES Permit appeal was a settlement as reflected by a March 28, 2008, Consent Order and Agreement (Agreement) entered into by the Department and West Penn. The major provisions of the settlement require West Penn to submit to the Department plans to evaluate treatment technologies, to conduct a toxics reduction evaluation and to submit a plan to minimize and eliminate overflows from a sump at the facility. In addition, West Penn agreed to withdraw its appeal before the Environmental Hearing Board (Board).

Copies of the full agreement are in the possession of Bruce M. Herschlag, Assistant Regional Counsel, Commonwealth of Pennsylvania, Department of Environmental Protection, Office of Chief Counsel, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4262 and Donald C. Bluedorn, II, Esquire, Babst Calland Clements and Zomnir, PC, Two Gateway Center, 603 Stanwix Street, Suite 8W, Pittsburgh, PA 15222, (412) 394-5450 and may be reviewed by any interested person on request during normal business hours.

Persons believing to be aggrieved by this Agreement have a right to appeal to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457. Appeals must be filed by July 14, 2008.

If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 783-3483. TDD users may contact the Board through the AT&T Pennsylvania Relay Service at (800) 654-5984.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 08-1109. Filed for public inspection June 13, 2008, 9:00 a.m.]

State Water Plan; Statewide Water Resources Committee; Critical Water Planning Area Subcommittee Meeting

The Critical Water Planning Area Subcommittee of the Act 220 State Water Plan Statewide Committee has scheduled a meeting to occur on June 18, 2008, at 10 a.m. in the 10th floor conference room of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

The agenda and materials for the June 18, 2008, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us (DEP Keywords: Public Participation, Participate). Questions concerning this meeting should be directed to Susan Weaver, Division of Water Use Planning, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 783-8055, suweaver@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 783-6118 or through the

Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 08-1110. Filed for public inspection June 13, 2008, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Real Estate for Sale Lehigh County

The Department of General Services (Department) has State-owned real estate for sale in the City of Allentown, Lehigh County, PA. The Department through its Broker, Studley, Inc., will accept bids for the purchase of 4.2471 gross acres +/- of improved land zoned B-3 Highway Business District located at 1713 Lehigh Street in the City of Allentown. Bids are due August 11, 2008. Interested parties wishing to receive a copy of Solicitation No. 94220 should call Bradford Mills, Studley, Inc. at (267) 256-7575 or bmills@octaviahill.com.

JAMES P. CREEDON,
Secretary

[Pa.B. Doc. No. 08-1111. Filed for public inspection June 13, 2008, 9:00 a.m.]

DEPARTMENT OF HEALTH

Draft Title V Block Grant Program; 2007 Report and 2009 Application; Public Comment Period

During the period of June 20, 2008, to July 21, 2008, the Bureau of Family Health is accepting public comment about the Commonwealth's draft Title V Block Grant 2007 Report and 2009 Application. A draft of this document is electronically accessible through the Department of Health's web site homepage www.health.state.pa.us.

Persons with a disability who require an alternative format of the Draft Title V Block Grant 2007 Report and 2009 Application (for example, hard copy, larger print, audio tape, Braille) should contact Wayne S. Fleming, Title V Block Grant Coordinator, Bureau of Family Health, Health and Welfare Building, 7th Floor, East Wing, 7th and Forster Streets, Harrisburg, PA 17120, (717) 787-7262, fax (717) 772-0323, wflaming@state.pa.us or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-1112. Filed for public inspection June 13, 2008, 9:00 a.m.]

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 201.3 (relating to definitions).

Kittanning Care Center
120 Kittanning Care Center Drive
Kittanning, PA 16201
FAC ID 234802

Ephrata Manor
99 Bethany Road
Ephrata, PA 17522
FAC ID 053502

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 require an alternative format of this document or who desire to comment in an alternative format (for example, large print, audiotape, Braille), should contact the Division of Nursing Care Facilities at the address listed previously or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-1113. Filed for public inspection June 13, 2008, 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 June 18, 2008 from 10 a.m. to 2 p.m. The meeting will be held at the Giant Community Center, 2nd Floor, Giant Food Store, 3301 Trindle Road, Camp Hill, PA 17011.

For additional information or persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Jaclyn Rogers, Public Health Program Administrator, Health Literacy and Education Section, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and

Welfare Building, Harrisburg, PA 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. 08-1114. Filed for public inspection June 13, 2008, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Big Money Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Big Money.

2. *Price:* The price of a Pennsylvania Big Money instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Big Money instant lottery game ticket will contain one play area featuring a "MONEYBAG NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "MONEYBAG NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR) and 24 (TWYFOR). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), Coin symbol (COIN) and \$\$ symbol (DBLS).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$2.⁰⁰ (TWO DOL), \$5.⁰⁰ (FIV DOL), \$10.⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$2, \$5, \$10, \$20, \$40, \$50, \$100, \$400, \$500, \$1,000, \$10,000 and \$100,000. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania Big Money instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MONEYBAG NUMBERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears under the

matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MONEYBAG NUMBERS" play symbols and a prize symbol of \$10,000 (TEN THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MONEYBAG NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MONEYBAG NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Coin symbol (COIN), and a prize symbol of \$500 (FIV HUN) appears under the Coin symbol (COIN), on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MONEYBAG NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Coin symbol (COIN), and a prize symbol of \$400 (FOR HUN) appears under the Coin symbol (COIN), on a single ticket, shall be entitled to a prize of \$400.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a \$\$ symbol (DBLS), and a prize symbol of \$100 (ONE HUN) appears under the \$\$ symbol (DBLS), on a single ticket, shall be entitled to a prize of \$200.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MONEYBAG NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Coin symbol (COIN), and a prize symbol of \$100 (ONE HUN) appears under the Coin symbol (COIN), on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a \$\$ symbol (DBLS), and a prize symbol of \$50\$ (FIFTY) appears under the \$\$ symbol (DBLS), on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MONEYBAG NUMBERS" play symbols and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Coin symbol

(COIN), and a prize symbol of \$50\$ (FIFTY) appears under the Coin symbol (COIN), on a single ticket, shall be entitled to a prize of \$50.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MONEYBAG NUMBERS" play symbols and a prize symbol of \$40\$ (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Coin symbol (COIN), and a prize symbol of \$40\$ (FORTY) appears under the Coin symbol (COIN), on a single ticket, shall be entitled to a prize of \$40.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a \$\$ symbol (DBLS), and a prize symbol of \$20\$ (TWENTY) appears under the \$\$ symbol (DBLS), on a single ticket, shall be entitled to a prize of \$40.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MONEYBAG NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Coin symbol (COIN), and a prize symbol of \$20\$ (TWENTY) appears under the Coin symbol (COIN), on a single ticket, shall be entitled to a prize of \$20.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a \$\$ symbol (DBLS), and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the \$\$ symbol (DBLS), on a single ticket, shall be entitled to a prize of \$20.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MONEYBAG NUMBERS" play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Coin symbol (COIN), and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the Coin symbol (COIN), on a single ticket, shall be entitled to a prize of \$10.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a \$\$ symbol (DBLS), and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the \$\$ symbol (DBLS), on a single ticket, shall be entitled to a prize of \$10.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MONEYBAG NUMBERS" play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Coin symbol (COIN), and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the Coin symbol (COIN), on a single ticket, shall be entitled to a prize of \$5.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MONEYBAG NUMBERS" play symbols and a prize symbol of \$2⁰⁰ (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

When Any Of Your Numbers Match Any Of The Moneybag Numbers, Win With Prize(s) Of:

<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets:</i>
\$5 w/COIN	\$5	420,000
\$5	\$5	420,000
\$2 × 5	\$10	60,000
\$5 × 2	\$10	60,000
\$5 w/\$\$	\$10	60,000
\$10 w/COIN	\$10	60,000
\$10	\$10	120,000
\$5 × 4	\$20	48,000
\$10 × 2	\$20	48,000
\$10 w/\$\$	\$20	48,000
\$20 w/COIN	\$20	48,000
\$20	\$20	48,000
\$5 × 8	\$40	12,000
\$10 × 4	\$40	12,000
\$20 w/\$\$	\$40	12,000
\$40 w/COIN	\$40	12,000
\$40	\$40	12,000
\$5 × 10	\$50	12,000
\$10 × 5	\$50	12,000
(\$20 w/\$\$) + \$10	\$50	12,000
\$50 w/COIN	\$50	12,000
\$50	\$50	12,000
\$10 × 10	\$100	4,800
\$20 × 5	\$100	4,800

