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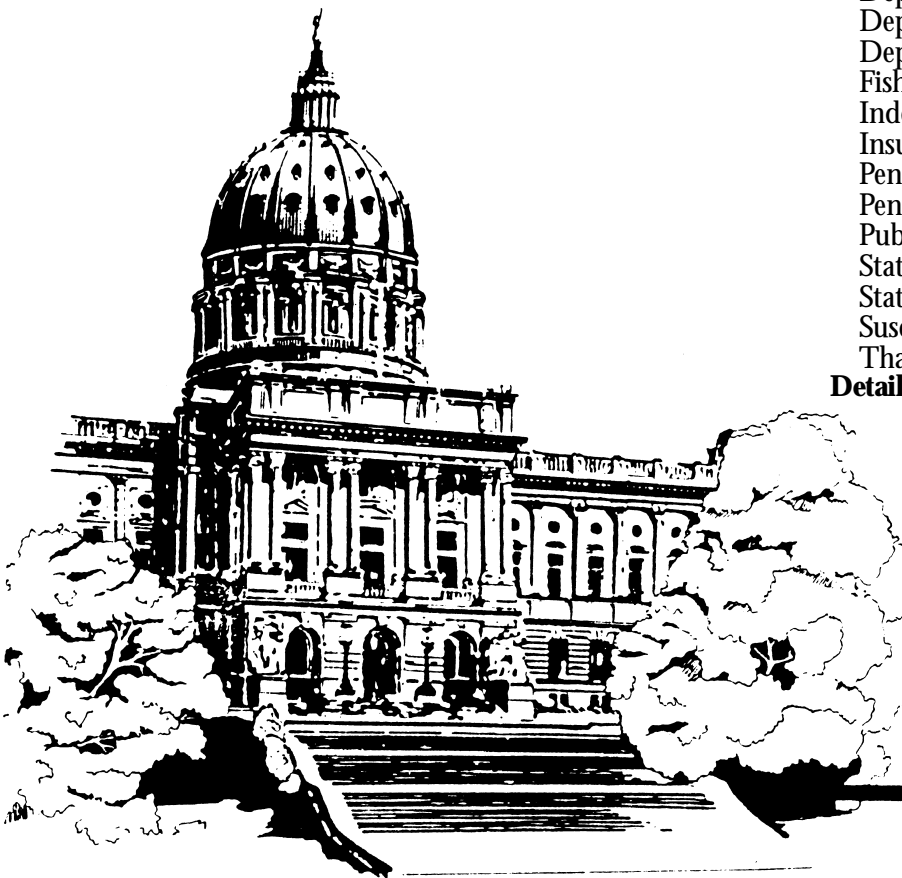
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for the Subject Index
for January—December 2008

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State Board of Education
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Thaddeus Stevens College of Technology

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

No. 410, January 2009

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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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 2009.

22 Pa. Code (Education)	58 Pa. Code (Recreation)
Adopted Rules	Adopted Rules
14 17	443a 21
25 Pa. Code (Environmental Protection)	234 Pa. Code (Rules of Criminal Procedure)
Adopted Rules	Adopted Rules
806 19	4 8
55 Pa. Code (Public Welfare)	237 Pa. Code (Juvenile Rules)
Statements of Policy	Proposed Rules
2600 26	16 9
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THE COURTS

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 4]

Order Amending Rule 462; Criminal Procedural No. 375; Doc. No. 2

Order

Per Curiam:

Now, this 16th day of December, 2008, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interests of justice and efficient administration, 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 Rule of Criminal Procedure 462 is amended as follows.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective February 1, 2009.

Mr. Justice Seamus P. McCaffery dissents.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

CHAPTER 4. PROCEDURES IN SUMMARY CASES

PART F. Procedures in Summary Cases for Appealing to Court of Common Pleas for Trial De Novo

Rule 462. Trial De Novo.

* * * * *

(F) The verdict and sentence, if any, shall be announced in open court immediately upon the conclusion of the trial, **or, in cases in which the defendant may be sentenced to intermediate punishment, the trial judge may delay the proceedings pending confirmation of the defendant's eligibility for intermediate punishment.**

* * * * *

Comment

* * * * *

Pursuant to paragraph (B), the decision whether to appear and assume control of the prosecution of the trial de novo is solely within the discretion of the attorney for the Commonwealth. When no attorney appears at the trial de novo on behalf of the Commonwealth or a municipality, the trial judge may ask questions of any witness who testifies, and the affiant may request the trial judge to ask specific questions. In the appropriate circumstances, the trial judge **also** may [**also**] permit the affiant to question Commonwealth witnesses, cross-examine defense witnesses, and make recommendations about the case to the trial judge.

* * * * *

Paragraph (D) makes it clear that the trial judge may dismiss a summary case appeal when the judge determines that the defendant is absent without cause from

the trial de novo. If the appeal is dismissed, the trial judge should enter judgment and order execution of any sentence imposed by the issuing authority.

Paragraph (F) was amended in 2008 to permit a trial judge to delay imposition of sentence in order to investigate a defendant's eligibility for intermediate punishment for certain offenses, including summary violations of 75 Pa.C.S. § 1543(b) (relating to driving while operating privileges is suspended or revoked, but only if he or she meets certain eligibility requirements, such as undergoing a drug and alcohol assessment. Potentially this information may not be available to the trial judge following a trial de novo at the time of sentencing.

* * * * *

Official Note: Former Rule 86 adopted July 12, 1985, effective January 1, 1986; revised September 23, 1985, effective January 1, 1986; the January 1, 1986 effective dates extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended March 22, 1993, effective January 1, 1994; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; amended February 27, 1995, effective July 1, 1995; amended October 1, 1997, effective October 1, 1998; amended May 14, 1999, effective July 1, 1999; rescinded March 1, 2000, effective April 1, 2001, and paragraph (G) replaced by Rule 462. New Rule 462 adopted March 1, 2000, effective April 1, 2001; amended February 28, 2003, effective July 1, 2003; Comment revised March 26, 2004, effective July 1, 2004; amended January 18, 2007, effective August 1, 2007; **amended December 16, 2008, effective February 1, 2009.**

Committee Explanatory Reports:

* * * * *

NEW RULE 462:

* * * * *

Final Report explaining the December 16, 2008 amendments to permit the delay in sentencing for determination of intermediate punishment status published with the Court's Order at 39 Pa.B. (January 3, 2008).

FINAL REPORT¹

Amendment to Pa.R.Crim.P. 462

DELAY IN SENTENCING FOLLOWING TRIAL DE NOVO IN SUMMARY CASES

On December 16, 2008, effective February 1, 2009, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Rule 462 to permit a common pleas court judge following a trial de novo in a summary case to delay sentencing to determine the defendant's eligibility for intermediate punishment.² These amendments conform the procedures in Rule 462 with the procedures in the summary case rules that were adopted by the Court on January 25, 2007 to permit a delay in sentencing following a guilty plea in a summary case or a summary trial for determination of the availability of intermediate punishment.

¹ The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

² Mr. Justice Seamus P. McCaffery dissents.

Subsequent to the 2007 changes, the Committee discussed whether to add a comparable provision to the trial de novo rule, Rule 462, that would permit the common pleas judge to delay sentencing at the conclusion of the trial de novo in order to determine if the defendant is eligible for intermediate punishment. The Committee noted that Rules 409(C)(4), 414(C)(4), 424(C)(4), and 454(E), prior to the January 25th changes, required the sentence to be imposed at the time the plea is entered or at the conclusion of the trial with no provision for delaying imposition of sentence to determine eligibility for intermediate punishment. Similarly, Rule 462 requires, in the trial de novo following a summary appeal, that sentence be imposed at the time the verdict is announced in open court immediately upon the conclusion of trial. Although the Committee recognized that it is unlikely that a defendant who is accepted into summary intermediate punishment would appeal de novo, the members reasoned what is more likely is that a defendant, who did not receive intermediate punishment, for whatever reason, would appeal de novo. Furthermore, a common pleas judge also might be faced for the first time with a plea bargain of a guilty plea in exchange for receiving intermediate punishment.

A final consideration is that the question of eligibility for intermediate punishment could arise when the common pleas court determines, after the de novo trial, that the defendant is guilty and the judge or defendant seeks intermediate punishment for the first time. In this latter circumstance, the defendant would not have been prescreened prior to the trial de novo. Unless a jurisdiction addresses this situation through local practice, such as not permitting intermediate punishment if found guilty (rather than plead guilty) and always prescreening for eligibility prior to taking a negotiated plea, the situation could arise at common pleas similar to that faced by the magisterial district judges.

In view of these considerations, the Court amended Rule 462 to permit the trial judge following a trial de novo to delay sentencing until such time as a determination could be made as to the availability of intermediate punishment.

[Pa.B. Doc. No. 09-1. Filed for public inspection January 2, 2009, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CH. 16]

Proposed Modified Rule 1607

Introduction

The Juvenile Court Procedural Rules Committee is planning to recommend to the Supreme Court of Pennsylvania that the modification of Rule 1607 be adopted and prescribed. The proposed modified Rule 1607 provides that permanency hearings shall be conducted every 6 months in every case. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory *Report* highlights the intent of the rule. Note that the Committee's *Reports* should not be confused with the official Committee *Comments* to the rules. Also note that the Supreme Court does not adopt the Committee's *Comments* or the contents of the explanatory *Reports*.

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

A. Christine Riscili, Esq.
Staff Counsel
Supreme Court of Pennsylvania
Juvenile Court Procedural Rules Committee
5035 Ritter Road, Suite 700
Mechanicsburg, PA 17055

no later than Monday, February 2, 2009

By the Juvenile Court
Procedural Rules Committee

FRANCIS BARRY MCCARTHY,
Chair

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart B. DEPENDENCY MATTERS

CHAPTER 16. POST-DISPOSITIONAL PROCEDURES

PART B. PERMANENCY HEARING

Rule 1607. Regular Scheduling of Permanency Hearings.

A. *Thirty days.* The court shall conduct permanency hearings within thirty days of:

1) an adjudication of dependency at which the court determined that aggravated circumstances exist and that reasonable efforts to prevent or eliminate the need to remove the child from the child's guardian or to preserve and reunify the family need not be made or continue to be made;

2) a permanency hearing at which the court determined that aggravated circumstances exist and that reasonable efforts to prevent or eliminate the need to remove the child from the child's guardian or to preserve and reunify the family need not be made or continue to be made and the permanency plan for the child is incomplete or inconsistent with the court's determination;

3) an allegation that aggravated circumstances exist regarding a child who has been adjudicated dependent; or

4) a motion alleging that the hearing is necessary to protect the safety or physical, mental, or moral welfare of a dependent child.

B. *Six months.* The court shall conduct a permanency hearing within six months of:

1) the date of the child's removal from the child's guardian for placement pursuant to 42 Pa.C.S. §§ 6324 or 6332, or pursuant to a transfer of legal custody or other disposition pursuant to Rule 1515; or

2) each previous permanency hearing until the child is [returned to the child's guardian or] removed from the jurisdiction of the court pursuant to Rule 1613.

Comment

See 42 Pa.C.S. § 6351(e)(3).

Official Note: Rule 1607 adopted August 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1607 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

EXPLANATORY REPORT*Rule 1607—Regular Scheduling of Permanency Hearing*

The proposed modified Rule 1607 provides for permanency hearings every six months in **every** case. It was brought to the Committee's attention that courts are not reviewing cases in which the child was not removed from the home or the child has been returned to the guardian but the dependency case has not been terminated pursuant to Rule 1613.

If a child is under the court's supervision and living at home, the court shall review those cases to see whether the situation that brought the child under the court's supervision has been resolved, whether the goals of the permanency plan are being met, and whether supervision continues to be necessary.

When the child has been removed from the home, the court shall continue to conduct permanency hearings and make findings consistent with 42 Pa.C.S. § 6351(f) and (f.1).

[Pa.B. Doc. No. 09-2. Filed for public inspection January 2, 2009, 9:00 a.m.]

Title 25—LOCAL COURT RULES

BERKS COUNTY

**Administrative Order Relative to Rule 507 of the
Local Rules of Criminal Procedure; Prothonotary
No. 08-104; Clerk of Courts No. CP-06-AD-
0000025-2008**

Order

And Now, this 5th day of December, 2008, the District Attorney of Berks County hereby certifies that, pursuant to Pennsylvania Rule of Criminal Procedure, No. 507, the District Attorney is requesting that Rule 507 of the Local Rules of Criminal Procedure be amended to hereby require that the following charges also require the approval of an Attorney for the Commonwealth prior to filing. Accordingly, *It Is Ordered* that these additional charges are added as follows:

1. Title 18, Chapter 31, Subsection 3121—Rape.
2. Title 18, Chapter 31, Subsection 3122.1—Statutory Sexual Assault.
3. Title 18, Chapter 31, Subsection 3123—Involuntary Deviate Sexual Intercourse.
4. Title 18, Chapter 31, Subsection 3124.1—Sexual Assault.
5. Title 18, Chapter 31, Subsection 3124.2—Institutional Sexual Assault.
6. Title 18, Chapter 31, Subsection 3125—Aggravated Indecent Assault.

It Is Hereby Ordered that the criminal complaints and arrest warrant affidavits by police officers, as defined in the Rules of Criminal Procedure, shall not hereafter be accepted by any judicial officer unless the complaint and affidavit has the approval of an Attorney for the Commonwealth prior to filing.

This Order shall become effective January 2, 2009.

By the Court

JEFFREY L. SCHMEHL,
President Judge

[Pa.B. Doc. No. 09-3. Filed for public inspection January 2, 2009, 9:00 a.m.]

FAYETTE COUNTY

**Compulsory Arbitration: Initiation, Scheduling,
Hearings and Continuances; Civil Division; No.
3864 of 2008**

Order

And Now, this 16th day of December, 2008, pursuant to Rule 239 of the Pennsylvania Rules of Civil Procedure, it is hereby ordered that the above-stated Local Rule 1303(a) is amended as set forth as follows.

The Prothonotary is directed as follows:

(1) Seven certified copies of the Local Rule shall be filed with the Administrative Office of Pennsylvania Courts.

(2) Two certified copies of the Local Rule shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One certified copy of the Local Rule shall be sent to the State Civil Procedural Rules Committee.

(4) One certified copy shall be sent to the Fayette County Law Library.

(5) One certified copy shall be sent to the Editor of the *Fayette Legal Journal*.

This Local Rule shall be continuously available for public inspection and copying in the Office of the Prothonotary. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule.

This Local Rule shall be effective 30 days after the date of publication in the *Pennsylvania Bulletin*.

By the Court

CONRAD B. CAPUZZI,
President Judge

**Rule 1303. Compulsory Arbitration: Initiation,
Scheduling, Hearings and Continuances.**

(a) The Court Administrator shall designate the third and fourth Tuesday of each calendar month as arbitration day. In the event it conflicts with Criminal or Civil Court Trial Sessions, the Court Administrator shall designate an alternate date and advise all parties thereof.

[Pa.B. Doc. No. 09-4. Filed for public inspection January 2, 2009, 9:00 a.m.]

VENANGO COUNTY

**In the Matter of the Promulgation of Local Rules
Criminal Procedure; MD. No. 81-2008**

Order of the Court

And Now, December 16, 2008, it is hereby *Ordered* and *Decreed* that Venango County Court of Common Pleas

Local Rules of Criminal Procedure 101, 102, 105, 106, 117, 118, 120, 122, 131, 131.1, 211, 507, 528, 528.1, 528.2, 536, 602, 700 and 904 are adopted. These rules shall be continuously available for public inspection and copying in the office of the prothonotary/clerk of courts. Upon request and payment of reasonable costs of reproduction and mailing, the prothonotary/clerk shall furnish to any person a copy of any local rule. The said local rules shall become effective and enforceable thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

By the Court

OLIVER J. LOBAUGH,
President Judge

V.C.R.Crim.P. 101. Construction.

These rules shall be construed using the same rules of construction used in construing the Pennsylvania Rules of Criminal Procedure.

V.C.R.Crim.P. 102. Citing the Local Rules of Criminal Procedure.

These rules shall be cited as "V.C.R.Crim.P. ____."

V.C.R.Crim.P. 105. Local Rules. Noncompliance.

No case shall be dismissed nor request for relief granted or denied because of failure to comply with one or more of these local rules. In any case of noncompliance, the Court will alert the party to the specific provision at issue and will provide a reasonable time for subsequent compliance.

V.C.R.Crim.P. 106. Continuance for Preliminary Hearings.

(A) The court or issuing authority may, in the interest of justice, grant a continuance on its own motion, or on the motion of either party.

(B) A motion for continuance shall be filed on a form as provided by the Central Court Administrator.

(C) The Central Court Administrator shall have authority to grant or deny a motion for continuance filed prior to the date set for the preliminary hearing.

(D) The party requesting or opposing the continuance shall have the right to a review of the Central Court Administrator's decision by the issuing authority if there is an objection to the decision of the Central Court Administrator.

(E) The presiding Magisterial District Judge shall rule on any motion for continuance filed on the date scheduled for the preliminary hearing.

(F) On all cases continued, where the defendant is currently being held on bail, the presiding Magisterial District Judge or issuing authority shall review bail contemporaneously with the motion for continuance.

V.C.R.Crim.P. 117. Continuous Availability of Issuing Authority.

To ensure continuous availability of issuing authorities to provide the services required by the Pennsylvania Rules of Criminal Procedure, the following on-call system of coverage is established by local rule.

Each Magisterial District Judge (MDJ) shall be available to provide services for his or her judicial district on a 24 hour basis from Monday at 8:30 a.m. through Friday at 4:30 p.m.

After-hours coverage for the entire Twenty-Eighth Judicial District shall be from Wednesday at 8:30 a.m. through the following Wednesday at 8:30 a.m. Coverage

shall be by one MDJ that shall be determined on a rotating schedule to be distributed prior to the beginning of each calendar year.

If a MDJ will not be available at any time that he or she may otherwise be required to be available to provide services, the MDJ shall make arrangements with another MDJ to provide coverage during such period of unavailability. Notice of any change in coverage shall be sent/faxed to each police agency, the 911 Emergency Management Agency, and the Venango County Court Administrator.

For purposes of availability under Pennsylvania Rule of Criminal procedure 431(c), Bench Warrants, during regular business hours (8:30—4:30, Monday through Friday), the issuing authority shall determine availability to conduct a bench warrant hearing. After regular business hours, or if the issuing authority is unavailable to conduct a bench warrant hearing during regular business hours, the case shall proceed as if it were a court case in accordance with the procedures set forth in Pa.R.Crim.P. 150.

V.C.R.Crim.P. 118. Use of Two-Way Simultaneous Advanced Communication Technology in Criminal Proceedings.

(A) The issuing authority may use two-way simultaneous audio-visual communication at any criminal proceeding authorized by Pa.R.Crim.P. 118.

(B) For Preliminary Arraignments on arrest without warrant, the arresting agency shall fax a signed copy of the criminal complaint along with the bail questionnaire to the issuing authority. The issuing authority shall prepare all necessary documents and fax them to the arresting agency. The defendant shall be provided a copy of all documents. The video-conference call shall then be conducted between the defendant and the issuing authority. The arresting agency shall deliver to the issuing authority the original signed criminal complaint the next business day.

(C) For Preliminary Arraignments on arrest with a warrant, the arresting agency shall fax a copy of the criminal complaint, bail questionnaire, and signed served warrant to the issuing authority. The procedure will then follow subsection B.

(D) For Search Warrants, the requesting agency shall contact the issuing authority and arrange for a video-conference call. At such time as the video-conference call, the affiant shall swear to the affidavit of probable cause and then sign the search warrant application. The affiant will then fax the signed search warrant application to the issuing authority. The issuing authority will then issue or decline the application for search warrant and shall fax back to the affiant the completed search warrant. The affiant shall deliver to the issuing authority the original signed search warrant application the next business day.

(E) For Arrest Warrants, the affiant and issuing authority shall follow the same procedure as set forth in subsection D.

V.C.R.Crim.P. 120. Representation, Appearance.

An attorney who is representing a defendant at the time of the scheduled preliminary hearing at Venango County Central Court shall enter his/her appearance of record in the Venango County Court of Common Pleas on the form provided. An entry of appearance is not required if the entire court case is dismissed, withdrawn, or otherwise not held for the Court of Common Pleas of Venango County, Pennsylvania. Upon failure of counsel to

enter his or her appearance, it shall be entered into the record by the Magisterial District Court. Thereafter, withdrawals of appearance by counsel shall be in accordance with Pennsylvania Rule of Criminal Procedure 120.

V.C.R.Crim.P. 122. Appointment of Counsel.

(A) Counsel shall be appointed:

(1) In all summary cases, for all defendants who are without financial resources or who are otherwise unable to employ counsel when there is a likelihood that imprisonment will be imposed.

(2) In all summary cases, for all defendants who are without financial resources or who are otherwise unable to employ counsel when there is a likelihood that imprisonment may be imposed in the future for a violation of a condition of the sentence or non-compliance with the sentence imposed.

(B) The Magisterial District Judge shall provide notice to all defendants of their right to counsel on all summary cases as required under subsection (A)(1) and (A)(2) of this Rule and shall include reference to the Public Defender's Office and all necessary information on how to contact them.

(C) This Rule is not to be construed as requiring appointment of counsel when a defendant desires to waive his right to counsel pursuant to Pa.R.Crim.P. 121.

Comment: No defendant may be sentenced to imprisonment or probation if the right to counsel was not afforded at trial. *Alabama v. Shelton*, 535 U.S. 654 (2002).

V.C.R.Crim.P. 131. Locations of Proceedings Before an Issuing Authority.

(A) In addition to the issuing authority's office, preliminary arraignments may be held at the Venango County Courthouse, any Pennsylvania State Police barracks, any municipal police department, the Venango County Prison, and any other location approved by the President Judge.

(B) Preliminary arraignments may be conducted using advanced communication technology pursuant to Pa.R.Crim.P. 540. Approved advanced communications technology sites shall include each Magisterial District Judge's office and home, PSP barracks, all municipal police departments, the Venango County Prison, the Venango County Courthouse, and all approved sites in other counties throughout the Commonwealth.

(C) Preliminary Hearings are to be conducted at the Venango County Courthouse, hereinafter Central Court. Each of the District Court Judges shall preside over cases at Central Court pursuant to a rotating schedule to be distributed prior to the beginning of each calendar year. Preliminary Hearings shall be scheduled for Wednesdays at 8:30 am and 1:30 pm, pursuant to a schedule of police departments as established by the Central Court Administrator. Central Court shall be conducted according to the procedures set forth at V.C.R.Crim.P. 131.1.

V.C.R.Crim.P. 131.1. General Procedures Governing Central Court.

(A) The Sheriff's Deputy assigned to each courtroom shall call the courtroom to order when necessary to maintain proper courtroom decorum. When a Sheriff's Deputy is not available, a member of the Central Court staff shall call court to order at 8:30 a.m., for cases scheduled to commence at that time, and at 1:30 p.m. for cases scheduled to commence at that time, for roll call and at such other times as may be necessary to maintain order.

The Sheriff's Deputy assigned to Central Court shall not be responsible for guarding prisoners unless assigned that duty by the Sheriff of Venango County or his designee.

(B) All defendants shall be present for roll call at 8:30 a.m. and 1:30 p.m. as scheduled, including defendants who are in pre-trial confinement except by prior arrangement with the court.

All defendants who are in pre-trial confinement shall be secured in the designated area by the arresting officer or an officer from the arresting officer's department.

(C) During roll call, all persons shall be quiet and shall remain seated until asked to respond by the presiding Magisterial District Judge. When a defendant's name is called, the defendant shall stand and state the name of his/her attorney and whether they have decided to waive the preliminary hearing, enter a guilty plea or proceed to a preliminary hearing.

(D) Attorneys representing defendants shall be present at roll call at 8:30 a.m. or 1:30 p.m. respectively.

(E) All persons present in the Central Courtroom shall act in a proper manner, which includes prohibition of the following: loud conversations, food or beverages, use of tobacco products or smoking, chewing gum, wearing hats, use of video games, cell phones or pagers with activated sound signals, or other disruptive behavior. Parties in violation of this rule shall be asked to leave the courtroom.

(F) The Magisterial District Judge presiding over preliminary hearings shall begin calling cases for hearings at 9:00 a.m. for those cases scheduled for 8:30 a.m., and 2:00 p.m. for those cases scheduled for 1:30 p.m. Cases shall be called in the order of seniority of membership in the bar of the defendant's attorney, subject to modification at the discretion of the presiding Magisterial District Judge for cause shown. Preference should be given to private counsel in expediting calling cases.

(G) Defendants who are not present by 8:30 a.m. or 1:30 p.m. as scheduled shall have their case proceed per Pa.R.Crim.P. Rule 543.

(H) Witnesses who have been subpoenaed and do not appear for a preliminary hearing may upon request of the attorney for the Commonwealth, have contempt proceedings commence against them if service of the subpoena can be substantiated.

Notice of the contempt of court proceedings against them may be via first class mail or certified mail. It shall be noted on the docket that the witness failed to appear and a contempt of court proceeding may be scheduled for the next Central Court date of the Presiding Magisterial District Judge.

The proceeding may be initiated by a warrant issued to either a constable or police officer, with the contempt of court hearing to commence immediately upon arrest of the individual. If upon arrest of the individual the issuing authority is unavailable, the individual shall be released and notified of the contempt of court proceeding by mail as previously described.

(I) Defendants who have not notified Central Court at or prior to roll call of their decision in regard to having a preliminary hearing, waiving the preliminary hearing or pleading guilty by 9:00 a.m. or 2:00 p.m. shall be treated as if they desire a preliminary hearing.

(J) Motions for continuances shall be submitted in writing to the Central Court Administrator on forms

approved and provided by Central Court. No defendants or witnesses shall be excused until the Motion has been reviewed and approved in writing by the presiding Magisterial District Judge. If the motion is denied and the defendant is not present, it shall result in the case proceeding under Pa.R.Crim.P. Rule 543. If the motion is denied and a witness is not present, the case will move forward without the witness.

(K) All continuance notices shall be mailed to the last known address of all parties involved in a particular case and in compliance with Pa.R.Crim.P. Rule 542.

(L) If a member of the District Attorney's office or a defense attorney asks for a sentencing hearing on a particular guilty plea case, the sentencing hearing shall be conducted in open court at a time set by the presiding Magisterial District Judge.

(M) Defendants who are in pre-trial confinement shall not have contact with anyone except the arresting police officer, their attorney and the attorney for the Commonwealth.

(N) All persons entering the courtroom shall be subject to a reasonable search for weapons and contraband.

(O) In the event that all charges are withdrawn, except for summary offenses, the police officer shall file the summary citation(s) with the appropriate Magisterial District Court. If the other charges are withdrawn as part of a plea agreement, the defendant shall sign the guilty plea portion of the citation and a copy of the plea agreement shall be attached to the citation when it is filed.

(P) All matters not addressed by the Central Court Rules shall be governed by Rules promulgated by either the Supreme Court of Pennsylvania or the President Judge of the Court of Common Pleas of Venango County.

V.C.R.Crim.P. 211. Sealing Search Warrant Affidavits.

(A) When a Judge of the Court of Common Pleas of Venango County issues a Search Warrant and seals the Affidavit, the Judge shall attach a copy of the Order to the outside of the sealed envelope. Said order shall state the length of time the Affidavit shall remain sealed.

(B) The Judge shall cause the sealed Search Warrant Affidavit to be filed with the Clerk of Courts in the Judicial District.

(C) The Clerk of Courts shall establish a system for filing and monitoring said Affidavits.

(D) Forty-eight (48) hours before the recited expiration date, the Clerk of Courts shall forward the sealed documents to the issuing Judge who will then review the matter and, if appropriate, open the file and provide for filing the matter publicly as part of the criminal proceeding, if one has been initiated, or as a distinct proceeding. The Judge shall give notice to the District Attorney twenty-four (24) hours prior of his or her intent to unseal the affidavit.

V.C.R.Crim.P. 507. Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth.

The District Attorney of Venango County having filed a certification pursuant to Pennsylvania Rule of Criminal Procedure 507, criminal complaints and arrest warrant affidavits by police officers, as defined in the Rule of Criminal Procedure, charging the following offenses shall not hereafter be accepted by any judicial officer unless the complaint and affidavit has the approval of an

attorney for the Commonwealth prior to filing. The approval of the attorney for the Commonwealth may be oral. Whenever feasible, such oral approval should be communicated directly to the judicial officer who should make proper notations in the record thereof.

- Criminal Homicide 18 § 2501
- Murder 18 § 2502
- Voluntary Manslaughter 18 § 2503
- Involuntary Manslaughter 18 § 2504
- Causing or Aiding Suicide 18 § 2505
- Drug Delivery Resulting in Death 18 § 2506
- Rape 18 § 3121
- Involuntary Deviate Sexual Intercourse 18 § 3123
- Aggravated Indecent Assault of a Child 18 § 3125(b)
- Indecent Assault of a Child 18 § 3126(7)
- Arson 18 § 3301
- Causing or risking catastrophe 18 § 3302
- Perjury 18 § 4902
- Homicide by Vehicle 75 § 3732
- Homicide by Vehicle While Driving Under the Influence 75 § 3735
- Criminal Attempt, Solicitation or Conspiracy to Commit any of the above listed offenses 18 § 901, 902, 903
- Any criminal complaint and arrest warrant affidavit that charges a minor to be prosecuted as an adult.

V.C.R.Crim.P. 528. Monetary Condition of Release on Bail-Realty as Security.

(A) When realty is offered to satisfy a monetary condition of bail as permitted by Pa.R.Crim.P. 528(D)(3), in full or in combination with other forms of security, a completed affidavit of surety and surety information page (including a warrant of attorney for confession of judgment) must be submitted to the Clerk of Courts. The affidavit and the surety information page shall be in such form as the Clerk of Courts may prescribe from time to time.

(B) The affidavit of surety and the surety information page shall be signed by the defendant and by any and all other owners of the realty being offered as security.

(C) Attached to each affidavit of surety submitted pursuant to paragraph (A), above, shall be the following:

(1) a photocopy of the deed, decree of distribution or other instrument of record, bearing all pertinent recording data, by which title was acquired, and;

(2) a written certification by a lawyer licensed to practice law in the Commonwealth of Pennsylvania certifying the names of the current owners of record of the realty, certifying that good and marketable title is vested in them, and further certifying the nature, holder and unpaid balance of each lien that then encumbers the realty, including, but not limited to, mortgage, judgment and tax liens. A title insurance policy with Venango County appearing as the named insured may be substituted for the lawyer's written certification, and;

(3) evidence of the value of the realty. This can be either a certified copy of the most recent tax assessment or a sworn statement as to the fair market value of the real estate prepared by a licensed real estate appraiser to appraise in the Commonwealth of Pennsylvania.

(D) The Judge or Magisterial District Judge, as the case may be, shall make the determination of whether the value of the property less liens and encumbrances is sufficient to satisfy the monetary condition. For property located outside the Commonwealth but within the United States, the Clerk may impose reasonable conditions designed to perfect the lien. The Clerk shall not accept realty outside the Commonwealth as fulfillment of the monetary condition, in whole or in part, without special approval of Court.

(E) The Judge or the Magisterial District Judge, as the case may be, shall ensure that any realty bond complies with these rules prior to approval of any realty bond.

(F) As final acceptance of the realty as security, the Clerk of Courts shall cause a judgment to be confessed against all owners thereof in the appropriate county in favor of the Commonwealth for the use of Venango County. The Clerk of Courts is hereby authorized to execute all judgment lien releases for property that may be encumbered by the judgment lien but not intended to serve as security, and is further authorized to cause the judgment lien to be marked as satisfied after the full and final disposition of the case. The Clerk shall file a certificate among the papers of the criminal case certifying that judgment has been entered and setting forth the pertinent details of entry.

V.C.R.Crim.P. 528.1. Percentage Cash Bail System.

(A) A defendant charged with a crime in Venango County, or a third party surety who is not a professional bondsman or an agent or representative of a professional bondsman, may if authorized by the issuing authority or the Court execute a bail bond and deposit with the issuing authority or Clerk of Courts by depositing money equal to ten percent (10%) of the amount of bail set, but in no event less than fifty dollars (\$50.00).

(B) The money furnished shall be receipted for, deposited, accounted for, forfeited or returned in accordance with Pennsylvania Rules of Criminal Procedure 535 and 536.

(C) If there has been no forfeiture, upon full and final disposition of the case, the Clerk of Courts or issuing authority shall retain any bail-related fees or commissions authorized by law, and the reasonable costs, if any, of administering the cash bail system. The balance shall be returned to the person who posted the money with the issuing authority or the Clerk of Courts within twenty (20) days of full and final completion of the case. Notice of the full and final disposition shall be sent by the Clerk of Courts to the person who originally posted the money at the address of record upon a full and final completion of the case. Any money not claimed within one hundred eighty (180) days from the date of notice shall be deemed as fees and shall be forfeited to the use of the County of Venango.

V.C.R.Crim.P. 528.2. After Hours Bail.

The Venango County Prison shall be authorized to accept bail and release defendants after normal business hours of the Court and on weekends upon receipt of the amount of monetary bail set by the issuing authority and the proper execution of all necessary documentation. The Warden of the Venango County Prison shall designate the appropriate officer to accept bail and complete all necessary documentation to admit the defendant to bail and release him or her from custody. All necessary forms shall be sent along with the defendant upon his or her commitment to the Venango County Prison by the issuing authority. All money received by the Venango County

Prison for bail shall be transmitted along with a set of signed original bond forms to the issuing authority within forty-eight (48) hours, or if the case has been held for court then to the Clerk of Courts.

V.C.R.Crim.P. 536. Pre-Release Advisory Board (PRAB).

(A) BOARD MEMBERS

(1) The Pre-Release Advisory Board shall consist of the following members:

(i) Director of Court Supervision Services or a representative designated by that person;

(ii) Parole Agent Supervisor of the State Board of Probation and Parole for the parole agents who supervise Venango County or a representative designated by that person;

(iii) Warden of the Venango County Prison or a representative designated by that person;

(iv) a representative from Venango County Mental Health;

(v) a representative from Venango County Drug and Alcohol;

(2) The chairman shall be appointed by a majority of the board and shall maintain that position until such time as a majority of the board requests that a new chairman be appointed.

(3) The Prison Advocate shall be given notice of and permitted to attend all board meetings and act in an advisory capacity for treatment programming.

(B) PURPOSE AND SCOPE

(1) The scope of the Board is to advise the judges and magisterial district judges of the 28th Judicial District on pre-release planning and release decisions for prisoners who are sentenced to the Venango County Prison with a minimum sentence (other than a flat sentence) that exceeds sixty (60) days or confined on a parole revocation order. The Board will at all times be acting as a representative of the court.

(2) The purpose of the Board is to have prisoners considered for parole or re-parole beginning 30 days prior to either the minimum sentence or re-parole eligibility date so that, if possible, the following can occur:

(i) recommended programming is in place at the time of release;

(ii) a determination as to the existence of suitable housing prior to the prisoner's release;

(iii) if appropriate, and as authorized in the sentence order when required under 42 Pa.C.S.A. § 9756 (as amended by Act 81, effective November 24, 2008), that the Prisoner may be released prior to the stated minimum in the case; and

(iv) allow for input regarding the prisoner's institutional behavior.

(3) Nothing in this Rule shall impair a prisoner's right to file a motion for early parole consideration with the Court and having a hearing thereon.

(C) BOARD MEETINGS

(1) The Board shall meet no less than once per month, with the frequency of meetings dictated by the Chairman.

(2) Official action of the Board occurs when a quorum is present. A quorum for this purpose consists of at least the three following persons:

(i) Director of Court Supervision Services or a representative designated by that person;

(ii) Parole Agent Supervisor of the State Board of Probation and Parole for the parole agents who supervise Venango County or a representative designated by that person; and

(iii) Warden of the Venango County Prison or a representative designated by that person.

(3) The Board shall meet at a time and place designated by the Chairman and when applicable will have the following available at that office:

(i) Pre-Sentence Investigations;

(ii) Psychological and Psychiatric reports;

(iii) Counseling assessments;

(iv) Earned time data;

(v) Letters from employers, clergy, or other relevant information made available to the court for sentencing or ordered by the court pursuant to the sentence; and

(vi) Such other information, as in the discretion of any Board member, that may be useful in making recommendations to the court concerning release planning and parole decisions.

(D) GUIDELINES—The Board will develop guidelines for use by the judges and magisterial district judges of this judicial district in establishing minimum periods of incarceration for parolees whose parole has been revoked. The guidelines will be available to the members of the bar, the Prison for reference by prisoners, the parole agents for Venango County, and the Court Supervision Services Officers.

(E) PAROLE REVOCATION PROCEDURE

(1) If the Court makes the finding of a material violation of a condition or conditions of parole and therefore revokes parole, the Court may act in the following manner:

(i) as part of the parole revocation order, the Court shall consider the guidelines in making a determination of the date of eligibility for possible re-parole. This does not preclude the Court from making a determination that the prisoner shall remain incarcerated for the entire balance of that prisoner's sentence.

(ii) If the Court determines that a date of eligibility for re-parole is appropriate, it shall be a date certain and announced in open court and made a part of the revocation Order.

(F) REVIEW BY THE BOARD

(1) Regarding prisoners serving an original sentence of incarceration, including a re-sentence to incarceration following a probation revocation, the Board shall consider their eligibility for release thirty days prior to the expiration of their minimum sentence.

(2) Regarding prisoners recommitted to the Venango County Prison to serve the unexpired term of their sentence following a parole revocation, the Board shall consider those prisoners for re-parole consideration beginning thirty days prior to the date set by the court in the parole revocation order for PRAB review.

(3) Prior to each meeting of the Board, all prisoners shall be identified who are to be considered for release by the Board and the Chairman shall ensure that the names of these prisoners are reported to the other Board members in advance of the meeting.

(G) RECOMMENDATIONS BY THE BOARD

(1) The Board shall review the status of the prisoners being considered for release and make the following recommendations to the Court:

(i) whether the release of the inmate at his minimum or re-parole eligibility date would be appropriate;

(ii) whether the prisoner should be confined for some additional period;

(iii) whether the prisoner may be released before the minimum or re-parole eligibility date to a treatment program or to house arrest, electronic monitoring; and

(iv) otherwise design and articulate any conditions for release of the prisoner and any parole conditions that may be appropriate.

(2) All of the recommendations will be submitted to the court or sentencing magisterial district judge on a form designed by the Board for use by the court in making decisions concerning release of the prisoner.

(3) The judge, or sentencing magisterial district judges, on receiving petitions, motions, and letters requesting release consideration by a prisoner, will refer these to the Board for comment and recommendation. The court may also refer other release questions to the Board, such as furloughs, release for drug treatment and any other special circumstances that the Court may be required to address in managing a prisoner serving a county sentence. However, nothing in this Rule shall impair a prisoner's right to file a Motion for early parole or re-parole consideration with the Court and having a hearing thereon.

(H) FORMS—The Board shall promulgate and the Court shall approve forms to implement this program.

(I) AGENCIES AND OTHER INFORMATION—All agencies that routinely provide the court information shall also make such information available to the Board upon the Board's request as if such request were made by the court. The Board may order assessments from SAP or other providers to assist in making pre-release decisions.

V.C.R.Crim.P. 602. Presence of the Defendant. Transportation from Current Place of Detention.

(A) When a defendant is in detention in any facility other than Venango County Prison, and the defendant is scheduled for an appearance before the Court of Common Pleas of Venango County, the following rules shall apply:

(1) if the defendant is represented by counsel, defense counsel shall petition the court for an order causing the defendant's temporary release from the current place of confinement and causing the defendant to be transported to confinement in the Venango County Jail pending and during the appearance before the Court.

(2) if the defendant is not represented by counsel, the attorney for the Commonwealth shall file such a petition.

(B) The petition may have an appropriate Order attached thereto, and the petition shall be filed no later than ten (10) days before the date of appearance.

V.C.R.Crim.P. 700. Sentencing Judge.

A sentence on a plea of guilty may be imposed by a judge other than the judge who received the plea if the defendant has been so notified at the time of entering the plea or if he agrees thereto at the time of sentencing.

Comment: This rule is not intended to proscribe sentencing by a judge who did not receive the plea.

V.C.R.Crim.P. 904. PCRA Status Conference.

At the time counsel is appointed to represent an indigent defendant for a PCRA proceeding, the Order shall include scheduling a status conference within sixty days of appointment. The District Court Administrator shall be copied on the order and shall schedule the status conference at the time of counsel's appointment.

[Pa.B. Doc. No. 09-5. Filed for public inspection January 2, 2009, 9:00 a.m.]

YORK COUNTY

Common Pleas Criminal Court Case Management System; Payment Plans; No. AD-000025-2008

Administrative Order

And Now, this 12th day of December, 2008, this Court directs that the distribution and allocation of all payments of costs, fines, reparation, restitution, penalties and other remittances relating to criminal cases in the Court of Common Pleas of York County shall occur as follows:

(1) Pursuant to the provisions of the Costs and Fines Administrative Order docketed at CP-67-MD-994-1998, The Office of the Clerk of Courts of York County shall be the designated entity responsible for the collection and allocation of all costs, fines, reparation, restitution, penalties and other remittances imposed and collected as a result of criminal cases in the Court of Common Pleas of York County.

(2) All criminal cases requiring payment of costs, fines, reparation, restitution, penalties and other remittances by a single defendant shall be placed into a single individualized payment plan within the Common Pleas Criminal Court Case Management System (CPCMS). Such payment plans shall be created by the Office of the Clerk of Courts or the Adult Probation Department.

(3) Any criminal cases requiring payment of costs, fines, reparation, restitution, penalties and other remittances by a defendant who has a pre-existing payment plan, shall be incorporated into the defendant's pre-existing payment plan, whereby one payment plan may include multiple cases, unless otherwise ordered by the Court.

(4) Each payment of costs, fines, reparation, restitution, penalties and other remittances made by a defendant or by the Pennsylvania Department of Corrections

or the York County Prison as per Act 84 of 1998 on behalf of the defendant to the Office of the Clerk of Courts shall be distributed according to the defendant's individualized payment plan within CPCMS, whereby each payment shall be applied to the defendant's individual payment plan and shall then be divided and applied among each of the cases within the payment plan, unless otherwise ordered by the Court.

(5) In accordance with the Schedule for Standard Distribution of Funds Collected by the Criminal Division of the Courts of Common Pleas Using the Common Pleas Criminal Court Case Management System (CPCMS) found in 204 Pa. Code § 29.405, the Office of the Clerk of Courts shall distribute all fines costs, reparations, restitution, penalties and other remittances imposed and collected in the prioritized order as set forth in the above mentioned regulation, which is incorporated herein, unless otherwise ordered by the Court.

(6) Each payment of costs, fines, reparation, restitution, penalties and other remittances made by a defendant that is distributed among all of the defendant's cases within the defendant's individualized CPCMS payment plan, shall be allocated in the order proscribed by the above referenced priority list, unless otherwise ordered by the Court.

This Administrative Order shall be effective thirty (30) days after its publication in the *Pennsylvania Bulletin*, and shall govern all matters then pending.

It Is Further Ordered that in accordance with Pa.R.Crim.P. 105, the District Court Administrator shall:

(a) file seven certified copies hereof with the Administrative Office of the Pennsylvania Courts,

(b) distribute two certified copies hereof to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*,

(c) file one certified copy hereof with the Criminal Procedural Rules Committee,

(d) cause a copy hereof to be published in the *York Legal Record* once a week for two successive weeks at the expense of the County of York,

(e) supervise the distribution hereof to all Judges and all members of the Bar of this Court.

By the Court

RICHARD K. RENN,
President Judge

[Pa.B. Doc. No. 09-6. Filed for public inspection January 2, 2009, 9:00 a.m.]

RULES AND REGULATIONS

Title 22—EDUCATION

STATE BOARD OF EDUCATION

[22 PA. CODE CH. 14]

Disciplinary Placements

The State Board of Education (Board) has amended § 14.143 (relating to disciplinary placements) to read as set forth in Annex A.

Public notice of the intention to adopt this final-omitted form rulemaking under the procedures specified in sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (CDL) (45 P. S. §§ 1201 and 1202), has been omitted as authorized under section 204(3) of the CDL (45 P. S. § 1204(3)), because the Board finds that these procedures are, under the circumstances, unnecessary. Public comment is unnecessary because the Consent Decree resolving the litigation captioned *Pennsylvania Association of Retarded Citizens v. Com. of Pennsylvania (PARC)*, C.A. No. 71-42 (E.D. Pa.), as more fully articulated in Attorney General Official Opinion No. 35, 1973 Pa. AG LEXIS 35 (April 23, 1973), requires that certain protections attach to students with mental retardation limiting the circumstances under which they may be excluded from their educational placements without predeprivation due process protections.

Persons affected by this amendment have been given actual notice of the Board's intention to amend § 14.143 in advance of final-omitted form rulemaking under section 204(2) of the CDL. Specifically, all local educational agencies (LEAs) will receive electronic notice by means of PENN LINK transmission. Organizations representing students with disabilities and their parents will be notified in writing.

Statutory Authority

The Board acts under the authority of sections 1372 and 2603-B of the Public School Code of 1949 (24 P. S. §§ 13-1372 and 26-2603-B).

Background

Section 14.143(b) addresses the requirements originally established by the Consent Decree issued in *PARC*. Entered initially on October 7, 1971, and amended February 14, 1972, the *PARC* Consent Decree establishes that any disciplinary removal of a student with mental retardation is a change in educational placement requiring predeprivation due process protections unless extraordinary circumstances are present—specifically, a student cannot be removed unless the student with mental retardation presents a danger to himself or others. Both the version of § 14.143 finally promulgated at 31 Pa.B. 3021, 3029 (June 9, 2001) and the more recent version finally promulgated at 38 Pa.B. 3575, 3586 and 3587 (June 28, 2008), reference certain circumstances under which LEAs would have the authority to suspend students with mental retardation for disciplinary reasons. The 1999 Federal regulation adopted by reference in the 2001 version of § 14.143 describing these circumstances were found in 34 CFR 300.520(a)(2)(i) and (ii) (relating to authority of school personnel), and specifically provided that an LEA may place the child for up to 45 days in an interim alternative educational setting—even if the parents disagree—when a child carries a weapon to school or knowingly possesses or uses drugs or sells or solicits the

sale of a controlled substance on school premises. In the 2004 Federal regulations, the section that contains these “special circumstances” is found in 34 CFR 300.530(g)(1)—(3) (relating to special circumstances) and permits an LEA to place a child in an interim educational setting for up to 45 school days for weapon and drugs infractions (as identified in the 2001 version of § 14.143), as well as for the infliction of a serious bodily injury—even if the parents disagree.

The conflict with the *PARC Consent Decree* in the current configuration of § 14.143(b) arises from the citation to the Federal regulations that were incorporated into § 14.143. Rather than properly referencing specifically 34 CFR 300.530(g)(1)—(3), which describes the special circumstances that were adopted by reference in the 2001 version of § 14.143 and are consistent with the *PARC* Consent Decree, the version of § 14.143(b) finally promulgated on June 28, 2008, references “34 CFR 300.530—300.535 (relating to authority of school personnel; determination of setting; appeal; placement during appeals; protections for children not determined eligible for special education and related services; referral to and action by law enforcement; and judicial authorities).” This broad, six-section citation to and purported incorporation of Federal regulations encompasses the whole *Discipline Procedures* part of the Federal regulations, not just the special circumstances section. That clearly was not the Board's intent, and the citation was a production error.

This all-inclusive reference to Federal regulations governing discipline procedures would suggest that all of the Federal disciplinary procedures apply to students with mental retardation—thus allowing local educational agencies to apply the same disciplinary rules to the *PARC*-protected students that apply to all children with disabilities eligible under the IDEA. However, application of all of these procedures would be inconsistent with the *PARC* Consent Decree, which is binding throughout this Commonwealth. The Board emphatically did not intend to render § 14.143 incompatible with the *PARC* Consent Decree. Thus, it is clear that the reference in § 14.143(b) to the entire Federal regulatory framework governing discipline procedures was clearly a mistake in the production of the regulation and did not accurately reflect the Board's intent.

Since it has at no time indicated the intention to depart from the requirements and limitations of the *PARC* Consent Decree in amending § 14.143, the Board through this final-omitted rulemaking amends § 14.143(b) governing the procedures for the disciplinary exclusion of students with mental retardation to correct the error and to make it facially compatible with the *PARC* Consent Decree. Consistent with the intention of the Board to incorporate by reference only the limited exceptions to the disciplinary exclusion of students with mental retardation found in 34 CFR 300.530(g)(1)—(3), which would be consistent with the *PARC* Consent Decree, this amendment to § 14.143(b) will make subsection consistent with both its predecessor version adopted in 2001 and the provisions of the *PARC* Consent Decree.

A summary of substantive changes is provided as follows:

§ 14.143. Disciplinary placements.

The reference to 34 CFR 300.530—300.535 is deleted. Reference to 34 CFR 300.530(g)(1)—(3) is added in replacement of the deleted language. This change makes

the regulation consistent with the clear intent of the Board to maintain § 14.143(b) in harmony with the *PARC* Consent Decree, as was the previous version of § 14.143(b).

The revised language clarifies that any disciplinary exclusion from school of a student with mental retardation requires predeprivation due process protections except in the special circumstances articulated in 34 CFR 300.530(g)(1)—(3). These special circumstances exist if the student: (1) carries a weapon to or possesses a weapon at school, on school premises or to or at a school function under the jurisdiction of an SEA or an LEA; (2) knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA; or (3) has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA.

Fiscal Impact and Paperwork Requirements

The amendment will have no fiscal impact on the Commonwealth or its political subdivisions because the change will simply continue the requirements that were contained since 2001 in § 14.143(b) relating to disciplinary placements and the exclusion of students with mental retardation.

Effective Date

The final-omitted rulemaking will become effective upon publication in the *Pennsylvania Bulletin*. However, based on the *PARC* Consent Decree, the substance of the final-omitted rulemaking is binding now and has been since § 14.143 was promulgated.

Sunset Date

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 27, 2008, a copy of the final-omitted regulation was submitted to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Committees (Committees) on Education for review and comment. A copy of the final-omitted regulation was submitted on the same date to the Attorney General for review and comment under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(j.1) of the Regulatory Review Act (71 P. S. § 745.5a(j.1)), the final-omitted regulation was deemed approved by the Committees when the General Assembly adjourned sine die. Under section 5.1(e) of the Regulatory Review Act, on December 18, 2008, IRRC met and approved the final-omitted regulation.

Contact Person

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

Findings

The Board finds that:

(1) Public notice of the intention to amend its regulation as adopted by this order under the procedures specified in sections 201 and 202 of the CDL has been

omitted under the authority contained in sections 204(3) of the CDL, because the Board has, for good cause, found that the procedures specified in sections 201 and 202 of the CDL are, in this circumstance, unnecessary because of the Commonwealth's obligations articulated in the *PARC* Consent Decree, as more fully articulated in Attorney General Official Opinion 39 (April 23, 1973).

(2) The amendment of the regulation of the Board in the manner provided in this order is necessary and appropriate for administration of the *Pennsylvania Code* and the Commonwealth's obligations established by the *PARC* Consent Decree.

Order

The Board, acting under authorizing statute, orders that:

(a) The regulations of the Board, 22 Pa. Code Chapter 14, are amended by amending § 14.143 to read as set forth in Annex A.

(b) The Executive Director will submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form as required by law.

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

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

JIM BUCKHEIT,
Executive Director

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 39 Pa.B. 104 (January 3, 2009).)

Fiscal Note: 6-315. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 22. EDUCATION

PART I. STATE BOARD OF EDUCATION

Subpart A. MISCELLANEOUS PROVISIONS

CHAPTER 14. SPECIAL EDUCATION AND PROGRAMS

EDUCATIONAL PLACEMENT

§ 14.143. Disciplinary placements.

(a) Notwithstanding the requirements incorporated by reference in 34 CFR 300.530(b) and 300.536 (relating to authority of school personnel; and change of placement because of disciplinary removals), a disciplinary exclusion of a student with a disability for more than 15 cumulative school days in a school year will be considered a pattern so as to be deemed a change in educational placement.

(b) A removal from school is a change of placement for a student who is identified with mental retardation, except if the student's actions are consistent with 34 CFR 300.530(g)(1)—(3) (relating to authority of school personnel).

[Pa.B. Doc. No. 09-7. Filed for public inspection January 2, 2009, 9:00 a.m.]

Title 25—ENVIRONMENTAL PROTECTION

SUSQUEHANNA RIVER BASIN COMMISSION

[25 PA. CODE CH. 806]

Review and Approval of Projects

This document contains amendments to the project review regulations of the Susquehanna River Basin Commission (Commission) requiring review and approval of any natural gas well development project targeting the Marcellus or Utica shale formations and involving the withdrawal, diversion or consumptive use of waters of the Susquehanna River Basin, adding a provision providing for a specific approval by rule process for consumptive water use associated with such projects, and modifying the definitions of "construction" and "project." In addition, editorial changes are made to the existing approval by rule provision related to the consumptive use of water withdrawn from public water supply systems to make that provision consistent with the new approval by rule provision for natural gas well development projects.

Dates: These rules are effective on January 15, 2009.

Address: Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391.

For Further Information Contact: Richard A. Cairo, General Counsel, (717) 238-0423; fax (717) 238-2436; rcairo@srbc.net. Also, for further information on the final-form rulemaking, visit the Commission's web site at www.srbc.net.

Supplementary Information

Background and Purpose of Amendments

As a result of advances in hydraulic fracturing and higher natural gas prices, natural gas well development activity in the Susquehanna River Basin has increased dramatically in the past year, resulting in a large number of project applications being filed with the Commission seeking approval for the withdrawal and consumptive use of water for that activity. The Commission is hereby adopting a final-form rulemaking action to handle the large and immediate influx of project applications, and to avoid adverse, cumulative adverse or interstate effects to the water resources of the basin.

The final-form rulemaking modifies the definitions of "construction" and "project" for purposes of natural gas well development; requires review and approval of any natural gas well development project involving the withdrawal, diversion, or consumptive use of water; and adds a specific approval by rule process associated with the consumptive use of water by such projects. The Commission's current approval by rule process is available for use only if the sole source of water is a public water supply system. Under this rule change, the new approval by rule process will allow for the consumptive use of wastewater, acid mine water, and other sources of water for natural gas well development projects. The final-form rulemaking will not change the current process used to review groundwater or surface water withdrawals.

In addition, editorial changes are made to the existing approval by rule provision relating to the consumptive use of water withdrawn from public water supply systems to make that provision consistent with the new approval by rule provision for natural gas well development projects.

The Commission convened public hearings on October 21, 2008, in Williamsport, PA and on October 22, 2008, in Binghamton, NY. A written comment period was held open until October 31, 2008. Comments were received at both the hearings and during the comment period, one set coming mainly from the environmental community or those concerned about environmental issues, and another set coming from industry representatives.

Comments from the environmental community expressed concern that an approval by rule process applying to gas well drilling projects would not provide sufficient protection to environmental resources such as aquifers and streams. There was a concern that the approval by rule process would somehow supersede or short cut all other forms of review conducted by the Commission. However, full review and approval will continue to be required for all withdrawals by well drilling projects. To make this point clear, the Commission is adding language to § 806.22(f)(9) of the final-form rulemaking stating that the issuance of an approval by rule for a consumptive use shall not be construed to waive or exempt the project sponsor from obtaining Commission approval for any water withdrawals or diversions subject to review under § 806.4(a).

Several citizens were also concerned that chemicals added to water used for hydro-fracturing will not be treated properly and could somehow cause pollution of aquifers and streams. The Commission does not presently regulate water quality; however, the Commission's member jurisdictions regulate the treatment and disposal of flowback fluids or produced brines from well drilling operations. The Commission is therefore including a provision in § 806.22(f)(8) that requires gas well applicants to certify to the Commission that all such flowback fluids will be treated and disposed of in accordance with applicable State and Federal law. In addition, project sponsors are required under § 806.22(f)(7) to obtain all necessary permits and approvals that are required for the project from other Federal, State or local government agencies having jurisdiction.

Industry comments pointed to various sections of the proposed regulations felt to be either unnecessary or burdensome. While not agreeing with all such comments, the Commission has made the following changes to the final-form rulemaking, which it believes responds adequately to industry concerns:

1. The requirement for approval by rule of natural gas drilling projects in § 806.4(a)(8) is limited to those projects targeting the Marcellus or Utica Shale Formations, unless additional shale formations are identified by the executive director of the Commission in a formal determination under § 806.5. The reference to "other shale formations" in the proposed rulemaking has been deleted.

2. The requirement to submit a Notice of Intent (NOI) "at least 60 days" prior to undertaking a project or increasing a previously approved quantity under § 806.22(f)(2) is removed. Applicants will only be required to submit the NOI prior to such undertaking.