When Any Of Your Numbers Match Any Of The Moneybag Numbers, Win With Prize(s) Of:

	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets:</i>
\$50 w/\$\$	\$100	1,500	4,800
\$100 w/COIN	\$100	1,500	4,800
\$100	\$100	1,500	4,800
\$40 × 10	\$400	20,000	360
\$100 × 4	\$400	20,000	360
(\$100 w/\$\$) + (\$100 × 2)	\$400	20,000	360
\$400 w/COIN	\$400	20,000	360
\$400	\$400	20,000	360
\$50 × 10	\$500	20,000	360
\$100 × 5	\$500	20,000	360
(\$100 w/\$\$) + (\$100 × 3)	\$500	20,000	360
\$500 w/COIN	\$500	20,000	360
\$500	\$500	20,000	360
\$100 × 10	\$1,000	20,000	360
\$500 × 2	\$1,000	20,000	360
(\$100 w/\$\$) + (\$100 × 8)	\$1,000	20,000	360
\$1,000	\$1,000	20,000	360
\$10,000	\$10,000	720,000	10
\$100,000	\$100,000	360,000	20

COIN (COIN) = Win prize shown under it automatically.
 \$\$ (DBL\$) = Win double the prize shown under it automatically.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Big Money instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Big Money, prize money from winning Pennsylvania Big Money instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Big Money instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Big Money or through normal communications methods.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 08-1115. Filed for public inspection June 13, 2008, 9:00 a.m.]

Pennsylvania Cash Boxe\$ Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Cash Boxe\$.

2. *Price:* The price of a Pennsylvania Cash Boxe\$ instant lottery game ticket is \$3.

3. *Play Symbols:* Each Pennsylvania Cash Boxe\$ instant lottery game ticket will contain one play area designated as "CASH BOX." There are 60 play symbols, 49 of which will be located in the play area, and which are the numbers 01 through 60. Each ticket will also contain a "YOUR NUMBERS" area. The "YOUR NUMBERS" area will consist of 14 play symbol numbers. The play symbol numbers that may be located in the "YOUR NUMBERS" area are the numbers 01 through 60.

4. *Prizes:* The prizes that can be won in this game are: \$3, \$5, \$10, \$20, \$40, \$100, \$500, \$1,000, \$30,000 and \$60,000. A player can win up to 4 times on a ticket. Only the highest prize won by each group of contiguous (touching) matched numbers will be paid.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Cash Boxe\$ instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets upon which twelve of "YOUR NUMBERS" play symbols match twelve contiguous (touching) "CASH BOX" numbers play symbols, on a single ticket, shall be entitled to a prize of \$60,000.

(b) Holders of tickets upon which eleven of "YOUR NUMBERS" play symbols match eleven contiguous (touching) "CASH BOX" numbers play symbols, on a single ticket, shall be entitled to a prize of \$30,000.

(c) Holders of tickets upon which ten of "YOUR NUMBERS" play symbols match ten contiguous (touching) "CASH BOX" numbers play symbols, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which nine of "YOUR NUMBERS" play symbols match nine contiguous (touching) "CASH BOX" numbers play symbols, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which eight of "YOUR NUMBERS" play symbols match eight contiguous (touching) "CASH BOX" numbers play symbols, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which seven of "YOUR NUMBERS" play symbols match seven contiguous (touching) "CASH BOX" numbers play symbols, on a single ticket, shall be entitled to a prize of \$40.

(g) Holders of tickets upon which six of "YOUR NUMBERS" play symbols match six contiguous (touching)

"CASH BOX" numbers play symbols, on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets upon which five of "YOUR NUMBERS" play symbols match five contiguous (touching) "CASH BOX" numbers play symbols, on a single ticket, shall be entitled to a prize of \$10.

(i) Holders of tickets upon which four of "YOUR NUMBERS" play symbols match four contiguous (touching) "CASH BOX" numbers play symbols, on a single ticket, shall be entitled to a prize of \$5.

(j) Holders of tickets upon which three of "YOUR NUMBERS" play symbols match three contiguous (touching) "CASH BOX" numbers play symbols, on a single ticket, shall be entitled to a prize of \$3.

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. of Winners Per 6,000,000 Tickets</i>
3 NUMBERS touching	\$3	8.33	720,000
4 NUMBERS touching	\$5	25	240,000
3 NUMBERS touching × 2	\$6	33.33	180,000
3 NUMBERS touching × 3	\$9	50	120,000
4 NUMBERS touching × 2	\$10	333.33	18,000
5 NUMBERS touching	\$10	500	12,000
3 NUMBERS touching × 4	\$12	200	30,000
4 NUMBERS touching × 3	\$15	250	24,000
5 NUMBERS touching × 2	\$20	200	30,000
6 NUMBERS touching	\$20	200	30,000
6 NUMBERS touching × 2	\$40	600	10,000
7 NUMBERS touching	\$40	600	10,000
8 NUMBERS touching	\$100	480	12,500
9 NUMBERS touching	\$500	3,750	1,600
10 NUMBERS touching	\$1,000	8,000	750
11 NUMBERS touching	\$30,000	600,000	10
12 NUMBERS touching	\$60,000	600,000	10

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Cash Boxes instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Cash Boxes, prize money from winning Pennsylvania Cash Boxes instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Cash Boxes instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Cash Boxes or through normal communications methods.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 08-1116. Filed for public inspection June 13, 2008, 9:00 a.m.]

Pennsylvania Deluxe 7-11-21 '08 Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Deluxe 7-11-21 '08.

2. *Price:* The price of a Pennsylvania Deluxe 7-11-21 '08 instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Deluxe 7-11-21 '08 instant lottery game ticket will contain one play area consisting of "GAME 1," "GAME 2," "GAME 3," "GAME 4," "GAME 5" and "GAME 6." Each "GAME" is played separately. The play symbols and their captions, located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWONE) and DELUXE (DELUX6).

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THR DOL), \$6⁰⁰ (SIX DOL), \$7⁰⁰ (SVN DOL), \$11\$ (ELEVN), \$12\$ (TWELV), \$21\$ (TWY ONE), \$42\$ (FRY TWO), \$70\$ (SEVENTY), \$210 (TWOHUNTEN), \$2,100 (TWYONEHUN) and \$21,000 (TWYONETHO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$3, \$6, \$7, \$11, \$12, \$21, \$42, \$70, \$210, \$2,100 and \$21,000. The player can win up to 6 times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 10,800,000 tickets will be printed for the Pennsylvania Deluxe 7-11-21 '08 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$21,000 (TWYONETHO) appears in the "prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$21,000.

(b) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$2,100 (TWYONEHUN) appears in the "prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$2,100.

(c) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$210 (TWOHUNTEN) appears in the "prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$210.

(d) Holders of tickets upon which any one of the play symbols is a DELUXE (DELUX6) symbol, and a prize symbol of \$42\$ (FRY TWO) appears in four of the "prize" areas, and a prize symbol of \$21\$ (TWY ONE) appears in two of the "prize" areas, on a single ticket, shall be entitled to a prize of \$210.

(e) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$70\$ (SEVENTY) appears in the "prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$70.

(f) Holders of tickets upon which any one of the play symbols is a DELUXE (DELUX6) symbol, and a prize symbol of \$11\$ (ELEVN) appears in two of the "prize" areas, and a prize symbol of \$12\$ (TWELV) appears in four of the "prize" areas, on a single ticket, shall be entitled to a prize of \$70.

(g) Holders of tickets upon which any one of the play symbols is a DELUXE (DELUX6) symbol, and a prize symbol of \$7⁰⁰ (SVN DOL) appears in four of the "prize"

areas, and a prize symbol of \$21\$ (TWY ONE) appears in two of the "prize" areas, on a single ticket, shall be entitled to a prize of \$70.

(h) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$42\$ (FRY TWO) appears in the "prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$42.

(i) Holders of tickets upon which any one of the play symbols is a DELUXE (DELUX6) symbol, and a prize symbol of \$7⁰⁰ (SVN DOL) appears in each of the six "prize" areas, on a single ticket, shall be entitled to a prize of \$42.

(j) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$21\$ (TWY ONE) appears in the "prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$21.

(k) Holders of tickets upon which any one of the play symbols is a DELUXE (DELUX6) symbol, and a prize symbol of \$3⁰⁰ (THR DOL) appears in five of the "prize" areas, and a prize symbol of \$6⁰⁰ (SIX DOL) appears in the remaining "prize" area, on a single ticket, shall be entitled to a prize of \$21.

(l) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$12\$ (TWELV) appears in the "prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$12.

(m) Holders of tickets upon which any one of the play symbols is a DELUXE (DELUX6) symbol, and a prize symbol of \$2⁰⁰ (TWO DOL) appears in each of the six "prize" areas, on a single ticket, shall be entitled to a prize of \$12.

(n) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$11\$ (ELEVN) appears in the "prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$11.

(o) Holders of tickets upon which any one of the play symbols is a DELUXE (DELUX6) symbol, and a prize symbol of \$1⁰⁰ (ONE DOL) appears in five of the "prize" areas, and a prize symbol of \$6⁰⁰ (SIX DOL) appears in the remaining "prize" area, on a single ticket, shall be entitled to a prize of \$11.

(p) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$7⁰⁰ (SVN DOL) appears in the "prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$7.

(q) Holders of tickets upon which any one of the play symbols is a DELUXE (DELUX6) symbol, and a prize symbol of \$1⁰⁰ (ONE DOL) appears in five of the "prize" areas, and a prize symbol of \$2⁰⁰ (TWO DOL) appears in the remaining "prize" area, on a single ticket, shall be entitled to a prize of \$7.

(r) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$6⁰⁰ (SIX DOL) appears in the "prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$6.

(s) Holders of tickets upon which any one of the play symbols is a DELUXE (DELUX6) symbol, and a prize

symbol of \$1⁰⁰ (ONE DOL) appears in each of the six "prize" areas, on a single ticket, shall be entitled to a prize of \$6.

(t) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$3⁰⁰ (THR DOL) appears in the "prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$3.

(u) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$2⁰⁰ (TWO DOL)

appears in the "prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$2.

(v) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$1⁰⁰ (ONE DOL) appears in the "prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Find A 7, 11, Or 21 Symbol In Any Game, Win Prize Shown For That Game. Win With Prizes Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets</i>
\$1 × 2	\$2	21.43	504,000
\$2	\$2	23.08	468,000
\$1 × 3	\$3	50	216,000
\$1 + \$2	\$3	50	216,000
\$3	\$3	50	216,000
DELUXE w/\$1 × 6	\$6	250	43,200
\$1 × 6	\$6	250	43,200
\$2 × 3	\$6	250	43,200
\$3 × 2	\$6	250	43,200
\$6	\$6	250	43,200
DELUXE w/(\$1 × 5) + \$2	\$7	150	72,000
(\$3 × 2) + \$1	\$7	150	72,000
\$7	\$7	150	72,000
DELUXE w/(\$1 × 5) + \$6	\$11	300	36,000
(\$3 × 3) + \$2	\$11	300	36,000
\$2 + \$3 + \$6	\$11	300	36,000
\$11	\$11	300	36,000
DELUXE w/\$2 × 6	\$12	750	14,400
\$2 × 6	\$12	750	14,400
\$3 × 4	\$12	750	14,400
\$6 × 2	\$12	750	14,400
\$12	\$12	750	14,400
DELUXE w/(\$3 × 5) + \$6	\$21	375	28,800
(\$6 × 3) + (\$1 × 3)	\$21	750	14,400
\$7 × 3	\$21	750	14,400
\$21	\$21	750	14,400
DELUXE w/\$7 × 6	\$42	1,000	10,800
(\$12 × 3) + (\$2 × 3)	\$42	1,000	10,800
\$21 × 2	\$42	1,000	10,800
\$42	\$42	1,000	10,800
DELUXE w/(\$7 × 4) + (\$21 × 2)	\$70	4,000	2,700
DELUXE w/(\$11 × 2) + (\$12 × 4)	\$70	4,000	2,700
(\$7 × 4) + (\$21 × 2)	\$70	4,000	2,700
(\$21 × 3) + \$7	\$70	4,800	2,250
\$70	\$70	4,138	2,610
DELUXE w/(\$42 × 4) + (\$21 × 2)	\$210	24,000	450
\$42 × 5	\$210	24,000	450
\$70 × 3	\$210	24,000	450
\$210	\$210	24,000	450
\$2,100	\$2,100	120,000	90
\$21,000	\$21,000	720,000	15

7, 11 Or 21 Play Symbol = Win prize shown for that game.
DELUXE (DELUX6) = Win all 6 prizes shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Deluxe 7-11-21 '08 instant lottery game

tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Deluxe 7-11-21 '08,

prize money from winning Pennsylvania Deluxe 7-11-21 '08 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Deluxe 7-11-21 '08 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Deluxe 7-11-21 '08 or through normal communications methods.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 08-1117. Filed for public inspection June 13, 2008, 9:00 a.m.]

Pennsylvania \$500 A Week For Life Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$500 A Week For Life.

2. *Price:* The price of a Pennsylvania \$500 A Week For Life instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania \$500 A Week For Life instant lottery game ticket will contain one play area containing nine prize play symbols. The prize play symbols and their captions located in the play area are: FREE (TICKET), \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$100 (ONE HUN), \$\$ (DBLS) and LIFE (\$500/WK).

4. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$100 and \$500 a week for life (\$520,000 lifetime minimum).

5. *Approximate Number of Tickets Printed For the Game:* Approximately 24,000,000 tickets will be printed for the Pennsylvania \$500 A Week For Life instant lottery game. A player can win 1 time on a ticket.

6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching prize play symbols of LIFE (\$500/WK) in the play area, on a single ticket, shall be entitled to a prize of \$500 a week for life (\$520,000 lifetime minimum) which shall be paid by an initial cash payment of \$26,000 plus equal annual payments of \$26,000 over the lifetime of the winner and continuing under the provisions of 61 Pa. Code § 811.16

(relating to prizes payable after death of prize winner) until the \$520,000 minimum has been paid. If the winner of the Pennsylvania \$500 A Week For Life prize is younger than 18 years of age, the winner will not begin to receive the prize until the winner reaches 18 years of age. Only one claimant per ticket allowed.

(b) Holders of tickets with three matching prize play symbols of \$100 (ONE HUN) in the play area, on a single ticket, shall be entitled to a prize of \$100.

(c) Holders of tickets with three matching prize play symbols of \$40\$ (FORTY) in the play area, on a single ticket, shall be entitled to a prize of \$40.

(d) Holders of tickets with two matching prize play symbols of \$20\$ (TWENTY) and a \$\$ symbol (DBLS) in the play area, on a single ticket, shall be entitled to a prize of \$40.

(e) Holders of tickets with three matching prize play symbols of \$20\$ (TWENTY) in the play area, on a single ticket, shall be entitled to a prize of \$20.

(f) Holders of tickets with two matching prize play symbols of \$10⁰⁰ (TEN DOL) and a \$\$ symbol (DBLS) in the play area, on a single ticket, shall be entitled to a prize of \$20.

(g) Holders of tickets with three matching prize play symbols of \$10⁰⁰ (TEN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$10.

(h) Holders of tickets with two matching prize play symbols of \$5⁰⁰ (FIV DOL) and a \$\$ symbol (DBLS) in the play area, on a single ticket, shall be entitled to a prize of \$10.

(i) Holders of tickets with three matching prize play symbols of \$5⁰⁰ (FIV DOL) in the play area, on a single ticket, shall be entitled to a prize of \$5.