3. In § 806.22(f)(8), project sponsors are required to "certify" that all flowback fluids have been treated and disposed of in accordance with applicable law, instead of having to "demonstrate to the satisfaction of the Commission" that this has been done. Concern was raised that the term "demonstrate" was overly vague. Certification would be subject to laws relating to unsworn falsification to authorities.

4. In § 806.22(f)(10), it is made clear that an approval by rule does not rescind, but merely supersedes any previous consumptive use approval.

5. The provision contained in the proposed rulemaking prohibiting the transfer of § 806.22(f) approvals is deleted, allowing such approvals to be transferred in accordance with the rules applying to any project approval under § 806.6.

In response to a comment from the Commission's member jurisdictions, the term "Executive Director" replaces the term "Commission" in § 806.22(f)(7), (9) and (10) as the entity responsible for issuing an approval by rule and exercising oversight on that approval. Similar changes have been made in § 806.22(e)(1), (6) and (7) to be consistent with this change and to clarify current Commission practice. In response to another comment from member jurisdictions, the notice requirements in § 806.22(f)(3) have been modified to reference the notice requirements contained in § 806.15 that apply to all projects generally, and to require applicants to copy the appropriate agencies of the member state with any NOI submitted under the rule. A final change made in response to the Commission's member jurisdictions was to clarify the language in § 806.22(f)(11) related to the process for obtaining authorization to utilize additional sources of water subsequent to the issuance of an approval by rule.

List of Subjects in 18 CFR Part 806

Administrative practice and procedure, Water resources.

Accordingly, for the reasons set forth in the preamble, 18 CFR part 806 is amended as follows:

PART 806—REVIEW AND APPROVAL OF PROJECTS

1. The authority citation for part 806 continues to read as follows:

Authority: Secs. 3.4, 3.5 (5), 3.8, 3.10 and 15.2, Pub. L. 91-575, 84 Stat. 1509 et seq.

2. In § 806.3, revise the definitions of "construction" and "project" to read as follows:

§ 806.3 Definitions.

* * * * *

Construction. To physically initiate assemblage, installation, erection or fabrication of any facility, involving or intended for the withdrawal, conveyance, storage or consumptive use of the waters of the basin. For purposes of natural gas well development projects subject to review and approval pursuant to § 806.4(a)(8), initiation of construction shall be deemed to commence upon the drilling (spudding) of a gas well, or the initiation of construction of any water impoundment or other water-related facility to serve the project, whichever comes first.

* * * * *

Project. Any work, service, activity, or facility undertaken, which is separately planned, financed or identified by the Commission, or any separate facility undertaken or to be undertaken by the Commission or otherwise within a specified area, for the conservation, utilization, control, development, or management of water resources, which can be established and utilized independently, or as an addition to an existing facility, and can be considered as a separate entity for purposes of evaluation. For purposes of natural gas well development activity, the project shall be considered to be the drilling pad upon which one or more exploratory or production wells are

undertaken, and all water-related appurtenant facilities and activities related thereto.

* * * * *

3. In § 806.4, amend paragraph (a) by adding paragraph (a)(8) to read as follows:

§ 806.4 Projects requiring review and approval.

(a) * * *

* * * * *

(8) Any natural gas well development project in the basin targeting the Marcellus or Utica shale formations, or any other formation identified in a determination issued by the Executive Director pursuant to § 806.5, for exploration or production of natural gas involving a withdrawal, diversion or consumptive use, regardless of the quantity.

* * * * *

4. In § 806.22, revise paragraph (e)(1) introductory text, (e)(1)(ii), (e)(6), (e)(7) and add a new paragraph (f) to read as follows:

§ 806.22 Standards for consumptive uses of water.

* * * * *

(e) * * *

(1) Except with respect to projects involving natural gas well development subject to the provision of paragraph (f) of this section, any project whose sole source of water for consumptive use is a public water supply withdrawal, may be approved by the Executive Director under this paragraph (e) in accordance with the following, unless the Executive Director determines that the project cannot be adequately regulated under this approval by rule:

(i) * * *

(ii) Within 10 days after submittal of an NOI under paragraph (e)(1)(i) of this section, the project sponsor shall submit to the Commission proof of publication in a newspaper of general circulation in the location of the project, a notice of its intent to operate under this approval by rule, which contains a sufficient description of the project, its purposes and its location. This notice shall also contain the address, electronic mail address and telephone number of the Commission.

* * * * *

(6) The Executive Director will grant or deny approval to operate under this approval by rule and will notify the project sponsor of such determination, including the quantity of consumptive use approved.

(7) Approval by rule shall be effective upon written notification from the Executive Director to the project sponsor, shall expire 15 years from the date of such notification, and shall be deemed to rescind any previous consumptive use approvals.

(f) Approval by rule for consumptive use related to natural gas well development.

(1) Any project involving the development of natural gas wells subject to review and approval under §§ 806.4, 806.5, or 806.6 of this part shall be subject to review and approval by the Executive Director under this paragraph (f) regardless of the source or sources of water being used consumptively.

(2) *Notification of Intent:* Prior to undertaking a project or increasing a previously approved quantity of consumptive use, the project sponsor shall submit a Notice of

Intent (NOI) on forms prescribed by the Commission, and the appropriate application fee, along with any required attachments.

(3) Within 10 days after submittal of an NOI under (2) above, the project sponsor shall satisfy the notice requirements set forth in § 806.15 and send a copy of the NOI to the appropriate agencies of the member state.

(4) The project sponsor shall comply with metering, daily use monitoring and quarterly reporting as specified in § 806.30, or as otherwise required by the approval by rule. Daily use monitoring shall include amounts delivered or withdrawn per source, per day, and amounts used per gas well, per day, for well drilling, hydrofracture stimulation, hydrostatic testing, and dust control. The foregoing shall apply to all water and fluids, including additives, flowback and brines, utilized by the project.

(5) The project sponsor shall comply with the mitigation requirements set forth in § 806.22 (b).

(6) Any flowback fluids or produced brines utilized by the project sponsor for hydrofracture stimulation undertaken at the project shall be separately accounted for, but shall not be included in the daily consumptive use amount calculated for the project, or be subject to the mitigation requirements of § 806.22 (b).

(7) The project sponsor shall obtain all necessary permits or approvals required for the project from other federal, state, or local government agencies having jurisdiction over the project. The Executive Director reserves the right to modify, suspend or revoke any approval under this paragraph (f) if the project sponsor fails to obtain or maintain such approvals.

(8) The project sponsor shall certify to the Commission that all flowback and produced fluids, including brines, have been treated and disposed of in accordance with applicable state and federal law.

(9) The Executive Director may grant or deny or condition an approval to operate under this approval by rule and will notify the project sponsor of such determination, including the sources and quantity of consumptive use approved. The issuance of any such approval shall not be construed to waive or exempt the project sponsor from obtaining Commission approval for any water withdrawals or diversions subject to review pursuant to § 806.4 (a).

(10) Approval by rule shall be effective upon written notification from the Executive Director to the project sponsor, shall expire five years from the date of such notification, and supersede any previous consumptive use approvals to the extent applicable to the project.

(11) Subsequent to the issuance of an approval by rule pursuant to paragraph (f)(9) above, authorization to utilize additional sources of water for the project other than those identified in the approval by rule may be obtained as follows:

(i) Water withdrawals or diversions requiring and receiving approval by the Commission pursuant to § 806.4 (a), provided such withdrawal source is approved for such use and is registered with the Commission at least 10 days prior to use on a form and in a manner as prescribed by the Commission.

(ii) Sources of water other than those subject to paragraph (f)(11)(i) of this section, including, but not limited to, public water supply, wastewater discharge or other reclaimed waters, provided such sources are approved prior to use as a modification to the approval by rule. Any

request to modify an approval by rule to utilize such source(s) shall be submitted on a form and in a manner as prescribed by the Commission, and shall be subject to review pursuant to the standards set forth in Subpart C.

Dated: December 11, 2008.

THOMAS W. BEAUDUY,
Deputy Director

Fiscal Note: Fiscal Note 72-6 remains valid for the final adoption of the subject regulation.

(Editor's Note: The regulations of the Commission, 25 Pa. Code Chapter 806, are amended by amending § 806.1 to read as set forth in Annex A.)

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART IV. SUSQUEHANNA RIVER BASIN COMMISSION

CHAPTER 806. REVIEW AND APPROVAL OF PROJECTS

§ 806.1. Incorporation by reference.

The regulations and procedures for review of projects as set forth 18 CFR Part 806 (2009) (relating to review and approval of projects) are incorporated by reference and made part of this title.

[Pa.B. Doc. No. 09-8. Filed for public inspection January 2, 2009, 9:00 a.m.]

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CH. 443a]

Trusteeship

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and specific authority contained in 4 Pa.C.S. §§ 1102(1), (3), (5), (8) and (11) and 1202(a)(1) and (b)(12), (14) and (15) (relating to legislative intent) adds Chapter 443a (relating to trusteeship) to read as set forth in Annex A.

Purpose of the Final-form Rulemaking

This final-form rulemaking adds a new chapter outlining the circumstances under which the Board may appoint a trustee and the obligations, powers and duties of the trustee.

Explanation of Chapter 443a

Section 443a.1 (relating to definitions) defines the terms "trustee" and "trusteeship action" which are used in this chapter.

Section 443a.2 (relating to appointment of trustees) provides that the Board may appoint a trustee in the event of the failure to renew, revocation or suspension of a slot machine licensee's license or a principal's license when the principal controls the slot machine licensee.

Section 443a.3 (relating to qualifications of trustees) requires trustees to obtain a principal license and authorizes the Board to issue a trustee a temporary principal credential under § 435a.8 (relating to temporary credentials for principals and key employees).

Section 443a.4 (relating to bonding of trustees) requires a trustee to obtain a performance bond payable to the Board. The cost of that bond shall be paid by the former or suspended licensee.

Section 443a.5 (relating to effect of the trusteeship on slot machine and principal licensees) bars the former or suspended licensee from exercising any control over the licensed facility or being involved in the financial matters of the licensed facility without prior approval of the Board during the period of the trusteeship.

Section 443a.6 (relating to powers and duties of trustees) sets forth the powers and duties of a trustee that the Board may include in the order appointing the trustee. These powers and duties are typical of what would be necessary to allow a trustee to continue the operation of a licensed facility and allow the Board to maintain effective oversight of the trustee. While the Board anticipates that most or all of these powers and duties will be included in an order appointing a trustee, the Board also recognizes that each trusteeship action will be unique. Therefore, the powers and duties of any trustee will be tailored by the Board order to fit the particular circumstances of the specific situation.

Section 443a.7 (relating to compensation of trustees and payment of costs associated with the trusteeship) establishes that the compensation of a trustee will be set by the Board and that all expenses related to the trusteeship will be reviewed and approved by the Board. Payment of all costs approved by the Board will be the responsibility of the former or suspended licensee.

Section 443a.8 (relating to required reports of the trustees) requires a trustee to file periodic reports with the Board as required by the Board's order. While these reports may contain confidential or proprietary information, this section also provides that copies or portions of these reports may be sent to creditors and that the Board may make summaries of these reports available to the public and post them on the Board's web site.

Section 443a.9 (relating to review of actions of the trustees) allows creditors or parties in interest to file a petition with the Board using the procedures established in § 493a.4 (relating to petitions generally) if they are aggrieved by an alleged breach of a delegated power or duty by the trustee. The petition must provide the relevant facts and the reason why the trustee's actions constitute a breach of the trustee's duties. The Board will review these petitions and take whatever action is determined to be appropriate.

Section 443a.10 (relating to disposition of net earnings during the period of trusteeship) requires that the trustee establish an escrow account into which all net earnings will be deposited during the trusteeship. Payments may not be made from this account without prior approval of the Board. This section also allows the former or suspended licensee to petition the Board for distribution of all or a portion of the net earnings.

Section 443a.11 (relating to payments following a bulk sale) mandates that in the event of the sale or other disposition of all of the property subject to the trusteeship, the Board will conduct a hearing to determine the distribution of the assets remaining after all obligations to this Commonwealth, political subdivisions and other funds set forth in the act have been satisfied.

Section 443a.12 (relating to discontinuation of trusteeship) specifies the circumstances under which a trusteeship may be discontinued.

Comment and Response Summary

Notice of proposed rulemaking was published at 38 Pa.B. 3820 (July 12, 2008).

The Board received comments from HSP Gaming, LP (HSP) during the public comment period. By letter dated September 10, 2008, the Independent Regulatory Review Commission (IRRC) also submitted comments. All of these comments were reviewed by the Board and are discussed in the following paragraphs.

HSP suggested numerous changes, the bulk of which would provide greater clarity in the regulations. The Board agrees with most of the suggestions and has incorporated them into the final-form rulemaking. Examples of these changes include replacing "trustees" with "trustee" in many sections of the regulation to reflect the fact that in most instances only a single trustee will be appointed and adding specific language in § 443a.6(b) requiring the trustee to conserve and preserve the assets of the slot machine licensee.

In a few sections, the Board has not incorporated all of HSP's suggestions. In § 443a.2(a), the Board did not include "has sole control" because there could be a circumstance when there is more than one individual with significant ownership interests, but when only one individual actually has been exercising control over the licensed facility. In § 443a.7(a), most of the suggested revisions were not included because they were not necessary and repeated requirements that appear in subsection (b). In § 443a.10(a), the phrase "during the period of the trusteeship" was not added at the end of the sentence because it appears at the beginning of the sentence.

In its comments, IRRC noted that the citation in § 443a.7(b) appeared to be incorrect.

The Board agrees and has corrected the citation in the final-form regulations.

Additional Revisions

The Board has also made a few additional minor wording changes to improve the clarity of the final-form regulations and for consistency with the revisions made in response to the comments received.

Affected Parties

These final-form regulations will affect any slot machine licensee or principal that controls a slot machine licensee whose license has expired or has been suspended or revoked.

Fiscal Impact

Commonwealth

There will be no new costs or savings to the Board or other Commonwealth agencies as a result of these final-form regulations.

Political Subdivisions

These final-form regulations will have no fiscal impact on political subdivisions of this Commonwealth.

Private Sector

Affected slot machine or principal licensees will be responsible for paying all of the costs associated with the trusteeship. The amount of these costs will vary depending on the size of the licensed facility and the length of the trusteeship.

General Public

These final-form regulations will have no fiscal impact on the general public.

Paperwork Requirements

A trustee will have to complete an application for a principal license, will have to apply for and obtain a performance bond and will have to submit periodic reports to the Board as ordered by the Board.

Effective Date

The final-form rulemaking will become effective upon final-form publication in the *Pennsylvania Bulletin*.

Contact Person

The contact person for questions about this final-form rulemaking is Richard Sandusky, Director of Regulatory Review, at (717) 214-8111.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 25, 2008, the Board submitted a copy of the proposed rulemaking, published at 38 Pa.B. 3820, and a copy of the Regulatory Analysis Form to IRRC and the Chairpersons of the House Gaming Oversight Committee and the Senate Committee on Community, Economic and Recreational Development (Committees).

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), the final-form rulemaking was deemed approved by the Committees on November 19, 2008. Under section 5.1(e) of the Regulatory Review Act (71 P. S. § 745.5a(e)), IRRC met on November 20, 2008, and approved the final-form rulemaking.

Findings

The Board finds that:

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

(2) The final-form rulemaking is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

Order

The Board, acting under 4 Pa.C.S. Part II, orders that:

(a) The regulations of the Board, 58 Pa. Code, are amended by adding §§ 443a.1—443a.12 to read as set forth in Annex A.

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

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

MARY DIGIACOMO COLINS,
Chairperson

Fiscal Note: Fiscal Note 125-87 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart C. SLOT MACHINE LICENSING

CHAPTER 443a. TRUSTEESHIP

- Sec.
- 443a.1. Definitions.
- 443a.2. Appointment of trustees.
- 443a.3. Qualifications of trustees.
- 443a.4. Bonding of trustees.
- 443a.5. Effect of the trusteeship on slot machine and principal licenses.
- 443a.6. Powers and duties of trustees.
- 443a.7. Compensation of trustees and payment of costs associated with the trusteeship.
- 443a.8. Required reports of the trustees.
- 443a.9. Review of actions of the trustees.
- 443a.10. Disposition of net earnings during the period of trusteeship.
- 443a.11. Payments following a bulk sale.
- 443a.12. Discontinuation of trusteeship.

§ 443a.1. Definitions.

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

Trustee—A fiduciary appointed by the Board for the purpose of preserving the viability of a licensed gaming entity, and the integrity of gaming in this Commonwealth.

Trusteeship action—An action brought before the Board for the appointment of a trustee.

§ 443a.2. Appointment of trustees.

(a) Upon the revocation or suspension of a slot machine license or a principal license of an individual who the Board has determined controls a slot machine licensee, the Board may appoint a trustee to assure compliance with the act, this part, and any conditions imposed upon the slot machine license under § 423a.6 (relating to license, permit, registration and certification issuance and statement of conditions).

(b) Upon the failure to renew a slot machine license or a principal license of an individual who the Board has determined controls a slot machine licensee, the Board may appoint a trustee who shall have all of the power and duties granted by the Board until the discontinuation of trusteeship as provided in § 443a.12 (relating to discontinuation of trusteeship).

(c) The Board will have the power to appoint and remove one or more trustees as necessary.

§ 443a.3. Qualifications of trustees.

(a) A trustee shall be required to file an application for and obtain a principal license.

(b) The Board may appoint a trustee and award the trustee a temporary principal credential under § 435a.8 (relating to temporary credentials for principals and key employees) when necessary.

§ 443a.4. Bonding of trustees.

(a) Before assuming duties, a trustee shall execute and file a bond for the faithful performance of the trustee's duties.

(b) The bond required under subsection (a) must be payable to the Board with sureties and in the amount and form as required by Board order.

(c) The cost of the bond required under subsection (a) shall be paid by the former or suspended licensee.

§ 443a.5. Effect of the trusteeship on slot machine and principal licensees.

After the adoption of a trusteeship action, the former or suspended slot machine or principal licensee may not exercise any of its privileges, collect or receive any debts and pay out, sell, assign or transfer any of its property to anyone without prior approval of the Board.

§ 443a.6. Powers and duties of trustees.

(a) The Board's order appointing a trustee will set forth the powers, duties and responsibilities of the trustee. The trustee shall exercise only those powers and perform those duties expressly conferred on the trustee by the Board or this chapter.

(b) A trustee shall have the duty to conserve and preserve the assets of the slot machine licensee.

(c) Subject to the direct supervision of the Board, the written order of the Board described in subsection (a) may vest a trustee with the following powers:

(1) Maintaining and operating the licensed facility in a manner that complies with the act, this part, the slot machine licensee's statement of conditions and the Board's order appointing the trustee.

(2) Maintaining and operating the licensed facility consistent with the measures generally taken in the ordinary course of business including:

(i) Entering into contracts.

(ii) Borrowing money.

(iii) Pledging, mortgaging or otherwise encumbering the slot machine licensee's property; provided that power shall be subject to any provisions and restrictions in any existing credit documents.

(iv) Hiring, firing and disciplining employees.

(v) Settling or compromising with any debtor or creditor of the former or suspended licensee, including any taxing authority.

(3) Exercising the rights and obligations of the former or suspended licensee.

(4) Taking possession of all of the property of the former or suspended licensee, including its books, records and papers.

(5) Establishing accounts with financial institutions, which are not affiliated, owned or otherwise influenced by the former or suspended licensee, to carry out the business of the former or suspended licensee.

(6) Meeting with the former or suspended licensee.

(7) Meeting with principals and key employees at the licensed facility.

(8) Meeting with the independent audit committee, if there is one.

(9) Meeting with the Board's Executive Director and keeping the Board's Executive Director apprised of actions taken and the trustee's plans and goals for the future.

(10) Hiring legal counsel, accountants or other consultants or assistants, with approval of the Board, as necessary to carry out the trustee's duties and responsibilities.

(11) Reviewing outstanding agreements to which the former or suspended licensee is a party and advising the Board as to which, if any, of the agreements should be the subject of scrutiny, examination or investigation by the Board.

(12) Obtaining Board approval prior to any sale, change of ownership, change of control, financial status, restructuring, transfer of assets, execution of a contract or any other action taken outside of the ordinary course of business.

(13) Obtaining Board approval for any payments outside of those in the ordinary course of business.

§ 443a.7. Compensation of trustees and payment of costs associated with the trusteeship.

(a) The Board will establish the compensation of the trustee.

(b) The Board will review and approve reasonable costs and expenses of the trustee, the legal counsel, accountants, or other consultants or assistants hired by the trustee under § 443a.6(a)(10) (relating to powers and duties of trustees) and other persons the Board may appoint in connection with the trusteeship action.

(c) The costs in subsections (a) and (b) shall be paid by the former or suspended licensee.

§ 443a.8. Required reports of the trustees.

(a) A trustee shall file reports with regard to the administration of the trusteeship with the Board in the form and at intervals as the Board orders.

(b) The Board may direct that copies or portions of the trustee's reports be mailed to creditors or other parties in interest and make summaries of the reports available to the public and post them on the Board's web site www.pgcb.state.pa.us.

§ 443a.9. Review of actions of the trustees.

(a) A creditor or party in interest aggrieved by any alleged breach of a delegated power or duty of a trustee in the discharge of the trustee's duties may request a review of the trustee's action or inaction by filing a petition in accordance with § 493a.4 (relating to petitions generally).

(b) The petition must set forth in detail the pertinent facts and the reasons why the facts constitute the alleged breach.

(c) The Board will review any petition filed under this section and take whatever action, if any, it deems appropriate.

§ 443a.10. Disposition of net earnings during the period of trusteeship.

(a) During the period of trusteeship, net earnings, if any, shall be deposited in an escrow account maintained for that purpose.

(b) Distributions of net earnings during the period of trusteeship may not be made by the trustee without the prior approval of the Board.

(c) A suspended or former principal or slot machine licensee may request a distribution of all or a portion of the net earnings during the period of trusteeship by filing a petition in accordance with § 493a.4 (relating to petitions generally). The suspended or former principal or slot machine licensee shall have the burden of demonstrating good cause for the distribution of the net earnings requested.

§ 443a.11. Payments following a bulk sale.

Following the sale, assignment, conveyance or other disposition in bulk of all the property subject to a trusteeship and the payment of all obligations to the Commonwealth and political subdivisions and other funds

set forth in the act, the Board will conduct a hearing to determine the distribution of the remaining assets.

§ 443a.12. Discontinuation of trusteeship.

(a) The Board may direct the discontinuation of a trusteeship when:

(1) The Board determines that the cause for which the trusteeship action was instituted no longer exists.

(2) The trustee has, with the prior approval of the Board, consummated the sale, assignment, conveyance or other disposition in bulk of all the property of the former principal or slot machine licensee relating to the slot machine license.

(b) Upon the discontinuation of the trusteeship and with the approval of the Board, the trustee shall take steps as may be necessary to affect an orderly transfer of the property of the former or suspended principal or slot machine licensee.

[Pa.B. Doc. No. 09-9. Filed for public inspection January 2, 2009, 9:00 a.m.]

STATEMENTS OF POLICY

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 2600]

Personal Care Homes

Subject:

Personal Needs Allowance (PNA) for Residents of Personal Care Homes.

Scope:

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

Purpose:

The purpose of this statement of policy is to announce an increase in the PNA for personal care home residents who receive Supplemental Security Income (SSI), as referenced in §§ 2600.25(c)(1) and 2600.27(a) (relating to resident-home contract; and SSI recipients).

Background:

The PNA is the minimum amount of the resident's own funds that the resident must be permitted to retain for personal expenditures after charges for rent and other services have been paid. The Public Welfare Code (62 P. S. §§ 101—5001.1304) authorizes the Department of Public Welfare (Department) to determine the amount of the PNA. See 62 P. S. § 1057.3(a)(6). The last increase in the PNA was implemented in 1993 to increase the amount from \$30 to \$60.

While personal care homes must provide for each resident's housing, food and personal care needs, residents remain personally responsible for the cost of clothing, transportation, Medicaid and Medicare premiums, medication copayments, and personal purchases, such as snacks and entertainment.

Discussion:

In January 2009, the Federal SSI benefit will increase by \$37 per month. The Department is increasing the PNA

by \$25 per month, from \$60 to \$85, effective January 1, 2009. The remaining \$12 per month from the Federal increase will be available to personal care homes that choose to raise their rent charges.

This increase will have no fiscal impact on the State budget.

Effective Date:

This statement of policy is effective January 1, 2009.

Contact Person:

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

ESTELLE B. RICHMAN,
Secretary

(Editor's Note: The regulations of the Department of Public Welfare are amended by adding a statement of policy in § 2600.25a to read as set forth in Annex A.)

Fiscal Note: 14-BUL-079. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 55. PUBLIC WELFARE

PART IV. ADULT SERVICES MANUAL

Subpart E. RESIDENTIAL AGENCIES/FACILITIES/SERVICES

CHAPTER 2600. PERSONAL CARE HOMES

GENERAL REQUIREMENTS

§ 2600.25a. Personal needs allowance for residents of personal care homes—statement of policy.

The personal needs allowance for residents of personal care homes who receive Supplemental Security Income is \$85.

[Pa.B. Doc. No. 09-10. Filed for public inspection January 2, 2009, 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 December 23, 2008.

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

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
12-19-2008	First Chester County Corporation, West Chester, to acquire 100% of American Home Bank, National Association, Mountville, which will be merged with and into First National Bank of Chester County, West Chester, a wholly-owned subsidiary of First Chester County Corporation	West Chester	Approved

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-18-2008	PeoplesBank, A Codorus Valley Company York York County	124 North Main Street Bel Air Harford County, MD	Opened
12-17-2008	Fulton Bank Lancaster Lancaster County	Princess Anne and Dam Neck Roads Virginia Beach Virginia Beach County, VA	Approved

Branch Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-17-2008	First Columbia Bank & Trust Co. Bloomsburg Columbia County	<i>Into:</i> 232 East Street Bloomsburg Columbia County <i>From:</i> 11 West Main Street Bloomsburg Columbia County	Approved

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-12-2008	Susquehanna Bank Lititz Lancaster County	3600 Fairview Street Routes 22 and 512 Bethlehem Northampton County	Closed

NOTICES

Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
12-17-2008	Penn Liberty Bank Wayne Chester County	Amend section 2 of the Articles of Incorporation	Approved and Effective

Amendment to section 2 provides for a change of the principal place of business of the institution *From*: 353 West Lancaster Avenue, Suite 300, Wayne, PA 19087 *To*: Devon Square One, 724 West Lancaster Avenue, Tredyffrin Township, Chester County, Wayne, PA 19087

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
12-1-2008	TruMark Financial Credit Union Trevose Bucks County	875 Easton Road Warrington Bucks County	Opened

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. 09-11. Filed for public inspection January 2, 2009, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

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

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0063185 (Industrial Waste)	Eldorado Properties Corporation Dupont Bulk Petroleum Storage Terminal 900 Eisenhower Boulevard Harrisburg, PA 17105	Pittston Township Luzerne County	Collins Creek 05A	Y
PA0061654	Wallenpaupack Area School District HC 6 Box 6075 Hawley, PA 18428-9045	Wayne County Dreher Township	Wallenpaupack Creek 01C	N

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0100625	TA Operating Corporation Suite 200 24601 Center Ridge Road Westlake, OH 44145	Brookville Borough Jefferson County	Clement Run 17-C	Y
PA0104141	Jay Township Weedville STP 1766 Redwood Avenue Weedville, PA 15868	Jay Township Elk County	Bennett Branch Sinnemahoning Creek 8-A	Y
PA0033006	Pymatuning State Park 2660 Williamsfield Road Jamestown, PA 16134	West Shenango Township Crawford County	Pymatuning Reservoir Shenango River 20-A	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.

PA0030112, Sewage, SIC 4952, **Methacton School District STP**, 3000 Eagleview Road, Norristown, PA 19403. This proposed facility is located in Worcester Township, **Montgomery County**.

Description of Proposed Activity: Discharge of treated 27,000 gpd sewage STP serving Methacton School located at 1001 Kriebel Mill Road in Worcester Township, Montgomery County.