(j) Holders of tickets with three matching prize play symbols of \$4⁰⁰ (FOR DOL) in the play area, on a single ticket, shall be entitled to a prize of \$4.

(k) Holders of tickets with two matching prize play symbols of \$2⁰⁰ (TWO DOL) and a \$\$ symbol (DBLS) in the play area, on a single ticket, shall be entitled to a prize of \$4.

(l) Holders of tickets with three matching prize play symbols of \$2⁰⁰ (TWO DOL) in the play area, on a single ticket, shall be entitled to a prize of \$2.

(m) Holders of tickets with two matching prize play symbols of \$1⁰⁰ (ONE DOL) and a \$\$ symbol (DBLS) in the play area, on a single ticket, shall be entitled to a prize of \$2.

(n) Holders of tickets with three matching prize play symbols of \$1⁰⁰ (ONE DOL) in the play area, on a single ticket, shall be entitled to a prize of \$1.

(o) Holders of tickets with three matching prize play symbols of FREE (TICKET) in the play area, on a single ticket, shall be entitled to a prize of one Pennsylvania \$500 A Week For Life instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

Get 3 Like Amounts, Win That Prize. Get 2 Like Amounts And A \$\$ Symbol, Win Double That Prize. Win With Prize(s) Of:

	Win:	Approximate Odds Are 1 In:	Approximate No. of Winners Per 24,000,000 Tickets
3—FREE's	FREE \$1 TICKET	12	2,000,000
3—\$1's	\$1	42.86	560,000
3—\$2's	\$2	42.86	560,000
2—\$1's w/\$\$	\$2	37.50	640,000
3—\$4's	\$4	85.71	280,000
2—\$2's w/\$\$	\$4	85.71	280,000
3—\$5's	\$5	75	320,000
3—\$10's	\$10	200	120,000
2—\$5's w/\$\$	\$10	200	120,000
3—\$20's	\$20	600	40,000
2—\$10's w/\$\$	\$20	600	40,000
3—\$40's	\$40	4,800	5,000
2—\$20 w/\$\$	\$40	4,800	5,000
3—\$100's	\$100	2,759	8,700
3—LIFE's	\$500/WK/LIFE	4,800,000	5

\$\$ (DBL\$) = Win double that prize.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania \$500 A Week For Life instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania \$500 A Week For Life, prize money from winning Pennsylvania \$500 A Week For Life instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania \$500 A Week For Life instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania \$500 A Week For Life or through normal communications methods.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 08-1118. Filed for public inspection June 13, 2008, 9:00 a.m.]

Pennsylvania Millionaire Monopoly™ Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Millionaire Monopoly™.

2. *Price:* The price of a Pennsylvania Millionaire Monopoly™ instant lottery game ticket is \$20.

3. *Play Symbols:* Each Pennsylvania Millionaire Monopoly™ instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area, a "YOUR NUMBERS" area and a separate "FAST CASH BONUS" play area containing three "BONUS" areas, "BONUS 1", "BONUS 2" and "BONUS 3" each of which contains either a play symbol or a prize play symbol. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), Tophat symbol (TOPHAT) and a Hotel symbol (HOTEL). The prize play and play

symbols and their captions, located in the "BONUS 1" area of the "FAST CASH BONUS" play area are: \$50\$ (FIFTY), NO BONUS (TRY AGAIN) and TRY AGAIN (NO BONUS). The prize play and play symbols and their captions, located in the "BONUS 2" area of the "FAST CASH BONUS" play area are: \$200 (TWO HUN), NO BONUS (TRY AGAIN) and TRY AGAIN (NO BONUS). The prize play and play symbols and their captions, located in the "BONUS 3" area of the "FAST CASH BONUS" play area are: \$1,000 (ONE THO), NO BONUS (TRY AGAIN) and TRY AGAIN (NO BONUS). The "FAST CASH BONUS" is played separately from the rest of the game.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$2,000 (TWO THO), \$10,000 (TEN THO), \$100,000 (ONEHUNTHO) and \$1MILL (ONE MIL).

5. *Prizes:* The prizes that can be won in this game are: \$20, \$40, \$50, \$100, \$200, \$400, \$500, \$1,000, \$2,000, \$10,000, \$100,000 and \$1,000,000. The prizes that can be won in "FAST CASH BONUS" area are: \$50, \$200 and \$1,000. The \$1,000,000 top prize is paid as a lump-sum, cash payment. A player can win up to 20 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 5,400,000 tickets will be printed for the Pennsylvania Millionaire Monopoly™ instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000,000 (\$1MIL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10,000 (TEN THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Hotel symbol (HOTEL), and a prize symbol of \$500 (FIV HUN) appears in twenty of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$10,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$2,000 (TWO THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Hotel symbol (HOTEL), and a prize symbol of \$100 (ONE HUN) appears in twenty of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$2,000.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which a prize symbol of \$1,000 (ONE THO) appears in the "BONUS 3" area in the "FAST CASH BONUS" play area, on a single ticket, shall be entitled to a prize of \$1,000.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Hotel symbol (HOTEL), and a prize symbol of \$50\$ (FIFTY) appears in twenty of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Hotel symbol (HOTEL), and a prize symbol of \$20\$ (TWENTY) appears in fifteen of the "Prize" areas, and a prize symbol of \$40\$ (FORTY) appears in five of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Hotel symbol (HOTEL), and a prize symbol of \$20\$ (TWENTY) appears in twenty of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$400.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(o) Holders of tickets upon which a prize symbol of \$200 (TWO HUN) appears in the "BONUS 2" area in the "FAST CASH BONUS" play area, on a single ticket, shall be entitled to a prize of \$200.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Tophat symbol (TOPHAT), and a prize symbol of \$100 (ONE HUN) appears under the Tophat symbol (TOPHAT), on a single ticket, shall be entitled to a prize of \$100.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(s) Holders of tickets upon which a prize symbol of \$50\$ (FIFTY) appears in the "BONUS 1" area in the "FAST CASH BONUS" play area, on a single ticket, shall be entitled to a prize of \$50.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$40\$ (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of Your Numbers Match Any Of The Winning Numbers, Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. of Winners Per 5,400,000 Tickets</i>
\$20	\$20	6.67	810,000
\$20 × 2	\$40	30	180,000
\$40	\$40	30	180,000
BONUS 1 w/\$50	\$50	60	90,000
\$50	\$50	60	90,000
\$20 × 5	\$100	300	18,000
\$100 w/TOPHAT	\$100	60	90,000
\$50 × 2	\$100	300	18,000
(BONUS 1 w/\$50) + \$50	\$100	150	36,000
\$100	\$100	300	18,000
\$20 × 10	\$200	3,000	1,800
\$40 × 5	\$200	3,000	1,800
\$50 × 4	\$200	3,000	1,800
(\$100 w/TOPHAT) × 2	\$200	3,000	1,800
\$100 × 2	\$200	3,000	1,800
(BONUS 1 w/\$50) + (\$50 × 3)	\$200	3,000	1,800
BONUS 2 w/\$200	\$200	3,000	1,800
\$200	\$200	3,000	1,800
\$20 × 20 w/HOTEL	\$400	6,000	900
\$40 × 10	\$400	6,000	900
\$100 × 4	\$400	6,000	900
(\$100 w/TOPHAT) × 4	\$400	6,000	900
\$200 × 2	\$400	6,000	900
(BONUS 2 w/\$200) + \$200	\$400	6,000	900
\$400	\$400	6,000	900
(\$20 × 15) + (\$40 × 5) w/HOTEL	\$500	8,000	675
(\$20 × 15) + (\$50 × 4)	\$500	8,000	675
\$50 × 10	\$500	8,000	675
(\$100 w/TOPHAT) + (\$100 × 4)	\$500	8,000	675
\$100 × 5	\$500	8,000	675
(BONUS 1 w/\$50) + (\$50 × 9)	\$500	8,000	675
(BONUS 1 w/\$50) + (BONUS 2 w/\$200) + (\$50 × 5)	\$500	8,000	675
(BONUS 2 w/\$200) + (\$20 × 15)	\$500	8,000	675
\$500	\$500	8,000	675
\$50 × 20 w/HOTEL	\$1,000	15,000	360
(\$100 w/TOPHAT) × 10	\$1,000	15,000	360
\$200 × 5	\$1,000	15,000	360
\$500 × 2	\$1,000	15,000	360
(BONUS 2 w/\$200) + (\$200 × 4)	\$1,000	15,000	360
BONUS 3 w/\$1,000	\$1,000	7,500	720
\$1,000	\$1,000	15,000	360
\$100 × 20 w/HOTEL	\$2,000	24,000	225
\$100 × 20	\$2,000	24,000	225
(\$100 w/TOPHAT) × 10 + (\$200 × 5)	\$2,000	24,000	225
\$200 × 10	\$2,000	24,000	225
\$400 × 5	\$2,000	24,000	225
\$500 × 4	\$2,000	24,000	225
(BONUS 2 w/\$200) + (\$200 × 9)	\$2,000	24,000	225
(BONUS 3 w/\$1,000) + \$1,000	\$2,000	24,000	225
\$2,000	\$2,000	24,000	225
\$500 × 20 w/HOTEL	\$10,000	120,000	45
\$500 × 20	\$10,000	120,000	45