The receiving stream, a UNT to Skippack Creek, is in the State Water Plan Watershed 3E—Perkiomen Creek and is classified for: TSF. There is no public water supply intake on Skippack Creek. The nearest downstream public water supply intake for Aqua Pennsylvania is located on Perkiomen Creek and is 6 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 27,000 gpd:

<i>Parameters</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	20		40
(11-1 to 4-30)	25		50
Total Suspended Solids	20		40
Ammonia as N			
(5-1 to 10-31)	2.0		4.0
(11-1 to 4-30)	6.0		12.0
Phosphorus as P	1.2		2.4
Fecal Coliform	# 200/100 ml		# 1,000/100 ml
Dissolved Oxygen		Minimum of 5.0 mg/l	
pH (Standard Units)	Within limits of 6.0 to 9.0 Standard Units at all times		
Total Residual Chlorine	0.2		0.5

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

1. Operator Notifications.
2. Operation and Maintenance Plan.
3. TRC Minimization.

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

PA0020273, Sewerage, SIC 4952, **Milton Regional Sewer Authority**, P. O. Box 433, Milton, PA 17847-0433. This existing facility is located in West Chillisquaque Township, **Northumberland County**.

Description of Proposed Activity: This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater.

The receiving stream, West Branch Susquehanna River, is in the State Water Plan Watershed 10D and classified for: WWF. The nearest downstream public water supply intake is the Sunbury Municipal Water Authority located approximately 11 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 3.42 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>				<i>Mass (lbs)</i>	
	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>	<i>Monthly Load</i>	<i>Annual Load</i>
BOD ₅	111	166		222		
TSS	100	150		200		
Total Residual Chlorine	0.5			3.0		
Fecal Coliforms						
(5-1 to 9-30)	200 col/100 ml as a Geometric Mean					
(10-1 to 4-30)	2,000 col/100ml as a Geometric Mean					
pH	Within the range of 6.0 to 9.0					

Chesapeake Bay Tributary Strategy Nutrient Requirements

<i>Parameter</i>	<i>Concentration (mg/l)</i>		<i>Mass (lbs)</i>	
	<i>Monthly Average</i>	<i>Monthly Load</i>	<i>Monthly Load</i>	<i>Annual Load</i>
Ammonia-N	Report	Report		Report
Kjeldahl-N	Report	Report		Report
Nitrate-Nitrate as N	Report	Report		Report
Total Nitrogen	Report	Report		Report
Total Phosphorus	Report	Report		Report
Net Total Nitrogen		Report		63,915*
Net Total Phosphorus		Report		8,329*

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department of Environmental Protection's (Department) Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document No. 392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

In addition to the effluent limits and best management practices, the permit contains the following major permit conditions:

1. Operation and Implementation of a Pretreatment Program.
2. Requirements Applicable to Stormwater Outfalls.

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

PA0215929, Sewage, **Walter L. Houser**, 13448 SR 422, Suite 1, Kittanning, PA 16201. This application is for renewal of an NPDES permit to discharge treated sewage from Mudlick Run Shaft/Portal STP in Washington Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Mudlick Run, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Wheel In Campground.

Outfall 001: existing discharge, design flow of 0.007 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	6.0			12.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0204587, Sewage, **Timothy Braniff**, 108 Front Street, Fallentimber, PA 16639. This application is for renewal of an NPDES permit to discharge treated sewage from Noel-Zimmerman Treatment Plant in White Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Clearfield Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the PA American Water on West Branch of Susquehanna River.

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

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

The EPA waiver is in effect.

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

PA0220876, Sewage, **Identification Systems, Inc.**, 10043 Peach Street, Girard, PA 16417. This proposed facility is located in Elk Creek Township, **Erie County**.

Description of Proposed Activity: This application is for renewal of an NPDES permit to discharge treated sanitary sewage from a small flow treatment facility serving the Caring for Children Day Care Center on SR 18 in Elk Creek Township, Erie County.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, there is no existing/proposed downstream potable water supply to consider until Lake Erie.

The receiving stream, East Branch of Conneaut Creek, is in Lake Erie Watershed and classified for: CWF, MF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.000500 mgd.

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	Monitor and Report		
CBOD ₅	25		50
Total Suspended Solids	30		60
NH ₃ -N			
(5-1 to 10-31)	15.5		31
(11-1 to 4-30)	46.5		93
Dissolved Oxygen		minimum of 3.0 mg/l at all times	
Phosphorus as "P"	1.0		
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	
pH		6.0 to 9.0 Standard Units at all times	
Ultraviolet Light Disinfection		Monitor and Report	

The EPA waiver is in effect.

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

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

WQM Permit No. 4108401, Sewerage 4952, **Jeffery Freezer**, 152 Mchaffey Hollow Road Extension, Linden, PA 17744. This proposed facility is located in Woodward Township, **Lycoming County**.

Description of Proposed Action/Activity: The applicant is proposing to construct and operate a 400 gpd single-residence small flow treatment facility that will discharge to a UNT to Quenshukeny Run, a WWF. The treatment system will be comprised of a 1,000 gallon capacity concrete septic tank, a peat bio-filter and ultraviolet disinfection.

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

WQM Permit No. 6306202, Industrial Waste, **Duquesne Light Company**, 1800 Seymour Street, Pittsburgh, PA 15233. This proposed facility is located in Union Township, **Washington County**.

Description of Proposed Action/Activity: Application for the construction and operation of wastewater treatment facilities and piping of wastewater discharge at the Elrama Ash Disposal site.

WQM Permit No. 0279202-A5, Industrial Waste, **Neville Chemical Company**, 2800 Neville Road, Pittsburgh, PA 15225-1496. This existing facility is located in Neville Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for permit amendment.

WQM Permit No. 3008401, Sewerage, **Greensboro Monongahela Township Joint Sewage Authority**, P. O. Box 342, Greensboro, PA 15338. This proposed facility is located in Monongahela Township, **Greene County**.

Description of Proposed Action/Activity: Application for the construction and operation of the Cabbage Flats/Mapletown sewer system.

WQM Permit No. 5608407, Sewerage, **Borough of Somerset**, 347 West Union Street, Somerset, PA 15501. This proposed facility is located in Somerset Borough, **Somerset County**.

Description of Proposed Action/Activity: Application for the construction and operation of a relief sewer system.

WQM Permit No. 0208408, Sewerage, **The Pittsburgh Water & Sewer Authority**, Penn Liberty Plaza 1, 1200 Penn Avenue, Pittsburgh, PA 15222. This proposed facility is located in the City of Pittsburgh, **Allegheny County**.

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

IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)**V. Applications for NPDES Wavier Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)****VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities**

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 1508077	Holy Ascension Antichian Orthodox Church P. O. Box 921 Frazer, PA 19355	Chester	Charlestown Township	Valley Creek EV
PAI01 2308011	Ashbridge Properties, Inc. 1625 Valley Road Newtown Square, PA 19073	Delaware	Edgmont Township	Rocky Run HQ-CWF-MF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024507008(1)	Pocono Township Supervisors Route 611 P. O. Box 197 Tannersville, PA 18372	Monroe	Pocono and Hamilton Townships	Pocono Creek HQ-CWF Scotrun Creek HQ-CWF Transue Run HQ-CWF Tributary to Scotrun Creek HQ-CWF Swiftwater Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI035008002	Christine Mathna 6525 Creek Road Newport, PA 17074	Perry	Juniata Township	Buffalo Creek HQ-CWF
ESCP-0708801	Kettle Creek Partners, LP P. O. Box 34 301 Plum Creek Road Roaring Spring, PA 16673	Blair	Logan Township	UNT to Sandy Run HQ-CWF

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

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

CAFO Notices of Intent Received

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

Watershed Management Program, PAG122208, James Ayoub Farm, 3933 Lehigh Drive, Northampton, PA 18067. This facility is located in Lehigh Township, **Northampton County**.

The farm of 62.7 acres proposes to raise approximately 4,360 Finishing Swine and eight existing Beef Cow/Calf pairs for a total of 608 Animal Equivalent Units. Swine manure (2,396,995 gallons) will be stored in reinforced concrete storage below the proposed Swine holding facility to be constructed. All excess manure will be exported to crop ground located in the State of New Jersey. The Farm is located near the Indian Creek tributary to Hokendauqua Creek.

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.

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

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

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

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

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

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

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

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Application or Action</i>
Gary Pfleeger 560 Goodman Road Lewisburg, PA 17837	Union	80	533.79	Swine	NA	Application
Jonathan Dietrich 5931 Buffalo Road Mifflinburg, PA 17844	Union	84.2	1,647.8	Swine	NA	Application

**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

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

Permit No. 6708508,	Public Water Supply.
Applicant	United Water Pennsylvania
Municipality	Newberry Township
County	York

Responsible Official	Steven Metzler Senior Project Engineer 4211 East Park Circle Harrisburg, PA 17111
Type of Facility	Public Water Supply
Consulting Engineer	Edward A. Ellinger, P. E. Herbert Rowland Grubic, Inc. 369 East Park Drive Harrisburg, PA 17111
Application Received	November 26, 2008
Description of Action	New Paddletown Well and treatment for Newberry System.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

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

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

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

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

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

Schwartz Property/Highmeadows, 291 Spring Hill Road, Allen Township, **Northampton County**. Terry Harris, Boucher & James, Inc., Fountainville Professional Building, 1456 Ferry Road, Building 500, Doylestown, PA 18901 has submitted a Notice of Intent to Remediate (on behalf of his client, OHI-MH Holdings LP, 1150 South Cedar Crest Boulevard, Allentown, PA 18103), concerning the remediation of groundwater found to have been impacted by unleaded gasoline (MTBE) as a result of an accidental release from an unregulated underground storage tank. The applicant proposes to remediate the site to meet the Statewide Health Standard for groundwater. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

RESIDUAL WASTE GENERAL PERMITS

Renewal of General Permit 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 the Beneficial Use of Residual Waste other than Coal Ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit Application No. WMGR096SE003. Jones & Losito, Inc., P. O. Box 485, 181 Willow Street, Toughkenamon, PA 19374. The beneficial use of regulated fill as construction material at the Reedville Farms site (Cloud Landfill site). The application was deemed administratively complete by the Division of Municipal and Residual Waste on November 17, 2008.

Comments concerning the application should be directed to Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Bureau of Waste Management, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. Public comments must be submitted within 60 days of this notice and may recommend additional conditions or revisions to or approval or denial of the proposed renewal of the general permit.

Persons interested in obtaining more information or obtaining copies of the proposed general permit may contact Peter Arnt of the Division of Municipal and Residual Waste at the previous telephone number. TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Application received under the Solid Waste Management Act (35 P. S. §§ 6018.101–6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101–4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Residual Waste Beneficial Use of Coal Ash. Scrubgrass Generating Company, 6010 Emlenton-Clintonville Road, Emlenton, PA 16373, Scrubgrass Township, Venango County. The notice is an Erosion and Sedimentation Control Plan in accordance with 25 Pa. Code § 287.661 of the Residual Waste Regulations. The notice is for the placement of coal ash to be used as structural fill at the Hovis Truck Service site. The notice was received by the Northwest Regional Office on December 18, 2008.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.

Permit Application No. 101680. Waste Management Disposal Services of Pennsylvania, Inc. (GROWS North Landfill), 1000 New Ford Mill Road, Morrisville, PA 19067. This minor permit modification application is for the modification of the leachate transmission system design at the GROWS North Landfill located in Falls Township, **Bucks County**. The application was received by the Southeast Regional Office on December 5, 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.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Sachin Shankar, New Source Review Chief, (484) 250-5920.

09-0188B: Gamesa Wind PA, LLC (400 Gamesa Drive, Fairless Hills, PA 19030) for operation of a nacelle assembly at an existing wind generator manufacturing plant at USX Industrial Complex in Falls Township, **Bucks County**. The regenerative thermal oxidizer will be equipped with low-NOx burners. This facility is a minor facility. The Plan Approval will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

09-0207: Tower and Metallic Structures, Inc. (400 Gamesa Drive, Fairless Hills, PA 19030) for installing a regenerative thermal oxidizer to control VOC emissions from two existing spray booths and a paint mixing room at an existing wind generator manufacturing plant at USX Industrial Complex in Falls Township, **Bucks County**. This facility is a minor facility. The Plan Approval will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

09-0208B: Fiberblade East, LLC (400 Gamesa Drive, Fairless Hills, PA 19030) for operation of an existing fiber blade manufacturing at an existing wind generator manufacturing plant at USX Industrial Complex in Falls Township, **Bucks County**. This facility is a minor facility. The Plan Approval will contain recordkeeping require-

ments and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

15-0009C: AGC Chemicals Americas, Inc. (255 South Bailey Road, Downingtown, PA 19335) for the installation of a new dedicated scrubber/dust collector system to control emissions from the existing fluidized bed dryer, at their facility located in Caln Township, **Chester County**. This facility is a Minor facility. There will not increase in any emissions due to this modification. The Plan Approval will contain monitoring and recordkeeping requirements to keep the source operating within the allowable emissions and all applicable air quality requirements.

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Sachin Shankar, New Source Review Chief, (484) 250-5920.

23-0003K: ConocoPhillips Company (4101 Post Road, Trainer, PA 19061-3812) for modification of previously issued Plan Approval No. PA-23-0003G for a platformer feed heater revamp project at its Trainer facility in Trainer Borough, **Delaware County**. This facility is a Title V facility. This modification will result in NOx emission increase of 21.89 tpy. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

36-05002D: Armstrong World Industries, Inc. (1067 Dillerville Road, Lancaster, PA 17604) for modification of the existing flooring plant in the City of Lancaster, **Lancaster County**. Existing coating equipment and emission control systems will be replaced by new and relocated replacement equipment. VOC emissions from the plant will be dramatically reduced by the use of water-based inks. Other emissions will not be significantly impacted. The plan approval and subsequent permit amendment will include emission limits along with monitoring, 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.

08-00010A: Global Tungsten & Powders, Corp. (Hawes Street, Towanda, PA 18848-0504) for construction and operation of a new oven, a Precision Quincy Corporation model 92-750-B (AMT Oven, Source ID P149, company ID 001-023), and installation of a scrubber, a Bionomic Industries Counter Current Packed Tower with quench, Model 8, Series 5000, in the Tungsten Chemical Department No. 001 (Building 10) at their facility in North Towanda Township, **Bradford County**. This is a State-only facility.

The Department of Environmental Protection's (Department) review of the information contained in the application submitted by GTP indicates that the oven controlled

by the proposed scrubber will comply with all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the fugitive air contaminant emission requirement of 25 Pa. Code § 123.1, the PM emission limitation of 25 Pa. Code § 123.13, and the visible emission limitation of 25 Pa. Code § 123.41. The plan approval, if issued, will subsequently be incorporated into the State-only operating permit by means of an administrative amendment in accordance with 25 Pa. Code § 127.450 at a later date.

Based upon this finding, the Department proposes to issue a plan approval for the construction of the new oven and the installation of the scrubber to control ammonia emissions from the oven. 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, the ammonia emissions in the exhaust of the Bionomic Industries Counter Current Packed Tower, Model 8, Series 5000 scrubber (ID C149) associated with Source ID P149 shall not exceed 0.17 lbs/hr and 0.6 ton in any 12-consecutive month period.

2. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P149 (AMT Oven) shall only be fired on natural gas.

3. The Bionomic Industries Counter Current Packed Tower, Model 8, Series 5000 scrubber (ID C149) associated with Source ID P149 shall be equipped with instrumentation which continuously monitors the following parameters:

a. the inlet scrubber air temperature (after the quench unit),

b. the pressure drop across the packed bed of the scrubber,

c. the water flow rates through the first and second stage of the scrubber, and

d. the blowdown rate in the first stage of the scrubber.

4. The permittee shall keep records of supporting calculations used to verify compliance with ammonia the emission limitations. These records shall be retained for a minimum of 5 years and shall be presented to the Department upon request.

5. The permittee shall keep records of the following operating parameters of the scrubber (ID C149) at least once per day.

a. the inlet scrubber air temperature (after the quench unit),

b. the pressure drop across the packed bed of the scrubber,

c. the water flow rates through both the first and second stages of the scrubber, and

d. the blowdown rate in the first stage of the scrubber.

These records shall be retained for a minimum of 5 years and shall be presented to the Department upon request.

6. Source ID P149 is an Ammonium Metatungstate, Precision Quincy Corporation Model 92-750-B natural gas fired oven. The air contaminant emissions from Source ID P149 shall be controlled by the quench unit and Bionomic Industries Counter Current Packed Tower, Model 8, Series 5000 scrubber (ID C149).

7. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the scrubbing solution used in the Bionomic Industries Counter Current Packed Tower, Model 8, Series 5000 scrubber (ID C149) shall only be water.

8. Source ID P149 and the Bionomic Industries Counter Current Packed Tower, Model 8, Series 5000 scrubber (ID C149) associated with Source ID P149 shall be operated according to good air pollution control practices.

Upon issuance of the operating permit, the Department reserves the right to establish operating parameters for the pressure drop across the scrubber, the inlet temperature to the scrubber, the water flow rates through both of the first and second stages of the scrubber, and the blowdown rate in the first stage of the scrubber to verify that control device ID C149 is operated in accordance with good air pollution control practices.

A copy of the plan approval application and the Department's review 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.

24-0830: Carbone of America (215 Stackpole Street, Saint Marys, PA 15857) for installation of a new car bottom kiln and thermal oxidizer, and a new scrubber at their facility in the City of Saint Marys, **Elk County**. This is a Title V facility.

Notice is hereby given under 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue Plan Approval 24-0830 to Carbone of America for the installation of a new car bottom kiln and thermal oxidizer, and a new scrubber at the company's facility located at 215 Stackpole Street, City of Saint Marys, Elk County. The facility currently has a Title V permit No. 24-00083. The Plan Approval will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 24-0830 is for the installation of a new car bottom kiln and thermal oxidizer, and a new scrubber which will control emissions from the new kiln and existing kilns CBH 27, 33, 34 and 35. Based on the information provided by the applicant and Department's own analysis, the proposed source will emit an additional 3.89 tons of PM per year, 3.89 tons of VOCs per year and 4.7 tons of SO₂ per year.

Carbone will be required to install a continuous emissions monitoring system on the scrubber exhaust, and also to conduct a stack test of the scrubber to ensure compliance with the SO₂ emission restrictions of this Plan Approval. The Plan Approval will contain additional monitoring, recordkeeping and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, the Department's analysis and other documents used in the evaluation are available for public inspection between 8 a.m. and 4 p.m. weekdays at the address shown. To make an appointment, contact Records Management at (814) 332-6340.

Anyone wishing to provide the Department with additional information they believe should be considered may submit the information to the address shown. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the following:

1. Name, address and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. 24-0830.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to John Guth, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6940.

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.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Muhammad Zaman, Facilities Permitting Chief, (570) 327-0512.

47-00003: The Department of Public Welfare (P. O. Box 700, Danville, PA 17821-0700) for renewal of the Title V Operating Permit for their Danville State Hospital facility in Mahoning Township, **Montour County**. The facility is currently operating under TVOP 47-00003, which was issued September 30, 2003. The facility's sources include 10 combustion units, 17 emergency engine-generators, two aboveground storage tanks and two parts washers. The facility has the potential to emit major quantities of SO₂. The facility has the potential to emit NO_x, CO, PM/PM₁₀, VOCs, combined HAPs and individual HAP emissions below the major emissions thresholds. The proposed Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

49-00003: ACF Industries (P. O. Box 700, Milton, PA 17847-0109) for renewal of the Title V Operating Permit for their facility in Milton Borough, **Northumberland County**. The facility is currently operating under TVOP 49-00003, which was issued November 18, 2003. The facility's main sources include 51 combustion units, four furnaces, surface coating operation, grit blasting operations, four curing ovens, one flash off oven, metal cutting and torching operations, stencil cleaning machine and solvent clean up operations. The facility has the potential to emit major quantities of PM/PM₁₀ and VOCs. The facility has the potential to emit NO_x, CO and HAPs

(individual and combined) emissions less than the major emissions thresholds. The proposed Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.

15-00078: Centocor, Inc. (200 Great Valley Parkway, Malvern, PA 19355) for issuance of a State-only Operating Permit to operate four emergency generators, three boilers, water heaters and space heaters in East Whiteland Township, **Chester County**. The facility is synthetic minor for NOx. The following Plan Approvals and Operating Permits, PA-15-0078, PA-15-0078B, PA-15-0078C, OP-15-0078 are being incorporated into the facility permit, SMOP-15-00078. This Operating Permit shall include monitoring, and recordkeeping designed to ensure this facility complies with all applicable air quality regulations.

46-00026: Global Packaging, Inc. (209 Brower Avenue, Oaks, PA 19456) for operation of packaging printing plant in Upper Providence Township, **Montgomery County**. This is a renewal of the State-only operating permit issued in February of 2004.

15-00121: Delaware Valley Custom Marble, Inc.—Glenmar Manufacturing (4 Briar Drive, West Grove, PA 19390) for operations at the cast polymer manufacturing facility located in Penn Township, **Chester County**. The permit is for a non-Title V (State-only) facility. The facility elects to cap VOC and HAP emissions less than major thresholds; therefore the facility is categorized as a Synthetic Minor. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00024: McNeil Consumer Healthcare (7050 Camp Hill Road, Fort Washington, PA 19034-2210) for operation of pharmaceutical manufacturing of healthcare products in Whitemarsh Township, **Montgomery County**. This action is a renewal of the original State-only Operating Permit (Synthetic Minor), which was issued on November 24, 2003, and amended on April 15, 2008. Several typographical changes have been made to the permit. A source installed under an RFD is being incorporated into this renewed Operating Permit. The facility shall continue to remain a synthetic minor. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00202: Elan Corp. (3500 Horizon Drive, King of Prussia, PA 19406) for operation of a pharmaceutical research and development facility, in Upper Merion Township, **Montgomery County**. This action is a renewal of the original State-only Operating Permit (Natural Minor), which was issued on December 16, 2003. Several typographical changes have been made to the permit. No sources have been added to or removed from the permit. The facility shall continue to remain a natural minor. The permit includes 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.

28-03054: Cinetic Landis Grinding Corp. (20 East Sixth Street, Waynesboro, PA 17268) for operation of their specialty machine tool manufacturing facility in Waynesboro Borough, **Franklin County**. The State-only operating permit will include emission restrictions, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

36-03046: Packaging Corp. of America (1530 Fruitville Pike, Lancaster, PA 17601) for operation of their existing packaging materials facility in the City of Lancaster, **Lancaster County**. This is a permit renewal of their existing operating permit. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

36-03085: Goodhart Sons, Inc. (2515 Horseshoe Road, Lancaster, PA 17605) for operation of their existing metal fabrication facility in Upper Leacock Township, **Lancaster County**. This is a permit renewal of their existing operating permit. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

33-00033: Owens-Brockway Glass Container, Inc.—Brockway, Plant No. 18. (1260 Cherry Street, Brockway, PA 15834-1630) for re-issuance of a Title V Permit to operate a Glass Container manufacturing facility in Brockway Borough, **Jefferson County**. The facility's major emission sources include raw material handling and eight silos, glass melting furnace B, cullet handling and storage, batch gathering and mixing, refiner, two Forehearth, two Lehrs, miscellaneous combustion sources, two container forming machines, hot end surface treatment, road fugitives, 100 kW emergency generator and two degreaser units, ACL Decorating Lehr A1, ACL Decorating Lehr A2, ACL Decorating Lehr A3, blasting operation, 75 kW emergency generator, 5 kW emergency generator, citrus degreaser unit and fire pump. The facility is a major facility due to its potential to emit of NOx and SOx. The facility is not subject to CAM rule because the precontrolled emission is less than Title V threshold limits. The facility is also subject to 40 CFR Part 63, Subpart SSSSSS.

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

N08-002: Verizon-Pennsylvania, Sherwood Central Office (5650 Chestnut Street, Philadelphia, PA 19103) for operation of a telecommunications facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include one 200 kW, one 350 kW and one 750 kW emergency generators firing diesel fuel oil.

The operating permit will be issued under the 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the previous operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

Requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as

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

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

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

For noncoal mining activities, the proposed limits are found in Table 2. Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description below specifies the parameters. The limits will be in the ranges specified in Table 1.

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

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

Persons wishing to comment on an NPDES permit application should submit a statement to the Department at the address of the district mining office indicated previously each application within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92.61. The request or petition for a public hearing shall be filed within 30 days of this public notice and shall contain the name, address, telephone number and the interest of the party filing the request, and shall state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES

permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. In the case where a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal Applications Received

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

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

¹ The parameter is applicable at all times.

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

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

63831302 and NPDES Permit No. PA0213608, Eighty Four Mining Company, (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Mine No. 84 in South Strabane Township, **Washington County** to add subsidence control plan area acres for development and pillar extraction mining. Subsidence Control Plan Acres Proposed 374.0. No additional discharges. Application received November 20, 2008.

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

56990103 and NPDES Permit No. PA0235172. Future Industries, Inc., P. O. Box 137, Meyersdale, PA 15552, permit revision—and use change on Barry and Diane Bittner property from forestland to cropland in Brothersvalley Township, **Somerset County**, affecting 34 acres. Receiving streams: UNTs to/and Millers Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received December 10, 2008.

56823008 and NPDES No. PA0608637. Croner, Inc., P. O. Box 260, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 176.0 acres. Receiving streams: UNTs to Buffalo Creek and to Tubs Run classified for the following uses: CWF, WWF. There are no potable water supply intakes within 10 miles downstream. Application received December 11, 2008.

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

26030102 and NPDES Permit No. PA0250457. Steve Patterson Excavating (170 Yasenosky Road, Smithfield, PA 15478). Renewal application for continued mining and

reclamation of a bituminous surface mine, located in Dunbar Township, **Fayette County**, affecting 75.5 acres. Receiving streams: UNTs to Gist Run, Dunbar Creek and Youghiogheny River, classified for the following use: TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received December 9, 2008.

30080102. Penn Development Services, LP (732 McClellandtown Road, Uniontown, PA 15401). Application received for commencement, operation and reclamation of a bituminous surface mining site located in Cumberland Township, **Greene County**, affecting 45.7 acres. Receiving streams: Monongahela River, classified for the following use: WWF. The first downstream potable water supply intake from the point of discharge is the Carmichaels Municipal Authority. Application received December 11, 2008.

03910115 and NPDES Permit No. PA0200174. Allegheny Mineral Corp. (P. O. Box 1022, Kittanning, PA 16201). Application received for renewal and continued operation and reclamation of an existing bituminous surface mining site located in West Franklin Township, **Armstrong County**, affecting 468.8 acres. Receiving streams: Buffalo Creek to Allegheny River, classified for the following use: HQ, TSF. There are no potable water supplies within 10 miles downstream from the point of discharge. Application received December 12, 2008.

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

17980121 and NPDES No. PA0238147. R. J. Coal Company (P. O. Box 277, LaJose, PA 15753), revision of an existing bituminous surface mine for an Incidental Boundary Correction in Bloom Township, **Clearfield County**, affecting 92.5 acres. Receiving streams: Bulgers Run to Anderson Creek to West Branch Susquehanna, classified for the following uses: CWF, CWF, WWF. There are no potable water supply intakes within 10 miles downstream. Application received November 21, 2008.

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

54980102T2. Tuscarora Mine & Minerals Corp. (P. O. Box 131, Tuscarora, PA 17982), transfer of an existing anthracite surface mine operation from Triple T

Mining Co., LP in Blythe Township, **Schuylkill County** affecting 144.6 acres, receiving stream: none. Application received December 11, 2008.

54030102T and NPDES Permit No. PA0224324. Timber Coal Co., LLC (P. O. Box 188, Sacramento, PA 17968), transfer of an existing anthracite surface mine operation from Gale Mining Company in Hegins and Porter Townships, **Schuylkill County** affecting 300.0 acres, receiving stream: East Branch Rausch Creek, classified for the following use: CWF. Application received December 15, 2008.

49080105 and NPDES Permit No. PA0224723. Keystone Anthracite Co., Inc. (132 East Main Street, Girardville, PA 17935), commencement, operation and restoration of an anthracite surface mine operation in Zerbe and West Cameron Townships, **Northumberland County** affecting 946.8 acres, receiving stream: Zerbe Run and/or Mahanoy Creeks, classified for the following use: CWF. Application received December 15, 2008.

Noncoal Applications Received

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

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

* The parameter is applicable at all times.

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

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

6476SM10 and NPDES Permit No. PA0594172. John F. Walter Excavating, Inc., P. O. Box 175, Newville, PA 17241, renewal of NPDES Permit, Middlesex Township, **Cumberland County**. Receiving stream: Conodoguinet Creek classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received December 10, 2008.

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

37860305. Three Rivers Aggregates (P. O. Box 6090, Falmouth, VA 22403-6090) Renewal of NPDES Permit No. PA0212032 in Plain Grove Township, **Lawrence County**. Receiving streams: Taylor Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received December 15, 2008.

20940304. Hillside Stone, LLC (9397 Fauncetown Road, Titusville, PA 16354-2727) Revision to an existing sand and gravel operation to revise the maximum depth of mining to include mining below the water table to a maximum depth of 1,180 feet in Plum and Troy Townships, **Venango and Crawford Counties** affecting 44.0 acres. Receiving streams: UNT to Sugar Creek, classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received December 16, 2008.