When Any Of Your Numbers Match Any Of The Winning Numbers, Win With Prize(s) Of:

(BONUS 3 w/\$1,000) + (\$1,000 × 9)
 \$10,000
 \$100,000
 \$1,000,000

Win:
 \$10,000
 \$10,000
 \$100,000
 \$1,000,000

Approximate Odds Are 1 In:
 120,000
 120,000
 1,080,000
 1,080,000

Approximate No. of Winners Per 5,400,000 Tickets
 45
 45
 5
 5

TOPHAT (TOPHAT) = Win \$100 automatically.
 HOTEL (HOTEL) = Win all 20 prizes shown.

Prizes, including the top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Millionaire Monopoly™ instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Millionaire Monopoly™, prize money from winning Pennsylvania Millionaire Monopoly™ instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Millionaire Monopoly™ instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Millionaire Monopoly™ or through normal communications methods.

THOMAS W. WOLF,
 Secretary

[Pa.B. Doc. No. 08-1119. Filed for public inspection June 13, 2008, 9:00 a.m.]

Realty Transfer Tax; 2007 Common Level Ratio Real Estate Valuation Factors

The following real estate valuation factors are based on sales data compiled by the State Tax Equalization Board in 2007. These factors are the mathematical reciprocals of the actual common level ratio. For Pennsylvania Realty Transfer Tax purposes, these factors are applicable for documents accepted from July 1, 2008, to June 30, 2009, except as indicated. The date of acceptance of a document is rebuttably presumed to be its date of execution, that is, the date specified in the body of the document as the date of the instrument (61 Pa. Code § 91.102 (relating to acceptance of documents)).

County	Common Level Ratio Factor
Adams	4.55
Allegheny	1.16
Armstrong	2.87
Beaver	3.43
Bedford	6.45
Berks	1.52
Blair	12.05
Bradford	2.79
Bucks	10.64
Butler	10.75
Cambria	3.01
Cameron	2.85
Carbon	3.20
Centre	3.62
Chester	1.93
Clarion	5.16
Clearfield	5.68
Clinton	4.51
Columbia	3.76
Crawford	2.98
Cumberland	1.26
Dauphin	1.46
Delaware	1.72
Elk	2.49
Erie	1.21
Fayette	1.17
Forest	4.20
Franklin	9.62
Fulton	2.99
Greene	1.24
Huntingdon	8.62
Indiana	5.95
Jefferson	2.05
Juniata	6.33
Lackawanna	6.67
Lancaster	1.36
Lawrence	1.12

<i>County</i>	<i>Common Level Ratio Factor</i>
Lebanon	7.41
Lehigh	3.70
Luzerne	20.83
Lycoming	1.25
McKean	1.13
Mercer	3.52
Mifflin	2.29
Monroe	7.81
Montgomery	1.97
Montour	1.18
Northampton	3.61
Northumberland	4.61
Perry	1.49
Philadelphia	3.55
Pike	6.17
Potter	2.86
Schuylkill	2.68
Snyder	5.05
Somerset	2.98
Sullivan	1.55
Susquehanna	2.97
Tioga	1.37
Union	1.16
Venango	1.04
Warren	2.96
Washington	7.58
Wayne	1.37
Westmoreland	4.90
Wyoming	5.03
York	1.32

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 08-1120. Filed for public inspection June 13, 2008, 9:00 a.m.]

DEPARTMENT OF STATE

Bid Opportunities

The Department of State issued RFP No. 107-R-1939056312 to obtain the services of a qualified and approved professional testing organization to develop, prepare, administer and grade licensure examinations for real estate brokers, salespersons, cemetery brokers, rental listing referral agents and builder/owner salespersons and provide related examination administration services to the State Real Estate Commission and candidates. The RFP is available on the Department of General Services web site at www.dgs.state.pa.us. The deadline to submit

proposals to the Department of State Bureau of Finance and Operations is June 23, 2008, at 2 p.m.

PEDRO A. CORTÈS,
Secretary

[Pa.B. Doc. No. 08-1121. Filed for public inspection June 13, 2008, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Sale of Land No Longer Required for Transportation

Berks County SR 0222, Section 002

The Department of Transportation (Department) under section 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 parcel is rectangular in shape, located in the southeast quadrant of SR 3020 (Old Lancaster Pike) and Joseph's Way, in Cumru Township, Berks County. The parcel is approximately 0.238 acre. The sale of the property is in an as is condition.

For further information, contact Bruce Kern, District Property Manager, Department of Transportation, 1002 Hamilton Street, Allentown, PA 18101, (610) 871-4179.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 08-1122. Filed for public inspection June 13, 2008, 9:00 a.m.]

FISH AND BOAT COMMISSION

Transportation and Introduction of VHS-Susceptible Species of Fish into the Commonwealth; Temporary Changes to Fishing Regulations

Viral hemorrhagic septicemia (VHS) is an infectious disease found in a variety of fish species. To prevent the spread of the disease in the Commonwealth, the Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), has taken immediate action to make it unlawful to transport or cause the transportation of VHS-susceptible species of fish, dead or alive, and the parts thereof into this Commonwealth from Illinois, Indiana, Michigan, Minnesota, New York, Ohio and Wisconsin or any other state that the Animal and Plant Health Inspection Service of the United States Department of Agriculture (APHIS) later designates by order or the Commission later defines by notice in the *Pennsylvania Bulletin* as being VHS-affected or VHS-at risk (hereinafter known as Affected or At-Risk States), except when one of the following conditions is met:

(1) The fish are from a group of fish certified as having tested negative for VHS or are from an artificial propagation facility certified as having tested negative for VHS in accordance with the testing protocols adopted by the Department of Agriculture (Department) and approved by the Commission. Persons transporting these fish shall have in their possession, and present upon the request of an officer authorized to enforce the code, a copy of the fish health certification reports for all VHS-susceptible fish being transported or a copy of the fish health certification report for the artificial propagation facility if the fish are from a facility that has been certified as having tested negative for VHS.

(2) The fish are being transported through this Commonwealth and the shipping container (tank, trailer, holding vessel or other container) remains biosecure in transit and the fish are accompanied in transit by documentation stating the point of origin of the fish and the location outside of this Commonwealth to which they are to be delivered.

(3) The fish are being transported to facilities located within the Commonwealth for testing and scientific purposes and the persons transporting the fish have taken adequate measures to prevent escape and to disinfect discharged water and equipment used in the transportation of the fish and the fish are accompanied in transit by documentation stating the point of origin of the fish and the destination to which they are to be delivered for testing or scientific purposes.

(4) The fish are being transported to a slaughter facility, processing plant or restaurant within the Commonwealth and the fish are accompanied in transit by documentation stating the point of origin of the fish and the destination to which they are to be delivered for slaughter, processing or consumption.

(5) The fish are dead, recreationally caught fish that are being transported solely for the purpose of human consumption.