20870305. Hillside Stone, LLC (9397 Fauncetown Road, Titusville, PA 16354-2727) Revision to an existing sand and gravel operation to add 4.0 acres and to revise the maximum depth of mining to include mining below the water table to a maximum depth of 1,180 feet in Troy Township, **Crawford County** affecting 37.5 acres. Re-

ceiving streams: Sugar Creek, classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received December 16, 2008.

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

8175SM3A1C10 and NPDES Permit No. PA0613797. Warner Company (1000 New Ford Mill Road, Morrisville, PA 19067), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in East Whiteland and Tredyffrin Townships, **Chester County**, receiving stream: UNT to Valley Creek, classified for the following use: EV. Application received December 12, 2008.

64010813. Johnston & Rhodes Bluestone Company (P. O. Box 130, East Branch, NY 13756), Stages I and II bond release of a quarry operation in Scott Township, **Wayne County** affecting 1.0 acre on property owned by Lillian Smitham. Application received December 11, 2008.

64020808. Johnston & Rhodes Bluestone Company (P. O. Box 130, East Branch, NY 13756), Stages I and II bond release of a quarry operation in Scott Township, **Wayne County** affecting 3.0 acres on property owned by David and June Verdetto. Application received December 11, 2008.

64030802. Johnston & Rhodes Bluestone Company (P. O. Box 130, East Branch, NY 13756), Stages I and II bond release of a quarry operation in Scott Township, **Wayne County** affecting 5.0 acres on property owned by Lillian Smitham. Application received December 11, 2008.

64990801. Johnston & Rhodes Bluestone Company (P. O. Box 130, East Branch, NY 13756), Stages I and II bond release of a quarry operation in Scott Township, **Wayne County** affecting 3.0 acres on property owned by Lillian Smitham. Application received December 11, 2008.

64070820. Star Pond, LLC (315 Old Route 10, Deposit, NY 13754), Stages I and II bond release of a quarry operation in Scott Township, **Wayne County** affecting 2.0 acres on property owned by Harold Fulmer. Application received December 15, 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

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

E04-240-A2. Beaver Falls Municipal Authority, 1425 Eighth Avenue, Beaver Falls, PA 15010. To construct a new pump station and intake structure in Eastvale Borough, **Beaver County**, United States Army Corps of Engineers, Pittsburgh District (Beaver Falls, PA Quadrangle: N: 2.8 inches; W: 9.2 inches, Latitude: 40° 45' 56"; Longitude: 80° 18' 59"). The applicant proposes to amend Permit No. E02-240 to remove an existing structure and to construct and maintain a new pump station and intake structure in the channel and along the left bank of the Beaver River (WWF) for the purpose of replacing the existing intake structure. The project is located on the west side of First Street, approximately 200.00 feet west from the intersection of First and Third Streets and will impact approximately 122.0 linear feet of stream channel.

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

E33-233. Department of Transportation, District 10-0, SR 0119, Section 551, in Punxsutawney Borough, **Jefferson County**, United States Army Corps of Engineers, Pittsburgh District (Punxsutawney, PA Quadrangle N: 40° 56' 24.7"; W: 78° 58' 51.4").

To fill a total of 0.41 acre of wetland associated with the removal of the existing bridge over the abandoned rail line and construction of earth fill embankment as part of the reconstruction and widening for a truck climbing lane on the hill on SR 0119, Section 551 extending south from the bridge across Mahoning Creek approximately 1,600 feet. Project proposes to deduct 0.41 acre from Department of Transportation's Jefferson County Advance Wetland Mitigation Bank

ENVIRONMENTAL ASSESSMENTS

Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.

EA2609-001. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Road, Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Menallen Township, **Fayette County**, United States Army Corps of Engineers, Pittsburgh District.

The applicant proposes to backfill an abandoned surface mine, which includes two dangerous highwall totaling 1,600 linear feet. The project will also include the backfilling of wetlands (0.33 acre) that have developed within the open surface mine pits. 0.33 acre of replacement wetland is proposed to be constructed with the project (New Salem, PA Quadrangle N: 4.4 inches; W: 4.9 inches).

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

D35-105EA. Thornhurst Country Club Estates, 143 Country Club Estates, Thornhurst, PA 18424. Thornhurst Township, **Lackawanna County**, United States Army Corps of Engineers, Philadelphia District.

Project proposes to breach and remove an unnamed dam across Pond Creek (HQ-CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 700 feet of stream channel. The dam is located adjacent to Lake Road (SR 2016) approximately 6,300 feet northwest of the intersection of SR 2016 and Pine Grove Road (T301) (Thornhurst, PA Quadrangle Latitude: 41° 12' 48"; Longitude: 75° 36' 48").

DAM SAFETY

Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.

D53-057A. Potter County Commissioners (c/o Chief Clerk, One East Second Street, Room 22, Coudersport, PA 16915-1690).

To modify, operate and maintain North Fork Dam (NRCS Dam No. PA-406) across White Branch North Fork (WWF), impacting 0 acre of wetlands and 200 feet of stream, and providing 0 acre of wetland mitigation, for the purpose of meeting current dam safety standards (Harrison Valley, PA-NY Quadrangle N: 21.8 inches; W: 13.8 inches) in Harrison Township, **Potter County**. The proposed modifications and improvements include: (1) raising the top of dam by approximately 6.5 feet; (2)

constructing an auxiliary spillway lined with roller-compacted concrete; (3) flattening the downstream embankment slope; and (4) improving the primary outlet by extending the existing pipe, adding filter drains and constructing a reinforced-concrete impact basin. North Fork Dam is an existing structure that was constructed in 1960 for the purpose of flood prevention.

D35-175. Basin No. 4 Dam, Alliance Sanitary Landfill, Inc. c/o Doug Coenen, 398 South Keyser Avenue,

Taylor, PA 18517. To construct, operate and maintain the Basin No. 4 Dam across a tributary to St. Johns Creek (CWF), impacting 0.04 acre of wetlands and 50 feet stream channel and providing a minimum of 0.04 acre of wetland mitigation, for the purpose of building a new stormwater management basin as part of the landfill area 2A expansion project (Scranton, PA Quadrangle N: 2.8 inches; W: 15.3 inches) in Taylor Borough, **Lackawanna County**.

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 AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0062448 (Sewage)	Charles A. Prizzi and Leda Scognomiglio 104 Florence Drive Shohola, PA 18458	Pike County Dingman Township	Nitche Pond 1D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0001350 Sewage	Eighty Four Mining Company P. O. Box J Claysville, PA 15323	Washington County Somerset Township	Center Branch Pigeon Creek	Y
PA0024694 Sewage	Beaver Borough Municipal Authority 469 Third Street Beaver, PA 15009	Beaver County Beaver Borough	Ohio River	N
PA0028801 Sewage	Moon Township Municipal Authority 1700 Beaver Grade Road Suite 200 Moon Township, PA 15108-3193	Allegheny County Moon Township	Ohio River Back Channel	N
PA0111201 Sewage	Carrolltown Borough Municipal Authority P. O. Box 307 Carrolltown, PA 15722	Cambria County Carrolltown Borough	Little Chest Creek	Y
PA0216160 Sewage	Eighty Four Mining Company P. O. Box J Claysville, PA 15323	South Strabane Township Washington County	Pigeon Creek by means of Mine Borehole and Underground Mine Drainage System	Y
PA0217832 Sewage	Perrine Partners, LP R. D. 2 Box 164A Route 66 and Pfeffer Road Export, PA 15632-9412	Westmoreland County Washington Township	UNT of Thorn Run	Y
PA0217913 Sewage	William J. McIntire P. O. Box 171 Shelocta, PA 15774	Indiana County Armstrong Township	Anthony Run	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>
PA0221643	Sligo Borough Authority P. O. Box 241 Sligo, PA 16255-0241	Sligo Borough Clarion County	Mineral Run 17-B	Y
PA0239356	Robert C. Montgomery 1042 Enterprise Road Grove City, PA 16127	Pine Township Mercer County	UNT to Swamp Run 20-C	Y
PA0002534	Morgan Advanced Materials and Technology 441 Hall Avenue St. Marys, PA 15857-1422	City of St. Marys Elk County	Elk Creek 17-A	Y

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

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

NPDES Permit No. PA0054780, Sewage, **Stone Mills Estates, LP**, 3103 Philmont Avenue, Huntingdon Valley, PA 19006. This proposed facility is located in Concord Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from facility known as Riviera at Concord STP in Watershed 3G.

NPDES Permit No. PA0058564, Sewage, **Girl Scouts of Freedom Valley**, 100 Juliette Low Way, P. O. Box 814, Valley Forge, PA 19482. This proposed facility is located in Haycock and East Rockhill Townships, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage to a UNT to Tohickon Creek.

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

WQM Permit No. 4008404, Sewerage, **Butler Township**, 415 West Butler Drive, Drums, PA 18222. This proposed facility is located in Butler Township, **Luzerne County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for modifications to the construction of a pump station and force main to replace the existing Drums Wastewater Treatment Plant and convey wastewater to the St. Johns Wastewater Treatment Plant.

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

PA0111902, Industrial Waste, SIC 2023, **Dry, Condensed and Evaporated Dairy Products, Dietrich's Milk Products, LLC**, P. O. Box 102, Middlebury Center, PA 16935-0102. This proposed facility is located in Middlebury Township, **Tioga County**.

Description of Proposed Activity: The proposed action is for the renewal of an NPDES permit authorizing the discharge of treated sewage, industrial wastewater and stormwater.

The receiving stream, Catlin Hollow, is in the State Water Plan Watershed 04A and is classified for: TSF. The nearest downstream public water supply intake is the PA/NY Border and is 20 river miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.036 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum mg/l
pH			Within the range of 6.0 to 9.0 at all times		
BOD ₅			20	40	50
Temperature	The discharge shall not increase the temperature of the receiving stream by more than 2° F in any 1 hour period.				

The proposed effluent limits for Outfall 002 are based on a design flow of 0.115 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum mg/l
pH			Within the range of 6.0 to 9.0 at all times		
BOD ₅					
(5-1 to 10-31)	62.6	125	50	100	125
(11-1 to 4-30)	83	191	94	216	235
TSS	125	275	110	220	275
NH ₃ -N					
(5-1 to 10-31)	6.9	13.8	5.5	11	13
(11-1 to 4-30)	16.3	32.5	13	26	32
Fecal Coliforms	200 colonies/100 ml Geometric Mean and not greater than				
(5-1 to 9-30)	1,000 colonies/100 ml in more than 10% of the samples tested				
(10-1 to 4-30)	(2,000 colonies/100 ml Geometric Mean)				
Total Phosphorus	12.5	25	10	20	25
Total Residual Chlorine			1.0		3.3

The EPA waiver is in effect.

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

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

WQM Permit No. 6307403, Sewerage, **Hanover Township Sewage Authority**, 116 Steubenville Pike, Paris, PA 15021. This proposed facility is located in Hanover Township, **Washington County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a sewage treatment plant, pump stations, sanitary sewers and appurtenances to serve the Bavington and Florence areas of Hanover Township.

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

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

WQM Permit No. WQG018661, Sewerage, **Randy Sumner**, 486 McGary Road, New Wilmington, PA 16142-3608. This proposed facility is located in Neshannock Township, **Lawrence County**.

Description of Proposed Action/Activity: Issuance of a single-residence Sewage Treatment Plant.

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

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

Description of Action/Activity: Construction and operation of an aerated lagoon wastewater treatment facility with a spray disposal.

WQM Permit No. 0908402, Sewerage, **Bucks County Water and Sewerage Authority**, 1275 Almshouse Road, Warrington, PA 18976. This proposed facility is located in Upper Dublin Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a sewage pump station to service a residential development.

WQM Permit No. WQG02090822, Sewerage, **Buckingham Township**, P. O. Box 413, Buckingham, PA 18912. This proposed facility is located in Buckingham Township, **Bucks County**.

Description of Action/Activity: The replacement of the wet well the addition of a valve vault and an emergency generator along with odor control.

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 1508066	Greenpoint Farms, Inc. 402 Bayard Road Suite 100 Kennett Square, PA 19348	Chester	East Nottingham Township	Little Elk Creek HQ-TSF-MF

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

General Permit Type—PAG-2

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Northampton Township Bucks County	PAG200 0908090	Tony Giaimo 990 Second Street Pike Richboro, PA 18954	Irons Works Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Warrington Township Bucks County	PAG200 0908053	Pleasantville United Church of Christ 3470 Limekiln Pike Chalfont, PA 18914	Mill and Little Neshaminy Creeks TSF, MF and WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hilltown Township Bucks County	PAG200 0903111-R	The Cutler Group, Inc. 5 Apollo Road Suite One Plymouth Meeting, PA 19462	UNT West Branch Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
East Marlborough Township Chester County	PAG200 1508065	Chadds Ford School District 740 Unionville Road Kennett Square, PA 19348	Tributary East Branch Red Clay Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Fallowfield Township Chester County	PAG200 1508064	Jeff Smoker 906 Hamilton Road Cochranville, PA 19330	Muddy Run TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Goshen Township Chester County	PAG200 1508057	Howard Business Park, LLC 317-13 Westtown Road West Chester, PA 19382	UNT Goose Creek TSF, WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Darby Township Delaware County	PAG200 2308056	D'Anjolell Funeral Home P. O. Box 614 Broomall, PA 19008	Cobbs Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hatfield Township Montgomery County	PAG200 4608074	Hatfield Township Municipal Authority 3200 Advance Lane Colmar, PA 18915	West Branch Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Providence Township Montgomery County	PAG200 4607169-2	Audubon Land Development Corp. 2650 Egypt Road Norristown, PA 19403	Schuylkill River/ Perkiomen Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Plains Township Luzerne County	PAG2004008024	Mericle 660 Baltimore, LLC Attn: Robert Mericle 100 Baltimore Drive Wilkes-Barre, PA 18702	Laurel Run CWF	Luzerne County Conservation District (570) 674-7991
City of Wilkes-Barre Luzerne County	PAG2004008023	City of Wilkes-Barre Attn: Attilio Frati 40 East Market Street Wilkes-Barre, PA 18711	Susquehanna River WWF	Luzerne County Conservation District (570) 674-7991
Jessup Borough Susquehanna County	PAG2005808002	Department of Transportation Attn: Debbie Noone 55 Keystone Industrial Park Dunmore, PA 18512 and Susquehanna Valley Construction Corp. Attn: Mark Schug 175 Lamont Street New Cumberland, PA 17070	East Branch Wyalusing Creek CWF	Susquehanna County Conservation District (570) 278-4600
Lehigh Township Northampton County	PAG2004808017	GMT Transport, Inc. Attn: Diane Heckman 4867 Main Street Walnutport, PA 18088	Lehigh River TSF	Northampton County Conservation District (610) 746-1971
Washington Township Lehigh County	PAG2003908018	Barbara Lowe Highland View Farm, LLC 6415 Route 873 Slatington, PA 18080	Coplay Creek CWF	Lehigh County Conservation District (610) 391-9583

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Huntingdon Borough Huntingdon County	PAG2003108011	Deborah Barefoot One Trinity Drive East Suite 201 Dillsburg, PA 17019	Muddy Run WWF	Huntingdon County Conservation District 10605 Raystown Road Suite A Huntingdon, PA 16652-9603 (814) 627-1627
Carroll Township Perry County	PAG2035008012	Maverick Homes Jared Sawyer 696 Losh Road Shermans Dale, PA 17090	UNT to Pisgah Run UNT to Shermans Creek WWF	Perry County Conservation District P. O. Box 31 West Main Street New Bloomfield, PA 17068 (717) 582-5119
Mount Holly Springs Borough Cumberland County	PAG2002108027	Alfa Green Supreme Ken Vaupel 2404 North Summit Street Toledo, OH 43611	Mountain Creek CWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 (717) 240-7812
Mount Pleasant Township Adams County	PAG2000108025	John Fidler 1990 Hanover Road Gettysburg, PA 17325	UNT to White Run—Rock Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404
Hamiltonban Township Adams County	PAG2000108023	Robert J. Costello Liberty Worship Center P. O. Box 340 Fairfield, PA 17320	UNT to Middle Creek CWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404
Ontelaunee Township Berks County	PAG2000608073	Jonathan Simon Royal Green, LLC P. O. Box 9 Temple, PA 19560	UNT to Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Centre Township Berks County	PAG2000603092-R	Dionisios and Maria Kotsakis Omega Builders 602 Lambda Circle Wernersville, PA 19565	UNT to Irish Creek WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Amity Township Berks County	PAG2000608067	Kenneth Jones Reading Hospital and Medical Center 6th Avenue and Spruce Street West Reading, PA 19611	Leaf Creek—Schuylkill River WWF-MF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Strausstown Borough Upper Tulpehocken Township Berks County	PAG2000606064-1	George Brown Borough of Strasstown P. O. Box 325 Strausstown, PA 19559	Little Northkill, Northkill and Jackson Creeks CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Caernarvon Township Lancaster County	PAG2003608012	Vernon Z. Musser 6633 Division Highway Narvon, PA 17555	Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Lancaster City Lancaster County	PAG2003608055	School District of Lancaster 1020 Lehigh Avenue Lancaster, PA 17602	Conestoga River CWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
West Hempfield Township Lancaster County	PAG2003608065	West Hempfield Fire and Rescue Company P. O. Box 1 Silver Springs, PA 17575	UNT to Chickies Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Rapho Township Lancaster County	PAG2003608080	Christopher Miller P. O. Box 213 Landisville, PA 17538	Chickies Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Providence Township Lancaster County	PAG2003608084	Frederick Steudler, Jr. 7335 River Road Conestoga, PA 17516	UNT to Huber Run CWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Bern Township Berks County	PAG2000608056	Barnard Charles Eagle Brass, Inc. 1243 Old Bernville Road Leesport, PA 19533	UNT to Plum Creek WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Centre County Ferguson Township	PAG2001408019	Scott Smith C2S, LP Office Building 2160 Sandy Drive Suite C State College, PA 16803	Spring Creek CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
Columbia County Town of Bloomsburg	PAG2001908012	Kawneer Company, Inc. 500 East 12th Street P. O. Box 629 Bloomsburg, PA 17815	Kinneys Run CWF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310, Ext. 102
Northumberland County East Chillisquaque Township	PAG2004908010	Pottsgrove Fire Company Fire Station and Social Hall Unnamed Alley off SR 642 Pottsgrove, PA 17865	UNT of Chillisquaque Creek WWF	Northumberland County Conservation District R. R. 3 Box 238-C Sunbury, PA 17801 (570) 286-7114, Ext. 4
Armstrong County Brady's Bend and Perry Townships	PAG2000308007	Dittmar & Associates 57 Reitz Boulevard Suite 100 Lewisburg, PA 17837	Sugar Creek, Whiskey Run, UNT to Allegheny River, Allegheny River WWF	Armstrong County Conservation District (724) 548-3425

*Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Cambria County Blacklick Township	PAG2001108014	Matt Niebauer Scenic Acres Landscaping 475 Tanner Street Ebensburg, PA 15931	Simmons Run CWF	Cambria County Conservation District (841) 472-2120
Cambria County Portage Borough	PAG2001108018	David Mastrostefano Sheetz, Inc. 5700 Sixth Avenue Altoona, PA 16602	Spring Run CWF	Cambria County Conservation District (841) 472-2120
Westmoreland County Hempfield Township	PAG2006508026	The Hempfield Township Municipal Authority 1146 Woodward Drive Greensburg, PA 15601	Little Sewickley Creek TSF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Unity Township	PAG2006508037	St. Vincent College 300 Fraser Purchase Road Latrobe, PA 15650	Fourmile Run WWF	Westmoreland County Conservation District (724) 837-5271
Millcreek Township Erie County	PAG2002505005(1)	Forest View Skilled Nursing 2301 Edinboro Road Edinboro, PA 16509	Walnut Creek CWF; MF	Erie County Conservation District (814) 825-6403
City of Warren Warren County	PAR808385	Advantage Tank Lines, LLC, d/b/a Advantage Tank Lines 100 Europa Center Suite 320 Chapel Hill, NC 27517	UNT to Allegheny River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Cranberry Township Venango County	PAR808386	Advantage Tank Lines, LLC 100 Europa Center Suite 320 Chapel Hill, NC 27517	UNT to Lower Two Mile Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Scrubgrass Township Venango County	PAR608347	Hovis Auto Wrecking, Inc. 5074 Emlenton Clintonville Road Emlenton, PA 16373-6708	North Fork of Little Scrubgrass Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-4

*Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
East Bradford Township Chester County	PAG040021	Susan Pope 795 West Strasburg Road West Chester, PA 19382-1935	UNT to Taylor Run Watershed 3H	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Sadsbury Township Chester County	PAG040102	Eric W. Barton 289 Compass Road Parkesburg, PA 19365-2121	Buck Run Watershed 3H	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Elder Township Cambria County	PAG046307	James F. Yeager 105 Yeager Road Hastings, PA 16646	UNT of Brubaker Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*Facility Location:
Municipality &
County*Unity Township
Westmoreland
CountyPermit No.
PAG046275*Applicant Name &
Address*John A. Ellison, Jr.
444 Saxman Road
Latrobe, PA 15654*Receiving
Water/Use*

UNT of Loyalhanna

*Contact Office &
Phone No.*Southwest Regional Office
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000Neshannock
Township
Lawrence County

PAG049476

Randy Sumner
486 McGary Road
New Wilmington, PA
16142-3608UNT to Neshannock
Creek
20-ADEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942Summerhill
Township
Crawford County

PAG049477

Arnold L. Becker
16944 SR 18
Conneautville, PA
16406-1840UNT to Conneaut Creek
15DEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942Cranberry Township
Venango County

PAG049416

John Mayberry and
Gregg Pazak
7615 Brashear Street
Pittsburgh, PA 15221Allegheny River
16-EDEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942*General Permit Type—PAG-7**Facility Location:
Municipality &
County*Mifflin Township
Dauphin CountyPermit No.
PAG070003
PAG070005
PAG073508*Applicant Name &
Address*Synagro
1605 Dooley Road
P. O. Box B
Whiteford, MD 21160*Site Name &
Location*Homer Campbell—
Lykens Street Farm*Contact Office &
Phone No.*DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110-8200
(717) 705-4707Mifflin Township
Dauphin CountyPAG070003
PAG070005
PAG073508Synagro
1605 Dooley Road
P. O. Box B
Whiteford, MD 21160Homer Campbell—
Home FarmDEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110-8200
(717) 705-4707Berrysburg Borough
Mifflin Township
Dauphin CountyPAG070003
PAG070005
PAG073508Synagro
1605 Dooley Road
P. O. Box B
Whiteford, MD 21160Homer Campbell—
Pine Street FarmDEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110-8200
(717) 705-4707Lykens and Mifflin
Townships
Dauphin CountyPAG070003
PAG070005
PAG073508Synagro
1605 Dooley Road
P. O. Box B
Whiteford, MD 21160Homer Campbell—
Steer FarmDEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110-8200
(717) 705-4707Greenwood
Township
Perry CountyPAG070003
PAG070005
PAG073508Synagro
1605 Dooley Road
P. O. Box B
Whiteford, MD 21160

John Gothel Farm

DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110-8200
(717) 705-4707

General Permit Type—PAG-8 (SSN)

*Facility Location:
Municipality &
County*

Greenwood
Township
Perry County

Permit No.
PAG080002
PAG080003
PAG080004
PAG080005
PAG080006
PAG080008
PAG080018
PAG082201
PAG082203
PAG082211
PAG083501
PAG083502
PAG083506
PAG083510
PAG083515
PAG083517
PAG083518
PAG083522
PAG083535
PAG083540
PAG083542
PAG083547
PAG083551
PAG083556
PAG083565
PAG083567
PAG083573
PAG083596
PAG083597
PAG083600
PAG089903
PAG089904
PAG089905
PABIG9903

*Applicant Name &
Address*
Synagro
1605 Dooley Road
P. O. Box B
Whiteford, MD 21160

*Site Name &
Location*
John Gothel Farm
Greenwood Township
Perry County

*Contact Office &
Phone No.*
DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110-8200
(717) 705-4707

General Permit Type—PAG-9 (SSN)

*Facility Location:
Municipality &
County*

Hopewell Township
Cumberland County

Permit No.
PAG093548

*Applicant Name &
Address*
Superior Septic Services,
Inc.
8885 Pineville Road
Shippensburg, PA 17257

*Site Name &
Location*
Creekview Equestrian
Center, Inc., Farm
Hopewell Township
Cumberland County

*Contact Office &
Phone No.*
DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110-8200
(717) 705-4707

**PUBLIC WATER SUPPLY (PWS)
PERMITS**

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

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

Pennsylvania Bulletin, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

SFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. 2450143, Operations Permit, Public Water Supply.

Applicant	Grant Homes, Inc. Sciota Garden Apts. P. O. Box 287 Brodheads ville, PA 18322
County	Hamilton Township Monroe
Type of Facility	PWS
Consulting Engineer	N/A
Permit to Operate Issued	December 12, 2008

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

Permit No. 2808504 MA, Minor Amendment, Public Water Supply.

Applicant	Borough of Chambersburg
Municipality	Greene Township
County	Franklin
Type of Facility	SCADA system upgrades and UV disinfection for plant water.
Consulting Engineer	James C. Elliot, P. E. Gannett Fleming, Inc. P. O. Box 67100 Harrisburg, PA 17106-7100
Permit to Construct Issued	December 9, 2008

Operations Permit issued to **United Water Pennsylvania**, 7220015, Lower Paxton Township, **Dauphin County** on December 15, 2008, for the operation of facilities approved under Construction Permit No. 2207516 MA.

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

Permit No. 3708502, Public Water Supply.

Applicant	Pennsylvania American Water Company New Castle
Township or Borough	Mahoning Township
County	Lawrence
Type of Facility	Public Water Supply
Consulting Engineer	Jerry Hankey, P. E. Design Engineer PA American Water Company 1909 Oakland Avenue Indiana, PA 15701
Permit to Construct Issued	December 15, 2008

Permit No. 8771-W-T1-MA3, Public Water Supply, **Minor Amendment**.

Applicant	Pennsylvania American Water Company Clarion
Township or Borough	Clarion Township
County	Clarion
Type of Facility	Public Water Supply
Consulting Engineer	Jerry Hankey, P. E. Design Engineer PA American Water Company 1909 Oakland Avenue Indiana, PA 15701
Permit to Construct Issued	December 15, 2008

Permit No. 4287504-MA1, Public Water Supply, **Minor Amendment**.

Applicant	Crosby Water Association
Township or Borough	Norwich Township
County	McKean
Type of Facility	Public Water Supply
Consulting Engineer	John F. Rae, P. E. Project Manager Gannett Fleming, Inc. Foster Plaza III Suite 200 601 Holiday Drive Pittsburgh, PA 15220
Permit to Construct Issued	December 19, 2008

Operations Permit issued to **PA American Water Company Clarion**, PWSID No. 6160001, Monroe, Piney, Paint and Elk Townships, **Clarion County**, on December 12, 2008, for operation of the water line extension serving Sligo and Shipperville and a 500,000 gallon elevated water tower, per specifications approved by construction permit 1601504, issued April 9, 2002.

Operations Permit issued to **Hawthorn Borough Area Water Authority**, PWSID No. 6160026, Hawthorn Borough, **Clarion County** and Redbank Township, **Armstrong County**, on December 17, 2008, for operation of the new 200,000 gallon finished water storage tank and 8" pumping main, per specifications approved by construction permit 364W14-MA3, issued July 27, 2007.

SEWAGE FACILITIES ACT PLAN APPROVAL**Plan Approvals Granted under section 5 of the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)**

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Benezette Township	P. O. Box 10 Benezette, PA 15821	Elk

Plan Description: The approved plan provides for the construction of 37,000 LF of pressure sewer line and a .04 mgd WWTP to serve 175 existing EDU's in the Village of Benezette and three adjacent areas, including the Station Road area, Winslow Road area, the Blue Sky subdivision

and the planned Elk Visitor's Center. The proposed discharge is to Trout Run—CWF, located in the Chesapeake Bay Watershed. A zero net load increase of TP and TN will be achieved by offsets from retiring onlot systems and the purchase of credits. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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 Pennsylvania 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.

Columbia Petroleum Corporation York Facility, West Manchester Township, **York County.** Earth Tech, 2 Market Plaza Way, Mechanicsburg, PA 17055, on behalf of Richland Partners, LLC, P. O. Box 659, Douglassville, PA 19518, submitted a Final Report concerning remediation

of site soils and groundwater contaminated with leaded gasoline, unleaded gasoline, kerosene, diesel fuel and waste oil from a loading rack. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

Brookwood Street Property, City of Harrisburg, **Dauphin County.** Groundwater Services International, Inc., 443 McCormick Road, Mechanicsburg, PA 17055, on behalf of Brookwood Ventures, LP, 17480 Dallas Parkway, Suite 100, Dallas, TX 75287 and Harrisburg Builders, Inc., 112 Nagle Street, Harrisburg, PA 17104, submitted a Remedial Investigation Report and Final Report concerning site soils contaminated by petroleum from historical industrial activities. These reports are intended to document remediation of the site to meet the Site-Specific Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Sheppie Property, 21 R-Own Lake, Hamilton Township, **Monroe County**. Sherry M. Carlo, P. G., United Environmental Services, Inc., 86 Hillside Drive, Drums, PA 18222 submitted a Final Report (on behalf of her client, Robert Sheppie, 21 R-Own Lake, Stroudsburg, PA 18360), concerning the remediation of soils and surface waters found to have been impacted by kerosene heating oil as a result of an accidental release from a leaking aboveground storage tank. The report documented attainment of the Statewide Health Standard and was approved on December 18, 2008.

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

Armstrong World Industries/Lancaster's Northwest Gateway/Lancaster General Hospital Portion, City of Lancaster and Manheim Township, **Lancaster County**. ARM Group, P. O. Box 797, Hershey, PA 17033, on behalf of EDC Finance Corporation, 100 South Queen Street, Lancaster, PA 17608-1558, submitted a Final Report concerning remediation of site soils contaminated with VOCs, SVOCs and metals. The Final Report demonstrated attainment of the background and Residential Statewide Health Standards and was approved by the Department of Environmental Protection on December 18, 2008. This ROL is for a 19 acre portion of the former 67 acre Armstrong World Industries Liberty Street Flooring Plant. The remaining soils and groundwater will be addressed separately.

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

Mt. Carmel Former MGP Site, Mt. Carmel Borough, **Northumberland County**. Haley and Aldrich, 299 Cherry Hill Road, Parsippany, NJ 07054 on behalf of PPL, Gas Utilities Corp., 2 North 9th Street (GENTW17), Allentown, PA 18101-1179 has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with inorganic compounds, polycyclic aromatic hydrocarbons and other organic compounds. The report is intended to document remediation of the site to meet the Site-Specific Standard. The report was approved on December 18, 2008.

Nell Hawn Property/Truck Accident, Richmond Township, **Tioga County**. ATC Associates, Inc., 101 Allegheny Street, Hollidaysburg, PA 16643 on behalf of Pelton Trucking, R. R. 1, Box 228, Monroeton, PA 18832 has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on December 12, 2008.

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

Honeywell Wax Manufacturing Facility (OLD), Emlenton Borough, **Venango County**. MACTEC Engineering and Consulting, Inc., 800 North Bell Avenue, Suite 200, Pittsburgh, PA 15106 on behalf of Shell Lubricants, d/b/a SOPUS Products, P. O. Box 744, Clarion, PA 16214 and Honeywell International, P. O. Box 1139, 101 Columbia Road, Morristown, NJ 07962-1139 has submitted a Revised Remedial Investigation/Risk Assessment Report concerning the remediation of site soil contaminated with mercury, benzene, toluene, trimethylebenzene and site groundwater contaminated with benzene, toluene, ethylebenzene and xylene compounds. The Revised Remedial Investigation/Risk Assessment Report was approved by the Department of Environmental Protection on December 17, 2008.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

WSI Sandy Run Landfill, Broad Top Township, **Bedford County**, Permit No. 101538. The Department of Environmental Protection has reviewed the previously referenced application for permit renewal. Be advised that the application has been determined to be administratively complete.

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.

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

GP9-14-00003: The Pennsylvania State University (101P Physical Plant Building, University Park, PA 16802-1119) on November 18, 2008, to authorize the construction and operation of a 399 Bhp, diesel-fired internal combustion engine under the General Plan Approval for Diesel or No. 2 Fuel-fired Internal Combustion Engines (BAQ-GPA-9) located in College Township, **Centre County**.

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

GP5-63-00934A: Mark West Liberty Gas Gathering, LLC (1515 Arapahoe Street, Tower 2, Suite 700, Denver, CO 80202-2126) on December 18, 2008, to install and operate four Caterpillar Model 3516 LE 1,340-Bhp compressor engines with Miratech catalytic converters and two NATCO glycol dehydrators rated at 10 MMscf/day at their Godwin Booster Compressor Station located in Mount Pleasant Township, **Washington County**.

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

GP-43-330A: EXCO North Coast Energy, Inc.—Bauder Compressor Station (Greenville Jamestown Road, Jamestown, PA 16134) on December 17, 2008, to operate a natural gas fired compressor engine (BAQ-GPA/GP-5) in Greene Township, **Mercer County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Sachin Shankar, New Source Review Chief, (484) 250-5920.

09-0102A: Clean Earth of SE PA, Inc. (7 Steel Road East, Morrisville, PA 19067) on December 17, 2008, to operate a powerscreen soil screen with diesel engine in Falls Township, **Bucks County**.

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

48-399-058: Crayola, LLC (1100 Church Lane, P. O. Box 431, Easton, PA 18044-0431) on December 16, 2008, for modification to four existing south side crayon molding fabric collectors to exhaust outside at their facility in Forks Township, **Northampton County**.

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

01-05036A: Recycling Technologies International, LLC (60 Filbert Street, Hanover, PA 17331-8604) on December 15, 2008, to construct a processing facility to recycle rubber tires controlled by two dust collection systems for rubber particulate collection during rubber tire reclamation in Conewago Township, **Adams County**.

06-03141: UGI LNG, Inc. (1 Meridian Boulevard, Suite 2C01, Wyomissing, PA 19610-3230) on December 17, 2008, to install three new vaporizers and one LNG storage tank at their Temple site in Ontelaunee Township, **Berks County**.

28-05002B: US Army Letterkenny Army Depot (AMSAM-LE-EE-N, Chambersburg, PA 17201-4150) on December 16, 2008, to construct a new coating booth at their facility in Greene and Letterkenny Townships, **Franklin County**.

36-02004A: MARS Snackfood US (295 Brown Street, Elizabethtown, PA 17022-2127) on December 11, 2008, to receive comments on the proposed Reasonably Available Control Technology Plan and amendment to the State Implementation Plan for the MARS Snackfood US manufacturing facility in Elizabethtown Borough, **Lancaster County**.

67-03148A: Industrial Polishing and Grinding, Inc. (390 Eberts Lane, York, PA 17403) on December 10, 2008, to operate a metal parts grinding and polishing facility in the City of York, **York County**.

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

08-313-038I: Global Tungsten and Powders, Corp. (Hawes Street, Towanda, PA 18848-0504) on December 15, 2008, for the installation and operation of two new fabric collectors to control PM emissions from rotary calciners 1 and 4 and increase in production through the calciners within the Tungsten Scrap department (009), at the North Towanda Township, **Bradford County** facility. The existing fabric collectors will be replaced by the proposed fabric collectors and filters.

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

PA-30-00177: Coresco, LLC (308 Dents Run Road, Morgantown, WV 26501-2006) on December 15, 2008, to allow the construction of a coal transport facility consisting of belt lines, stockpile and haul road and other supporting equipment for the purpose of transporting coal across the State line into West Virginia at the Dooley Run Terminal, in Dunkard Township, **Greene County**.

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

37-003E: Essroc Cement Co. (Second Street, Bessemer, PA 16112) on December 9, 2008, to modify the existing baghouse associated with the No. 16 finish mill circuit (Source ID C612) to control additional emissions from the No. 16 mill sweep in Bessemer Borough, **Lawrence 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.

46-0221A: Upper Moreland-Hatboro Joint Sewer Authority (2875 Terwood Road, Willow Grove, PA 19090) on December 18, 2008, for modification of three odor scrubbers at their wastewater treatment plant, at their facility in West Upper Moreland Township, **Montgomery County**. This facility is a minor facility. There will not be an increase in emissions due to this modification. The Plan Approval will contain monitoring and recordkeeping requirements to keep the source operating within the allowable emissions and all applicable air quality requirements.

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

06-03063C: East Penn Manufacturing Co., Inc. (Deka Road, P. O. Box 147, Lyon Station, PA 19536) on December 16, 2008, to construct two small parts casters and to modify the existing fabric collector and HEPA filter at their facility in Kutztown Borough, **Berks County**. This plan approval was extended.

06-05069J: East Penn Manufacturing Company, Inc. (Deka Road, P. O. Box 147, Lyon Station, PA 19536) on December 16, 2008, to modify their battery assembly operation controlled by various control devices in Richmond Township, **Berks County**. This plan approval was extended.

22-05007B: The Harrisburg Authority (One Keystone Plaza, Suite 104, Harrisburg, PA 17101) on December 15, 2008, to construct the Harrisburg Materials, Energy, Recycling and Recovery Facility in the City of Harrisburg, **Dauphin County**. This plan approval was extended.

36-05127B: Martin Limestone, Inc. (P. O. Box 550, Blue Ball, PA 17506) on October 19, 2008, for addition of equipment to process recycled asphalt pavement at their Burkholder Asphalt Plant in Earl Township, **Lancaster County**. This plan approval was extended.

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

19-00006: Del Monte Corp. (6670 Low Street, Bloomsburg, PA 17815) on December 16, 2008, in accordance with the significant modification requirements of 25 Pa. Code § 127.541, to revise a permit condition which required an enclosure associated with a meat scrap storage area to be maintained at a negative pressure of .2 inch of water at all times except when exchanging containers to require the enclosure to be maintained at a negative pressure in relation to the outside air pressure at all times except when exchanging containers in South Centre Township, **Columbia County**.

08-00003D: CraftMaster Manufacturing, Inc. (P. O. Box 311, Shiner Road, Towanda, PA 18848) on December 4, 2008, to extend the authorization to operate a cyclonic separator on the Line I Press on a temporary basis until June 21, 2009, at the facility in Wysox Township, **Bradford County**.

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

42-011B: International Waxes, Inc. (45 Route 446, Smethport, PA 16749) on December 31, 2008, to construct a 99.8 mmBtu package boiler that will primarily use fuel oil and natural gas as the pilot. This boiler will have Low NOx Burners and Flue Gas Recirculation at the Keating Township, **McKean County** facility. This source is subject to 40 CFR 60 Subpart Dc. This is a Title V facility.

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

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

23-00018: Exelon Generation Co., LLC (3901 North Delaware Avenue, Philadelphia, PA 19137) on December 17, 2008, for renewal of the Title V Operating Permit for their Chester Generating Station in the City of Chester, **Delaware County**. The facility is a peak power plant, containing three simple cycle combustion turbines, which generate a maximum of 18 Mw each. As a result of potential emissions of NOx and SOx, 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 proposed Title

V Operating Permit Renewal does not reflect any change in air emissions from the facility. The facility became subject to the new regulations for NOx emissions accounting in 25 Pa. Code §§ 129.202 and 129.204 on May 1, 2005. These conditions have been included in the Operating Permit. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

09-00017: Exelon Generation Co., LLC (3901 North Delaware Avenue, Philadelphia, PA 19137) on December 19, 2008, for renewal of the Title V Operating Permit for their Falls Township Peak Power Plant in Fall Township, **Bucks County**. The initial permit was issued on October 24, 1997, and renewed on October 3, 2003. The facility is a peak power plant. As a result of potential emissions of NOx, 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 proposed Title V Operating Permit Renewal does not reflect any change in air emissions from the facility. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting. The renewal permit contains all applicable requirements including monitoring, recordkeeping and reporting.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

07-05008: Team Ten, LLC (1600 Pennsylvania Avenue, P. O. Box 99, Tyrone, PA 16686) on December 16, 2008, for the paper mill in Tyrone Borough, **Blair County**. This modification for the condition of the Title V operating permit limiting the sulfur content of the coal be modified. This is Revision No. 1.

67-05006: York County Solid Waste and Refuse Authority (2700 Black Bridge Road, York, PA 174106-7901) on December 15, 2008, to operate three municipal waste combustors in Manchester Township, **York County**. This modification of the Title V operating permit is for the removal of the combustors SO₂ and O₂ dry inlet monitors and the replacement and relocation of the combustors CO and CO₂ monitors to the outlet of the baghouse. This is Revision No. 1.

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

42-00004: American Refining Group, Inc. (77 North Kendall Avenue, Bradford, PA 16701) on December 8, 2008, to modify the permit to incorporate changes requested by the American Refining Group in the City of Bradford, **McKean County**. The changes involved the removal of No. 4 and No. 6 fuel oil as fuel sources for Boiler No. 3 and Boiler No. 4. The worst case potential emissions from the three date eligible BART sources are now calculated to be naturally below 250 tpy for each of the criteria pollutants. This eliminates the need to maintain synthetic minor limits for the BART eligible sources. The synthetic minor limits and the associated recordkeeping and reporting requirements have been removed from the permit.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

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

46-00114: Profiners, Inc. (2299 Amber Drive, Hatfield, PA 19440) on December 18, 2008, to operate three melting furnaces, two incinerators and three kettles in Hatfield Township, **Montgomery County**. This action is a renewal of the State-only Operating Permit (Natural Minor). The original State-only Operating Permit was issued on January 7, 2004. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting designed to keep the facility operating within all applicable air quality requirements.

09-00080: Milford Enterprises, Inc. (450 Commerce Drive, Quakertown, PA 18951) on December 18, 2008, for the renewal of a Non-Title V Facility, State-only, Synthetic Minor Permit in Milford Township, **Bucks County**. Milford Enterprises manufactures custom display cases for commercial, architectural and other professional applications. The main emissions from this facility are VOCs from spray coating operations, manual coating operations, adhesive applications, clean-up operations, graphic arts printing and a parts washer. This facility has an emission limit of 24.5 tons of VOCs per year on a 12-month rolling basis for all the sources combined and all sources, except the parts washer, have applicable limits on VOCs. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

09-00127: Bracalente Manufacturing Co., Inc. (20 West Creamery Road, Trumbauersville, PA 18970) on December 18, 2008, for a State-only, Natural Minor Operating Permit in Trumbauersville Borough, **Bucks County**. The company has eight cold degreasers, 20 heaters, each rated at less than 250,000 Btu/hr and five inhibitors. The pollutant of concern is VOCs. The total actual VOC emissions are less than 11.5 tpy. The permit will include monitoring, recordkeeping and reporting requirements designed to address all applicable air quality requirements.

46-00158: Colorcon (415 Moyer Boulevard, West Point, PA 19486-0024) on December 18, 2008, for the manufacturing of colorants and specialty coatings for the food and pharmaceutical industries in Upper Gwynedd Township, **Montgomery County**. This action is a renewal of the original State-only Operating Permit (Natural Minor), which was issued on October 14, 2003, and was amended on June 22, 2007. Several typographical changes have been made to the permit. Otherwise, there have been no other changes made to the permit since it was last amended on June 22, 2007. The permit includes 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.

06-05097: Berks Products Corp. (P. O. Box 9000, Wyomissing, PA 19610) on December 15, 2008, to operate their stone crushing plant at the existing facility in Ontelaunee Township, **Berks County**. This is a renewal of the State-only operating permit.

36-05124: Guyon Industries, Inc. (1344 North Penryn Road, Manheim, PA 17545-8518) on December 12, 2008, to operate their lumber prefinishing facility in Penn Township, **Lancaster County**. This is a renewal of the State-only operating permit.

36-05130: Masonic Homes (1 Masonic Drive, Elizabethtown, PA 17022-2199) on December 12, 2008, to operate boilers and engines in Elizabethtown Borough, **Lancaster 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.

14-00024: Shain Shop Bilt, Inc. (509 Hemlock Street, Philipsburg, PA 16866) on November 18, 2008, issued State-only operating permit for their wood furniture manufacturing facility in Rush Township, **Centre County**. The facility's main sources include one No. 2 fired boiler, one No. 2 fired heater, two spray booths and woodworking equipment consisting of panel saws, routers, sanders, and the like controlled by three fabric collectors. The State-only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

49-00054: Meckley's Limestone Products, Inc. (1543 SR 225, Herndon, PA 17830) on December 2, 2008, issued State-only (Synthetic Minor) operating permit for their limestone quarry/processing facility located in Lower Mahanoy Township, **Northumberland County**. The facility's main sources include haul roads, primary and secondary crushing operations, pulverized limestone drying operation, pulverized limestone handling and storage operation, asphalt concrete batch plant, five aboveground storage tanks and parts washer. The State-only (Synthetic Minor) operating permit contains all applicable Federal and State regulatory requirements including monitoring, recordkeeping and reporting conditions.

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.

46-00005: Merck & Co., (770 Sumneytown Pike, West Point, PA 19486) has been modified to address the testing frequency of the Waste Heat Incinerator and rotary Kiln Incinerator, establish the temperature block averaging periods for the incinerators, incorporate the disinfection operations and revise the responsible official. The modified Title V Operating Permit contains all of the applicable regulatory requirements including monitoring, recordkeeping, reporting and emission limits.

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

32-00227: Electro-Mec, Inc. (4470 Lucerne Road, Indiana, PA 15701-9498) on December 15, 2008, received an administrative amendment to incorporate a burn off oven, bake oven and resin usage source and requirements from plan approval GP4-32-00227 into the State-only operating permit for their plant in White Township, **Indiana County**.

65-00781: Kennametal, Inc., (1600 Technology Way, Latrobe, PA 15650-4647) on December 15, 2008, the State-only operating permit was administratively amended to change the responsible official for the Quentin McKenna Technology Center located in Unity Township, **Westmoreland 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.

09-00012: Meadwestvaco Consumer Packaging Group, LLC, d/b/a Klearfold (364 Valley Road, Warrington, PA 18976) for operation of paperboard box printing presses in Warrington Township, **Bucks County**. This operating permit was revoked because of a permanent shutdown of operations at the facility in December 2008.

46-00151: PPL Interstate Energy Co. (214 Shoemaker Road, Pottstown, PA 19464), for operations of a pumping station in Salford Township, **Montgomery County**. This operating permit was revoked because operations of the only source at the station have ceased for 1 year or more.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

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

56971301 and NPDES Permit No. PA0214973, RoxCOAL, Inc., (P. O. Box 149, Friedens, PA 15541), to revise the permit for the Geronimo Mine in Jenner and Quemahoning Townships, **Somerset County** to expand the underground mine and subsidence control plan permit area. Underground Acres Proposed 35.2, Subsidence Control Plan Acres Proposed 35.2. No additional discharges. Application received September 15, 2008. Permit issued December 16, 2008.

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

56060111 and NPDES No. PA0262269. PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541, commencement, operation and restoration of a bituminous surface mine in Black Township, **Somerset County**, affecting 111.3 acres. Receiving streams: UNT to Coxes Creek/Coxes Creek classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received November 30, 2006. Permit issued December 12, 2008.

56070106 and NPDES No. PA0262471. Fieg Brothers, 3070 Stoystown Road, Stoystown, PA 15563, commencement, operation and restoration of a bituminous surface, auger, blasting mine in Brothersvalley Township, **Somerset County**, affecting 36.3 acres. Receiving streams: UNTs to Hays Run; UNTs to Buffalo Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 9, 2007. Permit issued December 12, 2008.

32070105, Bedrock Mines, LP, 111 Freeport Road, Pittsburgh, PA 15215, transfer of an existing bituminous surface mine from Walter L. Houser Coal Company, Inc., 12968 US Route 422, Kittanning, PA 16201, located in Washington Township, **Indiana County**, affecting 35.0 acres. Receiving stream: South Branch Plum Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 2, 2008. Permit issued December 17, 2008.

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

65810113 and NPDES Permit No. PA0615668. M. B. Energy, Inc. (175 McKnight Road, Blairsville, PA 15717). Permit renewal issued for continued reclamation only of an existing bituminous surface mining site located in Cook and Donegal Townships, **Westmoreland County**, affecting 103.8 acres. Receiving streams: UNT to Four Mile Run to Loyalhanna Creek. Application received October 14, 2008. Reclamation only renewal issued December 17, 2008.

26-06-04 and NPDES Permit No. PA0251356. TEDCO, Inc. (117 West Peach Street, Connellsville, PA 15425). Government Financed Construction Contract issued for reclamation of approximately 24.8 acres of abandoned mine lands located in Lower Tyrone Township, **Fayette County**. Receiving stream: Hickman Run. Application received March 21, 2008. Contract issued December 18, 2008.

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

33020105 and NPDES Permit No. PA0242195. P. and N. Coal Co., Inc. (P. O. Box 332, Punxsutawney, PA 15767). Renewal of an existing bituminous strip and auger operation in Knox Township, **Jefferson County** affecting 128.0 acres. Receiving streams: UNTs to Five Mile Run and Five Mile Run to Sandy Lick Creek. Application received October 16, 2008. Permit issued December 16, 2008.

61970102 and NPDES Permit No. PA0227595. Rusnak Coal Company (P. O. Box 44, Grove City, PA 16127) Renewal of an existing bituminous strip, auger, coal ash placement and sandstone removal operation in Irwin Township, **Venango County** affecting 54.5 acres. Receiving streams: UNT to Scrubgrass Creek. Application received July 29, 2008. Permit issued December 17, 2008.

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

17663047 and NPDES No. PA0127981. River Hill Coal Company, Inc. (P. O. Box 141, Kylertown, PA 16847), permit renewal for reclamation only of a bituminous surface mine in Karthaus Township, **Clearfield County**, affecting 260.4 acres. Receiving streams: UNTs to Saltlick Run, to Saltlick Run to West Branch Susquehanna River to Susquehanna River. There are no

potable water supply intakes within 10 miles downstream. Application received November 10, 2008. Permit issued December 8, 2008.

17820160 and NPDES No. PA0611336. River Hill Coal Company, Inc. (P. O. Box 141, Kylertown, PA 16847), permit renewal for reclamation only of a bituminous surface mine in Karthaus Township, **Clearfield County**, affecting 216.0 acres. Receiving streams: UNT of Salt Lick Run, to Salt Lick Run, to West Branch Susquehanna River and Upper Three Runs to West Branch Susquehanna River and West Branch Susquehanna River to Susquehanna River. There are no potable water supply intakes within 10 miles downstream. Application received November 10, 2008. Permit issued December 8, 2008.

17020115 and NPDES No. PA243370. Hepburnia Coal Company (P. O. Box I, Grampian, PA 16838), permit renewal for reclamation only of a bituminous surface mine in Ferguson Township, **Clearfield County**, affecting 69.0 acres. Receiving streams: Not applicable for treatment facilities and sediment ponds. The permittee will use nondischarge alternatives (UNT A and C to Watts Run). There are no potable water supply intakes within 10 miles downstream. Application received October 28, 2008. Permit issued December 12, 2008.

17030120 and NPDES No. PA0243663. RES Coal, LLC (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920), revision of an existing bituminous surface mine for an Insignificant Permit Boundary Correction in Becaria and Bigler Townships, **Clearfield County**, affecting 96.3 acres. Receiving stream: UNT to Banian Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received August 7, 2008. Permit issued December 10, 2008.

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

54010201R. WPS Westwood Generation, LLC, (1716 Lawrence Drive, DePere, WI 54115), renewal of an existing anthracite coal refuse reprocessing and disposal operation in Hegins and Porter Townships, **Schuylkill County** affecting 73.6 acres, receiving stream: none. Application received January 18, 2008. Renewal issued December 15, 2008.

54930101R3 and NPDES Permit No. PA0595934. Char-Pac Coal Company, (P. O. Box 81, Minersville, PA 17954), renewal of an existing anthracite surface mine operation in Branch Township, **Schuylkill County** affecting 102.8 acres, receiving stream: Schaffer Creek. Application received January 14, 2008. Renewal issued December 16, 2008.

Noncoal Applications Returned

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

50080801. Barbara Beers, 1360 Newport Road, Duncannon, PA 17020, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Miller Township, **Perry County**, affecting 1.5 acres, receiving streams: Losh Run. Application received May 30. Permit returned December 18, 2008.

Noncoal Permits Actions

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

NPDES Permit No. PA0109088, Geiger Development Corporation, 1207 Stoystown Road, Friedens, PA 15541, renewal of NPDES Permit, Somerset Township, **Somerset County**. Receiving stream UNT to Coxes Creek classified for the following use: TSF. There are no potable water supply intakes within 10 miles downstream. Application received October 14, 2008. Permit issued December 15, 2008.

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

39082801. Fenoff Stone Sales, (P. O. Box 6, Germansville, PA 18053), commencement, operation and restoration of a quarry operation in Heidelberg Township, **Lehigh County** affecting 5.0 acres, receiving stream: none. Application received July 15, 2008. Permit issued December 18, 2008.

58080851. Chancey Kelley, (R. R. 4, Box 252A, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Silver Lake Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received August 28, 2008. Permit issued December 18, 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.

21084168. John W. Gleim, Jr., 625 Hamilton Street, Carlisle, PA 17013-1925, blasting activity permit issued for trench and site development in Carlisle Borough, **Cumberland County**. Blasting activity permit end date is December 12, 2009. Permit issued December 10, 2008.

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

54084106. Keystone Blasting Service, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for the Paul Bedway Project in Schuylkill Haven Borough, **Schuylkill County** with an expiration date of June 30, 2009. Permit issued December 11, 2008.

360841119. Keystone Blasting Service, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for a single dwelling in East Earl Township, **Lancaster County** with an expiration date of February 28, 2009. Permit issued December 12, 2008.

360841121. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Wetherburn Commons in Manheim Township, **Lancaster County** with an expiration date of December 1, 2009. Permit issued December 17, 2008.

360841123. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Cheltenham Court in Manheim Township,

Lancaster County with an expiration date of December 1, 2009. Permit issued December 17, 2008.

360841124. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Bent Creek in Manheim Township, **Lancaster County** with an expiration date of December 1, 2009. Permit issued December 17, 2008.

360841125. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Lakes at Donegal Springs in Mt. Joy Borough and Mt. Joy Township, **Lancaster County** with an expiration date of December 1, 2009. Permit issued December 17, 2008.

48084112. Austin Powder Company, (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Chrin Commerce Center Phase II in Palmer and Lower Nazareth Townships, **Northampton County** with an expiration date of December 11, 2009. Permit issued December 17, 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 AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 P. S. §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E29-095: Fulton County Conservation District, Scott Alexander, 216 North Second Street, McConnellsburg, PA 17233-4423, Carbaugh Farm Streambank Stabilization Project, Ayr Township, **Fulton County**, United States Army Corps of Engineers, Baltimore District.

To rehabilitate and maintain approximately 540-foot long streambanks of Spring Run (CWF) by constructing one rock cross vane, 16 log vanes, six mud sills and seven rock habitat clusters to improve the eroding banks, headcuts and floodplains located about 2.2 miles northeast of Big Cove Tannery Village (Big Cove Tannery, PA Quadrangle N: 21.84 inches; W: 2.57 inches, Latitude: 39° 52' 12.96"; Longitude: 78° 01' 5.97" and N: 21.70 inches; W: 2.65 inches, Latitude: 39° 52' 10.23"; Longitude: 78° 01' 8.06") in Ayr Township, Fulton County.

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

E18-437. Columbia Gas Transmission Corporation, 950 Manifold Road, Washington, PA 15147. Natural gas compressor station, in Chapman Township, **Clinton County**, United States Army Corps of Engineers, Susquehanna River Basin District (Renovo East, PA Quadrangle N: 41° 21' 41.21"; W: 77° 42' 00.32").

To construct and maintain the placement of a prefabricated 8' by 10' steel building at the existing Columbia Gas Compressor station at the location stated herein. The building will be constructed within the FEMA designated floodway of Young Womans Creek. The site is located 820-feet north of the intersection of SR 4003, Left Branch Road and TR 579, Young Womans Creek Road (Renovo East, PA Quadrangle N: 41° 21' 41.21"; W: 77° 42' 00.32") in Chapman Township, Clinton County. This project proposes to have a minimal impact on Young Womans Creek, which is designated a HQ-CWF and does not propose to impact any jurisdictional wetlands. This permit was issued under section 105.13(e) "Small Projects."

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

E62-417. Southwest Township, R. D. 2, Box 184A, Titusville, PA 16354. Sutton Road across Caldwell Creek, in Southwest Township, **Warren County**, United States Army Corps of Engineers, Pittsburgh District (Grand Valley, PA Quadrangle N: 41° 40' 06"; W: 79° 35' 54").