The Executive Director also has taken immediate action to make it unlawful to import or cause the importation of VHS-susceptible fish, dead or alive, and the parts thereof into this Commonwealth from the Canadian provinces of Ontario and Quebec or any other region that APHIS later designates by order as being VHS-affected or VHS-at risk (hereinafter known as Affected or At-Risk Regions), except as follows:

(1) VHS-susceptible species of live salmonid fish may be imported into the United States if the shipment meets the requirements set forth in 50 CFR 16.13(a)(3) and (b) (relating to importation of live or dead fish, mollusks, and crustaceans or their eggs).

(2) VHS-susceptible species of live nonsalmonid fish may be imported into the United States for direct slaughter under an APHIS-issued permit.

The Executive Director also has taken immediate action to make it unlawful to sell in this Commonwealth VHS-susceptible species of fish, dead or alive, and the parts thereof, that were taken from an Affected or At-Risk State or Region, unless the following conditions are met:

(1) The sale meets the requirements of 30 Pa.C.S. § 2507 (relating to sale of certain fish, reptiles and amphibians prohibited).

(2) The fish are from a group of fish certified as having tested negative for VHS or are from an artificial propagation facility certified as having tested negative for VHS in accordance with the testing protocols adopted by the Department and approved by the Commission. Persons selling these fish shall have in their possession, and present upon the request of an officer authorized to enforce the code, either a copy of the fish health certification reports for all VHS-susceptible fish kept at the place of sale or a copy of the fish health certification report for the artificial propagation facility if the fish are from a facility certified as having tested negative for VHS.

The Executive Director also has taken immediate action to make it unlawful to introduce into the waters of the Commonwealth VHS-susceptible species of fish, dead or alive, and the parts thereof, taken from an Affected or At-Risk State or Region unless the fish are from a group of fish certified as having tested negative for VHS or are from an artificial propagation facility certified as having tested negative for VHS in accordance with the testing protocols adopted by the Department and approved by the Commission.

For purposes of these temporary changes, "VHS-susceptible species" shall include the following species as well as any other fish species later designated by APHIS order or Commission notice published in the *Pennsylvania Bulletin*: Bluegill (*Lepomis macrochirus*); Bluntnose Minnow (*Pimephales notatus*); "Bullhead catfishes" (*Ictalurus spp.*); Brown Trout (*Salmo trutta*); Burbot (*Lota lota*); Channel Catfish (*Ictalurus punctatus*); Chinook Salmon (*Oncorhynchus tshawytscha*); Common Carp (*Cyprinus carpio*); "Crappies" (*Pomoxis spp.*); Emerald Shiner (*Notropis atherinoides*); Freshwater Drum (*Aplodinotus grunniens*); Gizzard Shad (*Dorosoma cepedianum*); Largemouth Bass (*Micropterus salmoides*); Lake Trout (*Salvelinus namaycush*); "Whitefishes" (*Coregonus spp.*); Muskellunge (*Esox masquinongy*); Northern Pike (*Esox lucius*); Pumpkinseed (*Lepomis gibbosus*); Rainbow Trout / Steelhead (*Oncorhynchus mykiss*); Rock Bass (*Ambloplites rupestris*); Round Goby (*Appollonia melanostomus*); "Redhorse Suckers" (*Moxostoma spp.*); Smallmouth Bass (*Micropterus dolomieu*); Spottail shiner (*Notropis hudsonius*); Trout-perch (*Percopsis omiscomaycus*); Walleye (*Sander vitreus*); White Bass (*Morone chrysops*); White Perch (*Morone americana*); White Sucker (*Catostomus commersonii*); and Yellow Perch (*Perca flavescens*). The term "VHS-susceptible species" shall include fish that are dead or alive, preserved or unpreserved, and the parts thereof. The term "VHS-susceptible species" does not include the eggs of these species.

The Executive Director has found that this action is necessary and appropriate for the protection, preservation and management of fish. These temporary modifications will go into effect immediately and will remain in effect until January 1, 2009, unless the Commission, by appropriate action, adopts the new regulations. The Commission, under a separate notice of proposed rulemaking, will seek public comments on permanent changes to the Commission's fishing regulations.

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

[Pa.B. Doc. No. 08-1123. Filed for public inspection June 13, 2008, 9:00 a.m.]

Triploid Grass Carp Permit Application

Under 58 Pa. Code § 71.7 (relating to triploid grass carp), the Fish and Boat Commission (Commission) may issue permits to stock triploid grass carp in Commonwealth waters. Triploid grass carp are sterile fish that may, in appropriate circumstances, help control aquatic vegetation. The Commission has determined consistent with 58 Pa. Code § 71.7(e)(3) to seek public input with respect to any proposed stockings of triploid grass carp in waters having a surface area of more than 5 acres.

Interested persons are invited to submit written comments, objections or suggestions about the notice to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 10 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

The following application to stock triploid grass carp in waters having a surface area of greater than 5 acres is currently undergoing staff review:

<i>Applicant</i>	<i>Water</i>	<i>Location of Water</i>	<i>Description of Water</i>	<i>Nature of Vegetation to be Controlled</i>
Blue Mountain Village	Chicola Lake	Ross Township Monroe County	6 acre lake which discharges into Aquashicola Creek	Elodea canadensis Potamogeton crispus

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

[Pa.B. Doc. No. 08-1124. Filed for public inspection June 13, 2008, 9:00 a.m.]

**INDEPENDENT
REGULATORY REVIEW
COMMISSION**

Notice of Filing of Final Rulemaking

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, in Harrisburg, PA at 10:30 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or you can obtain a copy from our web site, www.irrc.state.pa.us.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
16A-6915	State Board of Social Workers, Marriage and Family Therapists and Professional Counselors Biennial Renewal Fees	6/02/08	7/10/08

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 08-1125. Filed for public inspection June 13, 2008, 9:00 a.m.]

INSURANCE DEPARTMENT

The Center for Urologic Care, OC; Hearing

**Appeal of The Center for Urologic Care, OC under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910)
Doc. No. MM08-02-015**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

A hearing is scheduled for July 15, 2008, at 10 a.m. in the Administrative Hearings Office, Room 200, 901 North Seventh Street, Harrisburg, PA. The hearing will be held at the same time as the hearings held in the appeals of Jay Lutins, M. D., MM08-02-016 and Allan B. Schachter, M. D., MM08-02-017.

On or before June 16, 2008, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) names and address of witnesses along with the specialties of experts to be called; and (2) a list and description of documents to be used at the hearing. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office.

Persons with a disability, who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joel Cortes, Human Resources Analyst at (717) 783-2168.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-1126. Filed for public inspection June 13, 2008, 9:00 a.m.]

Jay Lutins, M. D.; Hearing

Appeal of Jay Lutins, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910) Doc. No. MM08-02-016

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

A hearing is scheduled for July 15, 2008, at 10 a.m. in the Administrative Hearings Office, Room 200, 901 North Seventh Street, Harrisburg, PA. The hearing will be held at the same time as the hearings held in the appeals of The Center of Urologic Care, OC, MM08-02-015 and Allan B. Schachter, M. D., MM08-02-017.

On or before June 16, 2008, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) names and address of witnesses along with the specialties of experts to be called; and (2) a list and description of documents to be used at the hearing. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office.

Persons with a disability, who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joel Cortes, Human Resources Analyst at (717) 783-2168.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-1127. Filed for public inspection June 13, 2008, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3

(relating to Special Rules of Administrative Practice and Procedure); The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg and Philadelphia, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Melvin Feltz; file no. 08-169-50615; AAA Mid-Atlantic Insurance Company; doc. no. P08-05-024; July 2, 2008, 10 a.m.

The following hearing will be held in the Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Jerome Zeiger; file no. 08-217-52912; Hartford Insurance Company of the Midwest; doc. no. PH08-05-029; July 25, 2008, 9 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joel Cortes, Human Resources Analyst at (717) 783-2168.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-1128. Filed for public inspection June 13, 2008, 9:00 a.m.]

Allan B. Schachter, M. D.; Hearing

Appeal of Allan B. Schachter, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910) Doc. No. MM08-02-017

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating

to General Rules of Administrative Practice and Procedure); and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

A hearing is scheduled for July 15, 2008, at 10 a.m. in the Administrative Hearings Office, Room 200, 901 North Seventh Street, Harrisburg, PA. The hearing will be held at the same time as the hearings held in the appeals of The Center of Urologic Care, OC, MM08-02-015 and Jay Lutins, M. D., MM08-02-016.