To remove the existing structure and to construct and maintain a prestressed concrete spread box beam bridge having a clear span of 71 feet and an underclearance of 7.2 feet on an 85° skew across Caldwell Creek (HQ-CWF) and impacting 0.08 acre of wetland (EV) on Sutton Road

approximately 1.7 mile from Flat Road. Project includes creation of 0.043 acre of replacement wetland in the immediate vicinity of the bridge and a \$500 contribution to the Pennsylvania Wetland Replacement Fund.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

D52-144EA. Department of Conservation and Natural Resources, Bureau of Facility Design and Construction, P. O. Box 8451, Harrisburg, PA 17105-8451. Greene Township, **Pike County**, United States Army Corps of Engineers, Philadelphia District.

Project proposes to modify Lower Lake Dam across East Branch Wallenpaupack Creek (HQ-CWF). The project involves the rehabilitation of the existing spillway to address structural concerns. The project will temporarily impact 0.01 acre of wetlands for the excavation for the new wingwalls. The dam is located in Promised Land State Park approximately 2 miles Northeast of the intersection of SR 390 and Roemersville Road (SR 3002) (Promised Land, PA Quadrangle Latitude: 41° 18' 48"; Longitude: 75° 14' 07").

SPECIAL NOTICES

Submission Deadline for Application for Reimbursement for Certified Host Municipality Inspectors under Act 101 (Section 1102), the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 and Act 108 (Section 304), the Hazardous Sites Cleanup Act of 1988

The Department of Environmental Protection (Department) hereby announces the submission deadline for 2008, Host Municipality Inspector Program Reimbursement Applications as March 31, 2009. Reimbursements are available to municipalities under the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) and the Hazardous Sites Cleanup Act (Act 108). Municipalities include cities, boroughs, incorporated towns, townships and home-rule municipalities.

All reimbursements are allocated from the Recycling Fund authorized under Act 101 for municipal waste facilities, or from the Hazardous Sites Cleanup Fund under Act 108 for hazardous waste facilities. Reimbursements are available to any municipality that has a municipal waste landfill, resource recovery facility, or commercial hazardous waste storage, treatment and disposal facility located within its geographic borders. Upon application from any host municipality, the Department shall award reimbursements for authorized costs incurred for the salary and expenses of up to two certified Host Municipality Inspectors. The reimbursement shall not exceed 50% of the approved costs of salaries and expenses. Reimbursement is available only for Host Municipality Inspectors trained and certified by the Department.

The application for reimbursement contains tables for specifying the itemized expenses for certified inspectors and for calculating the total reimbursement request. Complete instructions are included with the application, which is being distributed to all municipalities that have participated in the program. If an individual's municipality does not receive but requires an application, or if individuals have any questions about this program, contact the Program Development Section, Department of Environmental Protection, Bureau of Waste Management, Rachel Carson State Office Building, P. O. Box 8471,

Harrisburg, PA 17105-8471, (717) 787-9870 or visit the Department's web site at www.depweb.state.pa.us (PA Keyword: "Host Municipality Inspector").

The deadline for submitting applications is 4:30 p.m. on March 31, 2009. Applications post marked after the deadline will not be considered.

JOHN HANGER,
Acting Secretary

Bureau of Mine Safety Request for Variance

The Department of Environmental Protection (Department), Bureau of Mine Safety (Bureau), has received a request for variance from Rosebud Mining Company. The following notification contains a summary of this request. 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.

The Department is publishing a summary of the request to solicit comments from affected parties on the proposed variance request. Comments may be used by the Bureau to assist in its investigation of the variance request. Comments will be accepted for 30 days following the publication of this notice. Comments should be addressed to: Joseph A. Scaffoni, Director, Bureau of Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401.

Section 702 of the Pennsylvania Bituminous Coal Mine Act (act) (52 P. S. §§ 701-101—701-706), provides a mechanism for operators to obtain variances from specific requirements of the act to accommodate the adoption of new machinery, equipment, tools, supplies, methods or processes.

Section 290(d) states that every gassy mine shall have at least four main entries, two of which shall lead from the main opening and two from the second opening into the body of the mine.

Summary of the Request: Rosebud Mining Company requests a variance to reduce the number of main entries in the 3 South Mains at the Darmac No. 2 Mine.

[Pa.B. Doc. No. 09-12. Filed for public inspection January 2, 2009, 9:00 a.m.]

Citizens Advisory Council; Meeting Cancellation Notice

The January 20, 2009, meeting of the Citizens Advisory Council (Council) is cancelled. The next meeting of the Council is scheduled for February 17, 2009, at 11 a.m., in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the next scheduled meeting of the Council can be directed to Patty Davenport at (717) 787-4527 or padavenport@state.pa.us. The agenda and meeting materials for the February 17, 2009, meeting will be available through the Public Participation Center on the Department of Environmental Protection's web site at www.depweb.state.pa.us (DEP Keyword: "Participate"). Persons in need of accommodations as provided for in the

Americans With Disabilities Act of 1990 should contact the Council at (717) 787-4527 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Council may accommodate their needs.

JOHN HANGER,
Acting Secretary

[Pa.B. Doc. No. 09-13. Filed for public inspection January 2, 2009, 9:00 a.m.]

DEPARTMENT OF HEALTH

Approved Prearrest and Evidential Breath Testing Devices

The Department of Health (Department) has statutory authority to approve both prearrest and evidential breath testing devices for use by law enforcement officials to determine the alcohol content of blood by analysis of a person's breath. This notice differs from previous notices since it is a compilation of the lists of prearrest breath testing devices and evidential breath testing devices, which were previously published in separate notices.

The Department approves prearrest breath testing devices as required by 28 Pa. Code §§ 5.101—5.104 (relating to equipment to determine blood alcohol content under the Vehicle Code and the Fish and Boat Code). Authority to promulgate those regulations is contained in the Vehicle Code, 75 Pa.C.S. § 1547(k) (relating to chemical testing to determine amount of alcohol or controlled substance), the Fish and Boat Code, 30 Pa.C.S. § 5125(k) (relating to chemical testing to determine amount of alcohol or controlled substance), the Game and Wildlife Code, 34 Pa.C.S. § 2502(j) (relating to chemical test to determine amount of alcohol), and section 2102(g) of The Administrative Code of 1929 (71 P. S. § 532(g)).

Prearrest breath testing devices approved under this authority may be used by police officers, waterways patrolmen and officers enforcing the Vehicle Code, the Fish and Boat Code and the Game and Wildlife Code in conducting preliminary determinations of alcohol content of blood of persons suspected of driving, boating, hunting, or furtaking, while under the influence of alcohol. Officers and patrolmen use these devices to assist them in determining whether or not a person should be placed under arrest for violation of 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance), for violation of 30 Pa.C.S. § 5502 (relating to operating watercraft under influence of alcohol or controlled substance), for violation of 34 Pa.C.S. § 2501 (relating to hunting or furtaking prohibited while under influence of alcohol or controlled substance), or for any other criminal offense under the Vehicle Code, the Fish and Boat Code, or the Game and Wildlife Code, which involves operating a vehicle or boat, hunting, or furtaking while under the influence of alcohol. This notice lists devices that were included in the previous publication of the list of approved prearrest breath testing devices, which appeared at 38 Pa.B. 321 (January 12, 2008).

The National Highway Traffic Safety Administration (NHTSA) of the United States Department of Transportation published model specifications for Screening Devices to Measure Alcohol in Bodily Fluids in 59 FR 39382 (August 2, 1994). These specifications established performance criteria and methods for testing alcohol screening devices using either breath or bodily fluids such as saliva

to measure blood alcohol content. NHTSA established these specifications to support state laws and the Federal Department of Transportation's workplace alcohol testing program. The Department has elected to use the NHTSA criteria for approving devices for the pre-arrest testing of a person's breath to determine the alcohol content of the person's blood.

NHTSA published a conforming products list of alcohol screening devices in 72 FR 4559 (January 31, 2007). The breath testing devices included in this Federal approval list have been incorporated into the list in this notice. Since this notice lists only those devices which test breath, items on the NHTSA list that test saliva or other bodily fluids are not included in this notice.

Additionally, there are a number of breath testing devices on this list of approved equipment that may be used as both prearrest and evidential testing devices. Any device on this list that was evaluated using the 1993 Model Specifications for Evidential Breath Testers (58 FR 48705) also fully meets the requirements of the Model Specifications for prearrest screening devices. Both procedures evaluate the performance of instruments at the 0.020% alcohol level.

The Department approves evidential breath testing devices under the authority of 75 Pa.C.S. § 1547(c)(1), 30 Pa.C.S. § 5125(c)(1) and 34 Pa.C.S. § 2502(c).

Evidential breath testing devices approved under this notice may be used by law enforcement officials to obtain test results which will be admissible in evidence in any summary or criminal proceeding in which the defendant is charged with a violation of 75 Pa.C.S. § 3802, or any other violation of the Vehicle Code arising out of the same action, or 30 Pa.C.S. § 5502, or any other violation of the Fish and Boat Code arising out of the same action, or 34 Pa.C.S. § 2501, or any other violation of the Game and Wildlife Code arising out of the same action. Law enforcement agencies should determine that an approved training program in the use of the equipment is available in accordance with the above referenced statutes before purchasing any of the devices contained on this list. This notice lists evidentiary breath testing devices that were included in the previous publication of the list of evidential breath testing devices, which appeared at 38 Pa.B. 944 (February 16, 2008).

The approval of evidential equipment listed in this notice is based on the evaluation of the equipment by NHTSA. Equipment which met the Federal requirements was published at 72 FR 71480 (December 17, 2007) as a Conforming Products List. The list contained in this notice is based on that Conforming Products List.

Instruments marked with an asterisk (*) meet the Model Specifications detailed in 49 FR 48854 (December 14, 1984) (that is, instruments tested at breath alcohol concentrations of 0.000, 0.050, 0.101, and 0.151 grams of alcohol per 210 liters of air). Instruments not marked with an asterisk meet the Model Specifications detailed in 58 FR 48705 (September 17, 1993), and were tested at breath alcohol concentrations of 0.000, 0.020, 0.040, 0.080, and 0.160 grams of alcohol per 210 liters of air. The amended specifications that were published on September 17, 1993, added a test for the presence of other low molecular weight alcohols including methyl and isopropyl. Instruments whose precision and accuracy have been evaluated in the latter concentration range (that is, devices not marked with an asterisk) should be used when reliable results are required at blood alcohol concentrations below 0.050%.

NHTSA also evaluates equipment to determine if it must be operated at fixed locations (that is, nonmobile equipment) or can be transported to nonfixed operational sites in the field (mobile equipment). Most equipment on the list is approved for mobile and nonmobile operation. The listing at the end of this notice specifies nonmobile equipment only.

The instruments not marked with an asterisk meet the specifications for use as prearrest or evidentiary breath testing devices. The instruments marked with an asterisk may be used as evidentiary devices for law enforcement purposes that are concerned with blood alcohol concentrations at or above 0.050%. These instruments may also be used as prearrest breath testing devices if they are approved for mobile operations. However, these instruments may not be effective for arrests under the Vehicle Code, the Fish and Boat Code, or the Game and Wildlife Code where blood alcohol concentrations below 0.050% are acceptable. Nonmobile devices can only be used as evidentiary testing instruments since they are not portable. Before purchasing breath testing devices, law enforcement officials should consult with the manufacturer of the equipment they intend to purchase to verify that the devices can be used for their intended purposes.

Law enforcement agencies that plan to utilize a device which does not appear on the following list should contact the manufacturer of the equipment to verify that it has been evaluated by NHTSA and found to meet NHTSA's performance requirements. If a device is approved by NHTSA after the date of this publication, the manufacturer of the device will need to forward documentation of NHTSA acceptability to Dr. M. Jeffery Shoemaker at the address given below so that the Department has information sufficient to enable it to include the device in the next revision of this notice in the *Pennsylvania Bulletin*.

Some of the devices included in this notice are listed under the name of more than one manufacturer. This is due to the fact that the name of the manufacturer has changed or the right to produce a device has been transferred to a different company. In such instances, the device is listed under the name of every company that was ever associated with the device in order to allow law enforcement agencies to continue using devices bearing the name of a previous manufacturer.

To facilitate accessibility to information concerning breath alcohol testing devices which are approved for law enforcement purposes in the Commonwealth, the Department will publish revisions of this list of equipment semiannually as notices in the *Pennsylvania Bulletin*. This practice is being implemented in 2009 and will proceed even if an updated conforming products list has not appeared in the *Federal Register* since the Department's last annual publication of approved breath testing devices.

Questions regarding this list should be directed to Dr. M. Jeffery Shoemaker, Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact Dr. Shoemaker at V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

AK Solutions, Inc., Palisades Park, NJ¹

Alcoscan AL-2500
AlcoChecker
AlcoKey
AlcoMate
AlcoMate Pro
Alcoscan AL-5000
Alcoscan AL-6000

Akers Laboratories, Inc., Thorofare, NJ

Alcohol $\sqrt{\text{TM}}$

Akers Biosciences, Inc., Thorofare, NJ

Breath Alcohol $\sqrt{\text{TM}}$.02 Detection System²

Alco Check International, Hudsonville, MI

Alco Check 3000 D.O.T.
Alco Check 9000
Alco Screen 3000

Alcohol Countermeasures Systems, Inc., Port Hurton, MI

Alert J3AD*
PBA 3000C

Alcohol Countermeasure Systems Corp., Mississauga, Ontario, Canada

Alert J3AD*
Alert J4X.ec
PBA3000C

Alcohol Countermeasure Systems, Inc., Cincinnati, OH

Alert J4

Approved Technology, Inc., Grand Rapids, MI

Alco-Check I
Alco-Check II
Alco-Check 3000

BAC Systems, Inc., Ontario, Canada

Breath Analysis Computer*

BHP Diagnostix, West Chester, PA

Prevent

CAMEC Ltd., North Shields, Tyne and Ware, England

IR Breath Analyzer*

CMI-MPH, Owensboro, KY

CMI S-D2
CMI S-L2

CMI, Inc., Owensboro, KY

Intoxilyzer Model:

200
200D
240 (aka Lion Alcolmeter 400 + outside the US)
300
400
400PA
1400
4011*
4011A*
4011AS*
4011AS-A*
4011AS-AQ*
4011AW*
4011A27-10100*
4011A27-10100 with filter*

¹The AlcoMate was manufactured by Han International of Seoul, Korea, but marketed and sold in the US by AK Solutions.

²The Breath Alcohol $\sqrt{\text{TM}}$.02 Detection System consists of a single-use disposable breath tube used in conjunction with an electronic analyzer that determines the test result. The electronic analyzer and the disposable breath tubes are lot specific and manufactured to remain calibrated throughout the shelf-life of the device. This screening device cannot be used after the expiration date.

5000
 5000 (w/Cal. Vapor Re-Circ.)
 5000 (w/3/8" ID hose option)
 5000CD
 5000CD/FG5
 5000EN
 5000 (CAL DOJ)
 5000 (VA)
 8000
 PAC 1200*
 S-D2
 S-D5

Craig Technologies International Ltd., Aurora, CO
 BreathScan

Decator Electronics, Decator, IL
 Alco-Tector model 500*

**Draeger Safety, Inc., (aka: National Draeger)
 Durango, CO**
Alcotest Model:

6510
 6810
 7010*
 7110*
 7110 MKIII
 7110 MKIII-C
 7410
 7410 Plus
 9510

Breathalyzer Model:

900*
 900A*
 900BG*
 7410
 7410-II

EnviteC by Honeywell GmbH, Fond du Lac, WI
 AlcoQuant 6020

Gall's Inc., Lexington, KY
 Alcohol Detection System—A.D.S. 500

Guth Laboratories, Inc., Harrisburg, PA

Alco-Tector
 Alco-Tector Mark X
 Alcotector BAC-100
 Alcotector C₂H₅OH
 Alcotector WAT90
 Mark X Alcohol Checker
 Alcotector WAT89EC-1

Han International Co., Ltd., Seoul, Korea
 A.B.I. (Alcohol Breath Indicator)³

Intoximeters, Inc., St. Louis, MO

Indium Encapsulation System
 Photo Electric Intoximeter*
 GC Intoximeter MK II*
 GC Intoximeter MK IV*
 Auto Intoximeter*
 Intox EC-IR
 Intox EC-IR 2
 Portable Intox EC-IR

Intoximeter Model:

3000*
 3000 (rev B1)*
 3000 (rev B2)*
 3000 (rev B2A)*
 3000 (rev B2A) w/FM option*

3000 (Fuel Cell)*
 3000D*
 3000DFC*
 Alcomonitor
 Alcomonitor CC
 Alco-Sensor
 Alco-Sensor III
 Alco-Sensor III (Enhanced with Serial Numbers above
 1,200,000)
 Alco-Sensor IV
 Alco-Sensor IV-XL
 Alco-Sensor AZ
 Alco-Sensor FST
 Alco-Sensor Light Display
 EC/IR
 EC/IR II
 EC/IR II (enhanced with serial number 10,000 or
 higher)
 Portable EC/IR II
 RBT-AZ
 RBT III
 RBT III-A
 RBT-IV
 RBT-IV with CEM (cell enhancement module)

Komyo Kitagawa, Kogyo, K.K.:

Alcolyzer DPA-2*
 Breath Alcohol Meter PAM 101B*

Lifeloc Technologies, Inc. (formerly Lifeloc, Inc.)

Wheat Ridge, CO:

Life Loc PBA 3000
 PBA 3000-B
 PBA 3000-P*
 PBA 3000-C
 Alcohol Data Sensor
 Phoenix
 Phoenix 6.0
 EV 30
 FC 10
 FC 20

Lion Laboratories, Ltd., Cardiff, Wales, UK

Alcolmeter Model:

Auto-Alcolmeter*
 300
 400
 400+ (aka: Intoxilzyer 240 in the U.S.)
 SD-2*
 SD-5 (aka: S-D5 in the U.S.)
 EBA*

Intoxilyzer Model:

200
 200D
 1400
 5000 CD/FG5
 5000 EN

Luckey Laboratories, San Bernardino, CA

Alco-Analyzer Model:

Mobat Sober-Meter-SM II
 1000*
 2000*

Medi-Scan, Inc., Denver, CO

BreathScan

National Draeger, Inc., Durango, CO

Alcotest Model:

7010*
 7110*
 7110 MKIII
 7110 MKIII-C

³ Han International does not market or sell devices directly in the US market. Other devices manufactured by Han International are listed under AK Solutions, Inc. and Q-3 Innovations, Inc.

7410
7410 Plus
7410 Screener
9510
6510
6810

Breathalyzer Model:

900*
900A*
900BG*
7410
7410-II

National Draeger, Inc., Pittsburgh, PA

Alcotest

National Patent Analytical Systems, Inc., Mansfield, OH

BAC DataMaster (with or without the Delta-1 accessory)
BAC Verifier DataMaster (with or without the Delta-1 accessory)
DataMaster cdm (with or without the Delta-1 accessory)
DataMaster DMT

Omicron Systems, Palo Alto, CA

Intoxilyzer 4011*
Intoxilyzer 4011AW*

PAS Systems International, Inc., Fredericksburg, VA

PAS IIIa
PAS Vr

Plus 4 Engineering, Minturn, CO

5000 Plus 4*

Q3 Innovations, Inc., Independence, IA⁴

AlcoHAWK Precision
AlcoHAWK Slim
AlcoHAWK Elite
AlcoHAWK ABI
AlcoHAWK Micro
AlcoHAWK PRO

RepCo Marketing, Raleigh, NC

Alco Tec III
AlcoTec Breath-Alcohol Tester
Breath Alcohol Tester Model BT-2
Breath Alcohol Tester Model BT-3

Seju Co. of Taejeon, Korea

Safe-Slim

Seres, Paris, France

Alco Master
Alcopro

Siemens-Allis, Cherry Hill, NJ

Alcomat*
Alcomat F*

Smith and Wesson Electronics, Springfield, MA**Breathalyzer Model:**

900*
900A*
1000*
2000*
2000 (Non-Humidity Sensor)*

SoundOff, Inc., Hudsonville, MI

Alco-Check

Alco-Check II
AlcoData
Alco Screen 1000
Digitox D.O.T.
Preliminary Breath Test II
Seres Alco Master
Seres Alcopro

Stephenson Corp.

Breathalyzer 900*

Takai-Denshi Inc., Tokyo, Japan:

ALC-PRO II (US)

Team Building Systems, Inc., Houston, TX

BreathScan

U.S. Alcohol Testing, Inc./Protection Devices, Inc., Rancho Cucamonga, CA

Alco-Analyzer 1000
Alco-Analyzer 2000
Alco-Analyzer 2100

Verax Systems, Inc., Fairport, NY

BAC Verifier*
BAC Verifier Datamaster
BAC Verifier Datamaster II*

Nonmobile only**Decator Electronics**

Alco-Tector model 500*

Draeger Safety, Inc.

Alcotest Model 9510

Intoximeters, Inc.

Photo Electric Intoximeter*
Intoximeter Model—Alcomonitor
Intoximeter Model—EC/IR II (enhanced with serial number 10,000 or higher)

Lion Laboratories, Ltd.

Auto-Alcolmeter*

Luckey Laboratories

Alco-Analyzer Model—1000*
Alco-Analyzer Model—2000*

U.S. Alcohol Testing, Inc./Protection Devices, Inc., Rancho Cucamonga, CA

Alco-Analyzer 1000
Alco-Analyzer 2000

A. EVERETTE JAMES,
Acting Secretary

[Pa.B. Doc. No. 09-14. Filed for public inspection January 2, 2009, 9:00 a.m.]

Availability of Funds for Traumatic Brain Injury; Sports Injury Education and Awareness through Mini-Grants

The Bureau of Family Health's Division of Child and Adult Health Services is accepting applications to support education and awareness of the causes and consequences of concussion/mild-severe traumatic brain injury (TBI) among youth in junior and high school. It is entitled: Sports Injury Education and Awareness Mini-grant Program. Funding for up to \$5,000 is available to support education and awareness of the causes of traumatic brain injury as a result of sports or other activities. Activities should educate school staff (that is, teachers, athletic trainers, coaches, school nurses), community sports programs, and/or providers of recreational opportunities

⁴ The AlcoHAWK ABI is the same device as that listed under Han International as the "ABI" and is manufactured for Q-3 Innovations by Han International. The AlcoHAWK PRO is the same device as the AlcoMate marketed and sold by AK Solutions, and also manufactured by Han International.

which could result in physical injury, in appropriate prevention strategies and intervention activities in the event that youth sustain concussions which could result in mild to severe head injury.

For the purpose of this funding opportunity, a TBI is defined as an insult to the brain, not of a degenerative or congenital nature, caused by an external physical force that may produce a diminished or altered state of consciousness, which results in impairment of cognitive abilities or physical functioning or in the disturbance of behavioral or emotional functioning. These impairments may be either temporary or permanent and cause partial or total functional disability or psychosocial maladjustment.

Eligible applicants are Commonwealth public and private organizations, foundations or community-based agencies recognized by Federal Tax ID number. Individuals may not apply. Informal groups without Federal Tax ID numbers are encouraged to partner with a sponsor organization who may apply on behalf of the group.

Project funds must be used to reimburse purchases and activities occurring between January 1, 2009, and March 31, 2009. Applicants may apply for funding to cover multiple purchases/activities, not to exceed \$5,000.

Completed applications will be accepted up to the due date, January 22, 2009. Awards will be made after that date and will be contingent upon the availability of funds and Department of Health (Department) approval. Copies of application forms and other background information are available on the Department's web site at www.health.state.pa.us (search word: "mini-grant").

Completed applications will be scored by an independent review panel. Rating factors include the following:

1. The need for the awareness and educational program is justified.
2. The audience of the proposed activity meets the intended target.
3. The activities meet the learning objectives, which are:
 - a. How to prevent concussions/mild head injuries.
 - b. How to recognize the warning signs that indicate a concussion/mild TBI has occurred.
 - c. How to intervene when a concussion/mild TBI is suspected.
4. The activities, trainer and training content is described, if applicable.
5. The application includes evidence of identified relationships or awareness of TBI services that are accessible to an athlete as well as a method of connecting them to these services.
6. The proposed budget and purchases are reasonable.
7. The measures or evaluation can demonstrate a change in awareness and knowledge of TBI.
8. The proposed activity will have an ongoing, systemic benefit to the community.

Applicants will be notified of approval/disapproval in writing within 30 days of the due date. Awardees are expected to abide by the provisions and limitations of the Federal funding source, the TBI Implementation and Partnership Grant.

To request application materials, for additional information related to this initiative or persons with a disability who require an alternative format of this notice or of the application materials (for example, large print, audiotape, Braille) should contact Amy Flaherty, Public Health Program Manager, Bureau of Family Health, Division of Child and Adult Health Services, Health and Welfare Building, 7th Floor East, 625 Forster Street, Harrisburg, PA 17120, (717) 772-2762, fax (717) 772-0323, aflaherty@state.pa.us or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

A. EVERETTE JAMES,
Acting Secretary

[Pa.B. Doc. No. 09-15. Filed for public inspection January 2, 2009, 9:00 a.m.]

Emergency Medical Services Patient Care Report Data Elements, Confidential and Nonconfidential Data Elements and Essential Patient Information for Transmission at Patient Transfer

Under 28 Pa. Code § 1001.41 (relating to data and information requirements for ambulance services) the Department of Health (Department) is publishing the following: (a) a list of data elements and form specifications for the emergency medical services (EMS) patient care report (PCR); (b) requirements that a prospective vendor must satisfy to secure endorsement of the vendor's software by the Bureau of Emergency Medical Services (Bureau); (c) a designation of data items for the PCR that are confidential; and (d) patient information in the PCR designated as essential for immediate transmission to the receiving facility for patient care.

(A) *Data Elements and Form Specifications.* The following standards must be met for an EMS data collection software program to satisfy the requirements for electronic PCR reporting:

1. A prospective vendor's software must be capable of collecting and reporting data in the format detailed in the National Emergency Medical Services Information System (NEMSIS) Data Dictionary version 2.2.1, published by the National Highway Traffic Safety Administration. Information on NEMSIS is published at www.nemsis.org. Prospective vendors are encouraged to contact the NEMSIS Technical Assistance Center (TAC) to clarify issues regarding the NEMSIS 2.2.1 requirements. Software marketed to Commonwealth ambulance services must be the version that has demonstrated that it is capable of collecting and reporting all NEMSIS 2.2.1 elements. Prospective vendors must use the Commonwealth list of Federal Information Processing Standard (FIPS) Codes for Commonwealth Municipalities, Hospital Identification Codes and Medication Codes (Codes). These are provided by the Bureau. The Bureau will maintain a list of required fields, Codes and resources on the Bureau's webpage at www.health.state.pa.us/ems.

2. A PCR data collection software program must satisfy the following:

i. It must be capable of recording all of the data elements identified in the column titled "Required Data Elements" on the EMS Patient Care Report Data and Information Chart included in this notice. It must have the ability to error check PCRs using the NEMSIS Data Dictionary published on the Bureau's webpage.

ii. It must produce an XML output file meeting the NEMSIS 2.2.1 standard.

iii. It must be able to collect and print narrative.

iv. It must allow for the ambulance service to make corrections when data elements are omitted or an error occurred when the form was initially completed.

v. It must annotate additions and corrections made to the PCR by identifying what data element was added or changed, the date of change and who made the change.

vi. It must assign a specific Patient Care Report Number (NEMSIS Field E01_01) to each PCR and prevent duplication of this identifier.

3. A prospective vendor must assist ambulance services in setting up software and is to validate that PCR data created by the software being proposed will be compliant with the "Required Data Elements" on the EMS Patient Care Report Data and Information Chart included in this notice.

4. A prospective vendor must coordinate with a regional EMS council that is willing to conduct a test of the software program using (10 of the PCRs previously submitted to the NEMSIS TAC) configured for use in the region where the test is conducted.

The test will include:

- i. Printing of the 10 PCRs.
- ii. Printing a list of the data elements collected.
- iii. Printing reports that identify unit utilization for:
 - a. Response outcome, hour/day of week.
 - b. Fractal time.
 - c. Municipal response for the test site.
- iv. Printing the following reports:
 - a. Incident location/type report with number of calls and percentage of calls.
 - b. Trauma summary.
 - c. Revised trauma scores.
 - d. Glasgow coma scale.
 - e. Medical summary.
 - f. EKG.
 - g. Treatment summary.
 - h. Admission summary.
 - i. BLS and ALS skills report for each practitioner.
 - j. BLS and ALS skills report for each beta test site.
 - k. Demographics summary (age, gender, total).
 - l. Vital signs summary (ranges, systolic, diastolic, pulse, respiration).
 - m. Attendant activity.
 - v. Printing output files of data elements to include:
 - a. Field number.
 - b. Field name.
 - c. Number of fields for each field name.
 - d. Type of field (that is, numeric, blanks stored as "0," mm/dd/yyyy, character, and acceptable field values).