On or before June 16, 2008, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) names and address of witnesses along with the specialties of experts to be called; and (2) a list and description of documents to be used at the hearing. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office.

Persons with a disability, who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joel Cortes, Human Resources Analyst at (717) 783-2168.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-1129. Filed for public inspection June 13, 2008, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The Liquor Control Board seeks the following new site:
Bucks County, Wine & Spirits Store #0912, Holland, PA
Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space in a 1/2 mile radius of the intersection of Buck Road (Route 532) and Holland Swamp Road, Northampton Township, Holland, PA.

Proposals due: July 3, 2008, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: Robert Jolly, (215) 482-9670

Montgomery County, Wine & Spirits Store #4643, Kulpville, PA

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space in a 1/2 mile radius of the intersection of Sumneytown Pike and Forty Foot Road, Towamencin Township, Kulpville, PA.

Proposals due: July 3, 2008, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113

Contact: Robert Jolly, (215) 482-9670
PATRICK J. STAPLETON, III,
Chairperson

[Pa.B. Doc. No. 08-1130. Filed for public inspection June 13, 2008, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule for All Milk Marketing Areas; Flavored 0.5% Milkfat Milk

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on July 2, 2008, at 12 p.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 establishment of minimum resale prices for 0.5% milkfat and below flavored milk.

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 June 17, 2008, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on June 17, 2008, notification of their desire to be included as a party. Parties may indicate in their notices of appearance if alternate means of service, that is, email or fax, are acceptable. Notices of appearance filed electronically should be directed to deberly@state.pa.us.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

1. By 4 p.m. on June 18, 2008, the petitioner shall file with the Board, in person or by mail, one original and eight copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the 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 June 27, 2008, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 4 p.m. on June 30, 2008, parties shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

The Board may exclude witnesses or exhibits of a party that fails to comply with the previous requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

Parties that wish to offer in evidence documents on file with the Board, public documents, or records in other proceedings before the Board, or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, 35.165, 35.167 or 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on June 20, 2008.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

KEITH BIERLY,
Secretary

[Pa.B. Doc. No. 08-1131. Filed for public inspection June 13, 2008, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Order

Public Meeting held
May 22, 2008

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Tyrone J. Christy; Kim Pizzingrilli

Recalculation of the Pennsylvania Telecommunications Relay Service Surcharge; Doc. No. M-00900239F0017 2037418

Order

By the Commission:

In accordance with our May 29, 1990 Order at Docket No. M-00900239, which established the Pennsylvania Telephone Relay Service (Relay)¹ and a surcharge funding mechanism (TRS surcharge); and with Act 34 of 1995, 35 P. S. §§ 6701.1—6701.4,² which established the Telephone Device Distribution Program (TDDP) to be funded by the TRS surcharge and which codified Relay and use of the TRS surcharge funding mechanism; and with Act 174 of 2004, 35 P. S. § 6701.3a, which established the Print Media Access System Program (PMASP) to be funded in part by the TRS surcharge,³ we have completed the 18th annual recalculation of the TRS surcharge as it applies to residence and business wireline access lines for July 1, 2008, through June 30, 2009. The monthly residential and business monthly wireline access line surcharge will be set at \$0.08 and \$0.08, respectively.

¹ Additional information on TRS may be found at www.puc.state.pa.us/telecom/telecom_relay_service.aspx.

² The statutory provisions were also amended by Act 181 of 2002 to be more inclusive of persons with disabilities.

³ PMASP is a reading service for persons with certain vision and physical disabilities. The law is now called the "Universal Telecommunications and Print Media Access Act."

Background

As part of their continuing obligations under the TRS surcharge recalculation process, the local exchange carriers (LECs)⁴ have submitted their wireline access line counts. The total number of wireline access lines, adjusted for Centrex lines, is 6,701,695, which includes 4,246,821 residence wireline access lines and 2,454,874 business wireline access lines. The Relay Provider, AT&T Communications of Pennsylvania, LLC, has submitted the estimated minutes of use and charges for July 1, 2008, through June 30, 2009. Hamilton Telecommunications has submitted the estimated minutes of use report for the captioned telephone relay service (CTRS). The Executive Director of the Office of Vocational Rehabilitation (OVR) in the Department of Labor and Industry has submitted the 2008-2009 TDDP budget and the 2008-2009 PMASP budget. The surcharge also funds the TRS Advisory Board activities and Fund administration costs. U.S. Bank,⁵ the Fund Administrator, has provided a statement of the financial status of the Fund.⁶

Calculation for 2008-2009

Based upon the number of wireline access lines, the projected costs of the programs (Relay, CTRS, TDDP, and PMASP), anticipated Relay Advisory Board expenses and TRS Fund administration costs, and the financial status of the TRS Fund, the 2008-2009 residential and business monthly wireline access line will be set at the surcharge rates of \$0.08 and \$0.08, respectively.⁷ All TRS surcharge revenues shall continue to be remitted to the Fund Administrator.⁸ Since the 2008-2009 surcharge has changed (business rate changed from \$0.09 to \$0.08) from the 2007-2008 surcharge, tariff supplements are required at this time.

Effective July 1, 2008, the monthly surcharge collected shall be remitted and allocated to each fund account on a percentage basis as follows:⁹

	2008-2009 Monthly Surcharge Percentage	
	Residence %	Business %
Relay	98.0	98.0
TDDP	0.0	0.0
PMASP	2.0	2.0
Total Percentage	100.0	100.0

We shall continue our active oversight of the operations of the Pennsylvania Relay, (traditional and captioned telephone) and shall continue to collaborate with OVR

⁴ LEC includes both incumbent local exchange carriers (ILECs) and competitive local exchange carriers (CLECs). This total is further adjusted under a Centrex equivalency formula. One-hundred-forty-eight (148) LECs submitted their current wireline access line counts to the Commission by April 30, 2008. Eighty-three (83) LECs had not submitted their access line counts as of the date of preparation of this order; access line counts for them were estimated for surcharge calculation purposes. If these LECs remain non-compliant, they will be referred to the Commission's Law Bureau prosecutory staff. For the 2007-2008 surcharge year, the Commission's Law Bureau prosecutory staff has issued twenty-eight (28) complaints that are still pending alleging failure to file access line counts.

⁵ As a result of mergers, acquisitions, and name changes, Fund administration has been handled by Hamilton Bank (1990), CoreStates Bank N.A. (1995), First Union National Bank (1999), Wachovia Bank, N.A. (2002), and U.S. Bank Institutional Trust & Custody (2006)

⁶ Separate accounts are maintained for the portions of the surcharge allocated to Relay, TDDP, and PMASP. Relay Advisory Board, CTRS, and outreach activities are funded from the Relay account; Fund administration draws from each respective account.

⁷ The annual expense is based on the estimated annual charges submitted by AT&T Relay, estimated annual TRS Advisory Board expenses, estimated annual compensation to the Fund Administrator, estimated annual charges for CTRS use submitted by Hamilton; and the estimated annual budget for the TDDP and PMASP submitted by OVR.

⁸ LECS shall remit surcharge revenues to U.S. Bank Institutional Trust & Custody, Attn: Sue Massey, EX-PA-WBSP, 50 South 16th Street, 20th Floor, Philadelphia, PA 19102, payable to the "PA Relay Service Fund" and designated for Relay. Wire instructions effective September 11, 2006 can be found on the remittance form.

⁹ The TRS surcharge appears as a single line item on customers' bills but actually has three components (Relay TDDP and PMASP).

and its TDDP administrator¹⁰ to ensure adequate funding for distribution of TDDP equipment to low-income households in accordance with 35 P. S. §§ 6701.3 & 4. We shall also work with OVR to ensure adequate funding for PMASP in accordance with 35 P. S. §§ 6701.3a & 4.

Audits

On May 29, 2003, the Commission authorized an audit of the TRS fund. The scope of this audit has expanded to include the fiscal period ending June 30, 2006. The audit currently includes the 36 months ended April 30, 2006. On August 7, 2003, a Commission Secretarial Letter required AT&T to file, on or before May 1st of each year, a Statement of Actual Underlying Costs of the PA TRS for the period of July 1 of the previous year through June 30 of the current year. The Bureau of Audits is currently auditing the PA TRS underlying costs for the 24 months ended June 30, 2007. The Commission's Bureau of Audits is currently conducting an audit of the TDDP for the 12 months ended June 30, 2007. The results of the audits are reported by Audits.

Conclusion

The Commission has completed the 18th annual recalculation of the TRS Surcharge. The surcharge to be applied beginning July 1, 2008, through June 30, 2009, will be set at \$0.08 for residential and business wireline access lines. This surcharge recalculation factors in costs estimates for TRS, TDDP, and PMASP operations; *Therefore,*

It Is Ordered That:

1. For the period of July 1, 2008, through June 30, 2009, the residence surcharge per wireline access line per month shall be \$0.08 and the business surcharge per wireline access line per month shall be \$0.08, unless we take further action to revise the TRS surcharge prior to June 30, 2009.

2. All local exchange carriers are directed to use the attached form to remit the monthly TRS surcharge collections to U.S. Bank, Institutional Trust & Custody.

3. All incumbent local exchange carriers and competitive local exchange carriers are directed to file revised tariff supplements to become effective July 1, 2008, on at least one day's notice, which reflect the residence and business surcharge in accordance with Ordering Paragraph No. 1, above.

4. A copy of this Order be served upon all local exchange carriers, AT&T Communications Company of Pennsylvania, LLC, U.S. Bank Institutional Trust & Custody, the Office of Vocational Rehabilitation in the Department of Labor and Industry, the Office of Consumer Advocate, the Office of Small Business Advocate, and the Pennsylvania Telephone Association.

5. A copy of this Order be published in the *Pennsylvania Bulletin*.

6. A copy of this Order be posted to the Commission's web site.

By the Commission:

JAMES J. MCNULTY,
Secretary

¹⁰ As of January 1, 2007, the TDD program is administered by Pennsylvania's Initiative on Assistive Technology (PIAT), Institute on Disabilities, Temple University (IDT).

REMITTANCE FORM FOR MONTHLY TRS SURCHARGE COLLECTIONS

Effective July 1, 2008 through June 30, 2009
M-00900239F0017 Bp8 CaseID 2037418

All local service providers are required to collect and remit the TRS surcharge revenue monthly, by the 20th of each month. It is advisable to use the following format for the monthly remittance:

Pennsylvania TRS Surcharge

For the Month Ending _____

Number of **Residential** access lines _____
× \$0.08 per line _____

Allocated:
TRS Relay 98.0 percent _____
TDDP 0.0 percent _____
PMASP 2.0 percent _____

Number of **Business** access lines _____
× \$0.08 per line _____

Allocated:
TRS Relay 98.0 percent _____
TDDP 0.0 percent _____
PMASP 2.0 percent _____

Total Remittance _____

Make check payable to: Pennsylvania TRS Fund

Mail Report and payment to:
U.S. Bank Institutional Trust & Custody
Sue Massey
EX-PA-WBSP
50 South 16th Street, 20th Floor
Philadelphia, PA 19102

Wire Instructions:
BANK U.S. Bank N.A.
ADDRESS 60 Livingston Avenue
St. Paul, MN 55107-2292
ABA 091 000 022
BNF ITC Depository South and East
ACCOUNT 173 103 781 832
OBI PA Relay
ATTN: Sue Massey

Remittance for: Company Name(s): _____
Contact Person: _____
Voice Phone (____) _____
Number: FAX: (____) _____
E-mail address _____

Authorized Signature: _____ *Date:* _____

Please direct any questions regarding the TRS Surcharge remittance to Eric Jeschke at (717) 783-3850 or ejeschke@state.pa.us.

[Pa.B. Doc. No. 08-1132. Filed for public inspection June 13, 2008, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by June 30, 2008. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

A-2008-2039886. Royal Transportation, LLC (3639 St. Lawrence Avenue, Reading, Berks County, PA 19606), a limited liability company of the Commonwealth—persons in airport transfer service, from points in Berks County, to the Philadelphia International Airport, located in the City and County of Philadelphia and the Township of Tincum, Delaware County; to the Harrisburg International Airport, located in the Township of Lower Swatara, Dauphin County; to the Allentown-Bethlehem International Airport, located in the Township of Handover, Lehigh and Northampton Counties, and to the Reading Regional Airport, located in the Township of Bern, Berks County.

A-2008-2041583. Norman L. Maser (465 Noble Road, Atglen, Chester County, PA 19310)—persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster and Chester Counties, to points in Pennsylvania, and return.

A-2008-2041596. Starz Transportation, LLC (2233 Gettysburg Drive, Aston, Delaware County, PA 19014)—a limited liability corporation of the Commonwealth—in limousine service, from points in the Counties of Bucks, Chester, Delaware and Montgomery, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* Gerald S. Segal, The Windsor, Penthouse Suite, 1700 Ben Franklin Parkway, Philadelphia, PA 19103.

Application of the following for approval of the *additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.*

A-2008-2042713. Phantom Shadow Limousines and Sedan Services, LLC (25 South Queen Street, Shipensburg, Cumberland County, PA 19115)—a limited liability corporation of the Commonwealth—in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Franklin, Fulton, Adams, Cumberland and Dauphin, to

points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* Stacy M. Pineo, 946 Lincoln Way East, Chambersburg, PA 17201.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-1133. Filed for public inspection June 13, 2008, 9:00 a.m.]

Telecommunications

A-2008-2043032. Verizon North, Inc. and TeleQuality Communications, Inc. Joint petition of Verizon North, Inc. and TeleQuality Communications, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and TeleQuality Communications, Inc., by its counsel, filed on May 23, 2008, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and TeleQuality Communications, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-1134. Filed for public inspection June 13, 2008, 9:00 a.m.]

Telecommunications

A-2008-2044060. Verizon Pennsylvania, Inc. and TeleQuality Communications, Inc. Joint petition of Verizon Pennsylvania, Inc. and TeleQuality Communications, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and TeleQuality Communications, Inc., by its counsel, filed on May 23, 2008, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the

Verizon Pennsylvania, Inc. and TeleQuality Communications, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-1135. Filed for public inspection June 13, 2008, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Hearing Scheduled

A hearing has been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of claimants' requests concerning the indicated accounts.

The hearing will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

July 30, 2008 Paula Harte-Bielecki 1 p.m.
(Multiple Service)

Persons with a disability, who wish to attend the previously-listed hearing, and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Marilyn Fuller-Smith, Assistant to the Executive Director at (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with

1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure), unless specific exemption is granted.

JEFFREY B. CLAY,
Executive Director

[Pa.B. Doc. No. 08-1136. Filed for public inspection June 13, 2008, 9:00 a.m.]

STATE BOARD OF EDUCATION

Schedule of Meetings for 2009

The regular meetings of the State Board of Education (Board), Councils of Basic and Higher Education and the State Board for Vocational Education will be held on the following dates:

January 21—22, 2009
March 18—19, 2009
May 20—21, 2009
July 15—16, 2009
September 16—17, 2009
November 18—19, 2009

Unless due and timely notice to the contrary is given, these meetings will be held in the Conference Rooms on the Lobby Level and First Floor of the Education Building, 333 Market Street, Harrisburg, PA.

Persons with disabilities needing special accommodations to attend the meetings may contact the Board at (717) 787-3787 at least 24 hours in advance so that arrangements can be made.

This schedule of Meetings as well as future notices of special meetings, hearings and roundtables of the Board, councils and committees will be posted on the Board's web site www.pde.state.pa.us.

For more information contact State Board of Education, 333 Market Street, Harrisburg, PA 17102-0333, (717) 787-3787, 00statebd@psupen.psu.edu.

JIM BUCKHEIT,
Executive Director

[Pa.B. Doc. No. 08-1137. Filed for public inspection June 13, 2008, 9:00 a.m.]