5. A prospective vendor must secure a determination of software compliance from the Bureau by requesting a determination of compliance from the Bureau, upon which the Bureau will notify the prospective vendor of

reports and information that the prospective vendor must submit to the Bureau to seek a determination of compliance.

(B) *Bureau Endorsement of Software.* To secure endorsement of the software by the Bureau, in addition to securing a determination of compliance from the Bureau, a prospective vendor must do the following:

1. Agree, in writing, to make changes to the software program at no cost to the ambulance service if the change is the addition of additional data elements included in the NEMSIS Data Dictionary version 2.2.1.

2. Agree, in writing, to provide to the Bureau and to Commonwealth ambulance services and quick response services (QRS) using the vendor's software, 30-days advance notice before selling the program source code or company, or going out of business. The prospective vendor must further agree, in writing, that if circumstances prevent the prospective vendor from meeting the 30-day notice requirement, the vendor will provide input specifications and the source code for the software program to the Bureau at no cost.

(C) *Confidential PCR Data Elements.* Under 28 Pa. Code § 1001.42 (relating to dissemination of information) the release of the PCR, disclosure of confidential information in the PCR or a report or record thereof, is prohibited except as authorized under 28 Pa. Code § 1001.42(a)(1)–(7). The Department has the authority under 28 Pa. Code § 1001.41(b) to designate some of the information in the PCR as nonconfidential but has chosen not to do so at this time. Consequently, the PCR is confidential in its entirety, and all information in the PCR is subject to the disclosure restrictions in 28 Pa. Code § 1001.41(b). The Bureau and the regional EMS councils will, however, release aggregate data extracted from PCRs.

(D) *Patient Information Required to be Transmitted to Hospital at Time of Patient Delivery.* Under 28 Pa. Code § 1001.41(d) an ambulance service is to provide to the individual at the hospital assuming responsibility for the patient the patient information designated in the PCR as essential for immediate transmission to personnel for patient care. The Bureau encourages ambulance services to transmit immediately to the facility all information solicited by the PCR, including the narrative section. If the ambulance service does not provide all of the information solicited by the PCR at the time the hospital or facility assumes care, essential information that must be transmitted are the items listed on the following EMS Patient Care Report Data and Information Chart. The information may be transmitted verbally, in writing or electronically in a format [developed by the hospital or other entity] that the hospital finds acceptable to ensure the confidentiality of information designated as confidential in the PCR form.

Persons with a disability who require an alternate format of this notice (for example, large print, audiotape or Braille) should contact Robert Cooney, Department of Health, Bureau of Emergency Medical Services, Room 606, 625 Forster Street, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-8740. Speech or hearing impaired persons may use V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

<i>EMS Patient Care Report Data and Information Chart</i>		
<i>Required PA NEMSIS Elements</i>	<i>Name</i>	<i>Essential Information for Immediate Transmission to Receiving Facility at Time of Patient Delivery</i>
D01_01	EMS Number	
D01_03	EMS Agency State	
D01_04	EMS Agency County	
D01_07	Level of Service	
D01_08	Organizational Type	
D01_09	Organization Status	
D01_10	Statistical Year	
D01_12	Total Service Size Area	
D01_13	Total Service Area Population	
D01_14	911 Call Volume per Year	
D01_15	EMS Dispatch Volume per Year	
D01_16	EMS Transport Volume per Year	
D01_17	EMS Patient Contact Volume per Year	
D01_19	EMS Agency Time Zone	
D01_21	National Provider Identifier	
D02_07	Agency Contact Zip Code	
D04_04	Procedures	Required
D04_06	Medications Given	Required
D04_08	List of Protocols	
D04_11	Hospitals Served	
D04_12	Hospital Facility Number	
E01_01	Patient Care Report Number	
E01_02	Software Creator	
E01_03	Software Name	
E01_04	Software Version	
E02_01	EMS Agency Number	
E02_02	Incident Number	
E02_04	Type of Service Requested	
E02_05	Primary Role of the Unit	
E02_06	Type of Dispatch Delay	
E02_07	Type of Response Delay	
E02_08	Type of Scene Delay	
E02_09	Type of Transport Delay	
E02_10	Type of Turn-Around Delay	

<i>EMS Patient Care Report Data and Information Chart</i>		
<i>Required PA NEMSIS Elements</i>	<i>Name</i>	<i>Essential Information for Immediate Transmission to Receiving Facility at Time of Patient Delivery</i>
E02_12	EMS Unit Call Sign (Decal Number)	
E02_20	Response Mode to Scene	
E03_01	Complaint Reported by Dispatch	
E03_02	EMD Performed	
E04_01	Crew Member ID	
E04_02	Crew Member Role	
E04_03	Crew Member Level	
E05_02	PSAP Call Date/Time	
E05_03	Dispatch Notified Date/Time	
E05_04	Unit Notified by Dispatch Date	Required
E05_05	Unit En Route Date/Time	
E05_06	Unit Arrived on Scene Date/Time	
E05_07	Arrived at Patient Date/Time	
E05_09	Unit Left Scene Date/Time	
E05_10	Patient Arrived at Destination Date/Time	
E05_11	Unit Back in Service Date/Time	
E05_13	Unit Back at Home Location Date/Time	
E06_08	Patient's Home Zip Code	
E06_11	Gender	Required
E06_12	Race	
E06_13	Ethnicity	
E06_14	Age	Required
E06_15	Age Units	
E06_16	Date of Birth	
E07_01	Primary Method of Payment	
E07_15	Work-Related	
E07_34	CMS Service Level	
E07_35	Condition Code Number	Required
E08_05	Number of Patients at Scene	
E08_06	Mass Casualty Incident	
E08_07	Incident Location Type	

<i>EMS Patient Care Report Data and Information Chart</i>		
<i>Required PA NEMSIS Elements</i>	<i>Name</i>	<i>Essential Information for Immediate Transmission to Receiving Facility at Time of Patient Delivery</i>
E08_12	Incident City	
E08_13	Incident County	
E08_14	Incident State	
E08_15	Incident ZIP Code	
E09_01	Prior Aid	
E09_02	Prior Aid Performed by	
E09_03	Outcome of the Prior Aid	
E09_04	Possible Injury	
E09_05	Chief Complaint	Required
E09_11	Chief Complaint Anatomic Location	
E09_12	Chief Complaint Organ System	Required
E09_13	Primary Symptom	Required
E09_14	Other Associated Symptoms	
E09_15	Providers Primary Impression	Required
E09_16	Provider's Secondary Impression	
E10_01	Cause of Injury	Required
E10_02	Intent of Injury	
E10_04	Vehicular Injury Indicators	Required
E10_08	Use of Occupant Safety Equipment	Required
E10_09	Airbag Deployment	
E10_10	Height of Fall	Required
E11_01	Cardiac Arrest	
E11_02	Cardiac Arrest Etiology	
E11_03	Resuscitation Attempted	
E11_04	Arrest Witnessed By	
E11_05	First Monitored Rhythm of the Patient	Required
E11_11	Cardiac Rhythm on Arrival at Destination	
E12_01	Barriers to Patient Care	
E12_08	Medication Allergies	Required
E12_10	Medical/Surgical History	
E12_14	Current Medications	Required

<i>EMS Patient Care Report Data and Information Chart</i>		
<i>Required PA NEMSIS Elements</i>	<i>Name</i>	<i>Essential Information for Immediate Transmission to Receiving Facility at Time of Patient Delivery</i>
E12_19	Alcohol/Drug Use Indicators	
E13_01	Run Report Narrative	
E14_03	Cardiac Rhythm	Required
E14_04	SBP (Systolic Blood Pressure)	Required
E14_05	DBP (Diastolic Blood Pressure)	Required
E14_06	Method of Blood Pressure Measurement	Required
E14_07	Pulse Rate	Required
E14_08	Electronic Monitor Rate	
E14_11	Respiratory Rate	Required
E14_15	Glasgow Coma Score-Eye	
E14_16	Glasgow Coma Score-Verbal	
E14_17	Glasgow Coma Score-Motor	
E14_27	Revised Trauma Score	
E14_28	Pediatric Trauma Score	
E15_01	NHTSA Injury Matrix External/Skin	
E15_02	NHTSA Injury Matrix Head	Required
E15_03	NHTSA Injury Matrix Face	Required
E15_04	NHTSA Injury Matrix Neck	Required
E15_05	NHTSA Injury Matrix Thorax	Required
E15_06	NHTSA Injury Matrix Abdomen	Required
E15_07	NHTSA Injury Matrix Spine	Required
E15_08	NHTSA Injury Matrix Upper Extremities	Required
E15_09	NHTSA Injury Matrix Pelvis	Required
E15_10	NHTSA Injury Matrix Lower Extremities	Required
E15_11	NHTSA Injury Matrix Unspecified	
E18_03	Medication Given	Required
E18_05	Medication Dosage	Required
E18_06	Medication Dosage Units	

<i>EMS Patient Care Report Data and Information Chart</i>		
<i>Required PA NEMSIS Elements</i>	<i>Name</i>	<i>Essential Information for Immediate Transmission to Receiving Facility at Time of Patient Delivery</i>
E18_08	Medication Complication	
E18_09	Medication Crew Member ID	
E19_02	Procedure Performed Prior to this Units EMS Care	
E19_03	Procedure	
E19_05	Number of Procedure Attempts	
E19_06	Procedure Successful	
E19_07	Procedure Complication	
E19_09	Procedure Crew Member ID	
E19_10	Procedure Authorization	
E19_12	Successful IV Site	
E20_02	Destination/Transferred To, Code	
E20_07	Destination Zip Code	
E20_10	Incident/Patient Disposition	
E20_14	Transport Mode from Scene	
E20_15	Condition of Patient at Destination	
E20_16	Reason for Choosing Destination	
E20_17	Type of Destination	
E22_01	Emergency Department Disposition	
E22_02	Hospital Disposition	
E23_03	Personal Protective Equipment Used	
E23_09	Research Survey Field	
E23_10	Who Generated This Report	
E23_11	Research Survey Field Title	

Essential Information for Immediate Transmission to Receiving Facility at Time of Patient Delivery, Not Required to be Transmitted to the Regional EMS Council.

<i>NEMSIS Elements</i>	<i>Name</i>
D01_02	EMS Agency Name
D08_01	EMS Personnel's Last Name
D08_03	EMS Personnel's First Name
E06_01	Patient's Last Name

Essential Information for Immediate Transmission to Receiving Facility at Time of Patient Delivery, Not Required to be Transmitted to the Regional EMS Council.

<i>NEMSIS Elements</i>	<i>Name</i>
E06_02	Patient's First Name

A. EVERETTE JAMES,
Acting Secretary

[Pa.B. Doc. No. 09-16. Filed for public inspection January 2, 2009, 9:00 a.m.]

Laboratories Approved to Determine Analyses of Blood and/or Serum for Controlled Substances under the Clinical Laboratory Act, the Vehicle Code, the Fish and Boat Code, and the Game and Wildlife Code

The following laboratories are licensed by the Department of Health (Department) under the Clinical Laboratory Act (act) (35 P. S. §§ 2151—2165) and/or the Federal Clinical Laboratories Improvement Act of 1967 (42 U.S.C.A. § 263a) and are currently approved by the Department under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of blood and/or serum for the determination of controlled substances. This approval is based on demonstrated proficiency in periodic tests conducted by the Department's Bureau of Laboratories. These laboratories are also approved and designated for purposes of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; and reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine amount of alcohol or controlled substance) and the Game and Wildlife Code, 34 Pa.C.S. § 2502 (relating to chemical test to determine amount of alcohol), as qualified to perform the types of services which will reflect the presence of controlled substances or their biotransformation products in blood and/or serum.

Depending upon their capability and performance in proficiency surveys, laboratories are approved to perform screening and/or confirmatory analyses on blood and/or serum. Laboratories approved to perform screening analyses are designated on the approval list by an "S" followed by the letters "B" for blood and/or "Se" for serum. Laboratories approved to screen both blood and serum would therefore have "SBSe" listed after their laboratory name. Laboratories approved to offer confirmatory analyses are designated on the approval list by a "C" followed by the letters "B" for blood and/or "Se" for serum. Laboratories approved to perform confirmatory analyses on both serum and blood would therefore have "CBSe" listed after their laboratory name.

Screening analyses provide a presumptive indication that a controlled substance is present. Confirmatory testing is used to substantiate screening results.

Persons seeking forensic blood and/or serum analysis services from any of the listed laboratories should determine that the laboratory employs techniques and procedures acceptable for medicolegal purposes. They should also determine that the director of the facility is agreeable to performing analyses for forensic purposes. Persons

seeking the analyses are responsible for specifying the extent to which the presence of a controlled substance is to be verified. That specification should be predicated upon the purpose for which the analysis is being sought.

The Vehicle Code contains a provision 75 Pa.C.S. § 1547(c)(3)(ii) that permits test results on blood or urine for alcohol or controlled substances to be introduced into evidence at legal proceedings in Pennsylvania if the laboratory is located in another state and is not licensed and approved by the Department to provide these services. This section states that the test results may be admissible into evidence at summary or criminal proceedings in which the defendant is charged with a violation of section 3802 (driving under the influence of alcohol or controlled substance) if the laboratory that performed the test is licensed by the state in which the facility is located and licensed pursuant to the Federal Clinical Laboratory Improvement Amendments of 1988 (Pub. L. No. 100-578, 102 Stat. 2903). A similar provision appears in the Fish and Boat Code at 30 Pa.C.S. § 5125(c)(3)(ii).

The name or location of a laboratory is sometimes changed but the personnel and testing procedures of the facility remain unchanged. When changes of this type occur, the Clinical Laboratory Permit number does not change. If questions arise about the identity of a laboratory due to a name or location change, the Clinical Laboratory Permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test if the name or location of the facility changed, the Clinical Laboratory Permit number of the facility at the time the list was prepared is included in the list of approved laboratories above the name of the laboratory.

The list of approved laboratories will be revised approximately semiannually and published in the *Pennsylvania Bulletin*. Questions regarding this list should be directed to M. Jeffery Shoemaker, Ph.D., Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact Dr. Shoemaker at the previously referenced address or phone number. Persons who are speech or hearing impaired may use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

30483
AIT LABORATORIES—SBS_e, CBS_e
2265 EXECUTIVE DRIVE
INDIANAPOLIS, IN 46241
(317) 243-3894

00671
ALLEGHENY COUNTY MED EX DIV OF LAB—SBS_e,
CBS_e
542 FORBES AVENUE
ROOM 10
COUNTY OFFICE BUILDING
PITTSBURGH, PA 15219
(412) 350-4425

00452
ANALYTIC BIO-CHEMISTRIES LAB—SBS_e, CBS_e
1680 D LORETTA AVENUE
FEASTERVILLE, PA 19053
(215) 322-9210

00266
DEPT OF PATHOLOGY & LAB MED-HUP—SBS_e, CBS_e
3400 CIVIC CENTER BOULEVARD
PHILADELPHIA, PA 19104
(215) 662-3423

00977
DRUGSCAN INC—SBS_e, CBS_e
1119 MEARN'S RD
PO BOX 2969
WARMINSTER, PA 18974
(215) 674-9310

00654
GUTHRIE CLINIC PATH LAB—SBS_e
GUTHRIE SQUARE
SAYRE, PA 18840
(570) 888-5858

24655
HEALTH NETWORK LABORATORIES—SBS_e, CBS_e
2024 LEHIGH STREET
ALLENTOWN, PA 18103-4798
(610) 402-8150

20512
LABCORP OCCUPATIONAL TESTING SER—SBS_e,
CBS_e
1904 ALEXANDER DRIVE
PO BOX 12652
RESEARCH TRIANGLE PARK, NC 27709
(919) 572-7465

09003
MAYO CLINIC DEPT LAB MED & PATH—SBS_e, CBS_e
200 FIRST STREET
SW HILTON 530
ROCHESTER, MN 55905
(507) 284-3018

05574
MEDTOX LABORATORIES INC—SBS_e, CBS_e
402 WEST COUNTY ROAD D
ST PAUL, MN 55112
(651) 636-7466

00504
NATIONAL MED SVCS INC/DBA NMS LABS—SBS_e,
CBS_e
3701 WELSH ROAD
WILLOW GROVE, PA 19090
(215) 657-4900

29741
NORTHERN TIER RESEARCH—SBS_e, CBS_e
1300 OLD PLANK ROAD
MAYFIELD, PA 18433
(570) 351-6153

00520
PITTSBURGH CRIMINALISTICS LABORATORY—SBS_e,
CBS_e
1320 FIFTH AVENUE
PITTSBURGH, PA 15219
(412) 391-6118

01136
QUEST DIAGNOSTICS NICHOLS INSTITUTE—SBS_e,
CBS_e
14225 NEWBROOK DRIVE
PO BOX 10841
CHANTILLY, VA 20153-0841
(703) 802-6900

00482

QUEST DIAGNOSTICS OF PA INC—SBS_e, CBS_e
875 GREENTREE ROAD
4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
(412) 920-7600

25461

QUEST DIAGNOSTICS VENTURE LLC—SBS_e, CBS_e
875 GREENTREE ROAD
4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
(412) 920-7631

00151

ST JOSEPH QUALITY MEDICAL LAB—SBS_e, CBS_e
2500 BERNVILLE ROAD
READING, PA 19605-9453
(610) 378-2200

07731

WESTERN RESERVE CARE SYSTEM—SS_e, CS_e
500 GYPSY LANE
YOUNGSTOWN, OH 44501
(330) 884-3767

00018

WVHCS HOSP DBA PENNANT LABORATORY—SS_e
575 NORTH RIVER STREET
WILKES-BARRE, PA 18764
(570) 829-8111

00141

YORK HOSPITAL—SS_e
1001 SOUTH GEORGE STREET
YORK, PA 17405
(717) 851-2345

A. EVERETTE JAMES,
Acting Secretary

[Pa.B. Doc. No. 09-17. Filed for public inspection January 2, 2009, 9:00 a.m.]

Laboratories Approved to Determine Blood Alcohol Content under the Clinical Laboratory Act, the Vehicle Code, the Fish and Boat Code, and the Game and Wildlife Code

The following laboratories are licensed by the Department of Health (Department) under the Clinical Laboratory Act (35 P.S. §§ 2151—2165) and are currently approved by the Department under 28 Pa. Code §§ 5.50 and 5.103 (relating to approval to provide special analytical services; and blood tests for blood alcohol content) to perform alcohol analyses of blood and/or serum and plasma. This approval is based on demonstrated proficiency in periodic tests conducted by the Department's Bureau of Laboratories.

Since procedures for determining the alcohol content of serum and plasma are identical and results obtained from serum or plasma derived from a blood sample are the same, laboratories that demonstrate reliability in the determination of alcohol in serum are approved to analyze both serum and plasma for alcohol content. These laboratories are also approved and designated under the provisions of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; and reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine amount

of alcohol or controlled substance), and the Game and Wildlife Code, 34 Pa.C.S. § 2501 (relating to hunting or furtaking prohibited while under influence of alcohol or controlled substance) as qualified to perform the types of specialized services which will reflect the presence of alcohol in blood and/or serum and plasma. Laboratories located outside this Commonwealth may not provide blood and/or serum and plasma alcohol testing services in this Commonwealth unless they are licensed by the Department and approved for that purpose.

Persons seeking forensic blood and/or serum and plasma analysis services from the following designated laboratories should determine that the laboratory employs techniques and procedures acceptable for forensic purposes, and that the director of the facility is agreeable to performing determinations for this purpose. The list of approved laboratories will be revised approximately semi-annually and published in the *Pennsylvania Bulletin*.

The name or location of a laboratory is sometimes changed but the personnel and testing procedures of the facility remain unchanged. When changes of this type occur, the Clinical Laboratory Permit number does not change. If questions arise about the identity of a laboratory due to a name or location change, the Clinical Laboratory Permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test if the name or location of the facility changed, the Clinical Laboratory Permit number of the facility at the time the list was prepared is included in the list of approved laboratories above the name of the laboratory.

The Department's blood alcohol and serum/plasma alcohol proficiency testing programs are approved by the United States Department of Health and Human Services in accordance with the requirements contained in the Clinical Laboratory Improvement Amendments of 1988 (42 U.S.C. § 263a), and implementing regulations 42 CFR 493.901 and 493.937, which are administered by the Centers for Medicare and Medicaid Services. Participation in these programs may therefore be used to demonstrate acceptable performance for approval purposes under both Federal and Commonwealth statutes.

Questions regarding this list should be directed to Dr. M. Jeffery Shoemaker, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

The Commonwealth's Vehicle Code at 75 Pa.C.S. § 1547(c)(3)(ii) also permits test results on blood or urine for alcohol or controlled substances to be introduced into evidence in certain legal proceedings in the Commonwealth if the laboratory is located in another state and is not licensed and approved by the Department to provide forensic blood and/or serum and plasma analysis services. This section states that the test results will be admissible into evidence at summary or criminal proceedings in which the defendant is charged with a violation of 75 Pa.C.S. § 3802 (relating to driving under the influence of alcohol or controlled substance) or any other violation of the Vehicle Code arising out of the same action if the laboratory that performed the test is licensed to conduct the test by the state in which the facility is located and licensed under the Clinical Laboratory Improvement Amendments of 1988 (Pub. L. No. 100-578, 102 Stat. 2903). A similar provision appears in the Fish and Boat Code at 30 Pa.C.S. § 5125(c)(3)(ii).

Persons with a disability who require an alternative format of this notice (for example: large print, audiotope, Braille) should contact Dr. Shoemaker at the previously referenced address or phone number. Persons who are speech or hearing impaired may use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

The symbols S and B indicate the following:

S = approved for serum and plasma analyses

B = approved for blood analyses

SB = approved for serum, plasma and blood analyses

00215

ABINGTON HEALTH LANSDALE HOSP—S
100 MEDICAL CAMPUS DRIVE
LANSDALE, PA 19446
(215) 368-2100

00212

ABINGTON MEMORIAL HOSPITAL—S
1200 OLD YORK ROAD
ABINGTON, PA 19001
(215) 576-2350

27180

ADVANCED TOXICOLOGY NETWORK—B
3560 AIR CENTER COVE
SUITE 101
MEMPHIS, TN 38118
(901) 794-5770

00233

ALBERT EINSTEIN MEDICAL CENTER—S
5501 OLD YORK ROAD
PHILADELPHIA, PA 19141
(215) 456-6157

00671

ALLEGHENY COUNTY MED EX DIV OF LAB—SB
542 FORBES AVENUE
ROOM 10
COUNTY OFFICE BUILDING
PITTSBURGH, PA 15219
(412) 350-4425

28233

ALLEGHENY GENERAL HOSP DEPT OF LAB MED—S
320 E NORTH AVENUE
PITTSBURGH, PA 15212
(412) 359-6886

00077

ALLEGHENY GENERAL HOSPITAL—S
1307 FEDERAL STREET
PITTSBURGH, PA 15212
(412) 359-3521

00094

ALLEGHENY GENERAL HOSPITAL SUBURBAN CAM-
PUS—S
100 SOUTH JACKSON AVENUE
BELLEVUE, PA 15202
(412) 734-6020

00100

ALLEGHENY VALLEY HOSPITAL LAB—S
1301 CARLISLE STREET
NATRONA HEIGHTS, PA 15065
(724) 224-5100

00120

ALTOONA REGIONAL HEALTH SYSM-BON
SECOURS CAMPUS—SB
2500 SEVENTH AVENUE
ALTOONA, PA 16602-2099
(814) 949-4495

00119

ALTOONA REGIONAL HEALTH SYSTEM LAB—SB
620 HOWARD AVENUE
ALTOONA, PA 16601-4899
(814) 946-2340

00452

ANALYTIC BIO-CHEMISTRIES LAB—SB
1680 D LORETTA AVENUE
FEASTERVILLE, PA 19053
(215) 322-9210

00041

ARMSTRONG COUNTY MEMORIAL HOSP—S
1 NOLTE DRIVE
KITTTANNING, PA 16201
(724) 543-8500

00047

ASSOCIATED CLINICAL LABORATORIES—SB
1526 PEACH STREET
ERIE, PA 16501
(814) 461-2400

00251

AYER CLINICAL LAB PENNSYLVANIA HOSPITAL—S
800 SPRUCE STREETS
PHILADELPHIA, PA 19107
(215) 829-3541

00320

BARNES KASSON HOSPITAL LAB—S
400 TURNPIKE STREET
SUSQUEHANNA, PA 18847
(570) 853-5059

00002

BLOOMSBURG HOSPITAL—S
549 E FAIR STREET
BLOOMSBURG, PA 17815
(570) 387-2124

00033

BRADFORD REGIONAL MEDICAL CENTER—B
116-156 INTERSTATE PKWY
BRADFORD, PA 16701-0218
(814) 362-8247

00296

BRANDYWINE HOSPITAL—S
201 REECEVILLE ROAD
COATESVILLE, PA 19320
(610) 383-8000

00053

BROOKVILLE HOSPITAL—S
100 HOSPITAL ROAD
BROOKVILLE, PA 15825
(814) 849-2312

00301

BUTLER MEMORIAL HOSPITAL—S
911 EAST BRADY STREET
BUTLER, PA 16001
(724) 284-4510

00107

CANONSBURG GENERAL HOSPITAL—S
100 MEDICAL BOULEVARD
CANONSBURG, PA 15317
(724) 745-3916

00131

CARLISLE REGIONAL MEDICAL CENTER—S
361 ALEXANDER SPRING ROAD
CARLISLE, PA 17015-9129
(717) 249-1212

00132
CHAMBERSBURG HOSPITAL DEPT OF PATHOL-
OGY—S
112 NORTH SEVENTH STREET
CHAMBERSBURG, PA 17201
(717) 267-7153

00310
CHARLES COLE MEMORIAL HOSPITAL—S
1001 EAST SECOND STREET
COUDERSPORT, PA 16915
(814) 274-5510

00198
CHESTER COUNTY HOSPITAL—S
701 E MARSHALL ST
WEST CHESTER, PA 19380
(610) 431-5182

00227
CHESTNUT HILL HOSPITAL—S
8835 GERMANTOWN AVENUE
DEPT OF PATHOLOGY
PHILADELPHIA, PA 19118
(215) 248-8630

00228
CHILDRENS HOSP OF PHILADELPHIA—S
ONE CHILDRENS CENTER
34TH & CIVIC
PHILADELPHIA, PA 19104
(215) 590-4446

00329
CLARION HOSPITAL—S
1 HOSPITAL DRIVE
CLARION, PA 16214
(814) 226-9500

00026
CLEARFIELD HOSPITAL—S
809 TURNPIKE AVENUE
PO BOX 992
CLEARFIELD, PA 16830
(814) 768-2280

00005
COMMUNITY MEDICAL CENTER—S
1800 MULBERRY STREET
SCRANTON, PA 18510
(570) 969-8000

00125
CONEMAUGH VALLEY MEMORIAL HOSP—SB
LABORATORY DEPT
1086 FRANKLIN STREET
JOHNSTOWN, PA 15905
(814) 534-9000

00201
CROZER CHESTER MED CENTER—S
1 MEDICAL CENTER BOULEVARD
UPLAND, PA 19013
(610) 447-2000

00209
CROZER-CHESTER MED CTR—SPRINGFLD—S
190 WEST SPROUL ROAD
SPRINGFIELD, PA 19064
(610) 447-2000

00204
DELAWARE COUNTY MEMORIAL HOSP—S
501 NORTH LANSDOWNE AVENUE
DREXEL HILL, PA 19026-1186
(610) 284-8100

00266
DEPT OF PATHOLOGY & LAB MED-HUP—SB
3400 CIVIC CENTER BOULEVARD
PHILADELPHIA, PA 19104
(215) 662-3423

00194
DOYLESTOWN HOSPITAL—S
595 WEST STATE STREET
DOYLESTOWN, PA 18901
(215) 345-2250

00977
DRUGSCAN INC—SB
1119 MEARNRS RD
PO BOX 2969
WARMINSTER, PA 18974
(215) 674-9310

00027
DUBOIS REG MED CTR—WEST UNIT—S
100 HOSPITAL AVE
DUBOIS, PA 15801
(814) 371-2200

00175
EASTON HOSPITAL—S
250 SOUTH 21ST ST
EASTON, PA 18042-3892
(610) 250-4140

00332
ELLWOOD CITY HOSPITAL—S
724 PERSHING ST
ELLWOOD CITY, PA 16117
(724) 752-0081

00164
EPHRATA COMMUNITY HOSPITAL—S
169 MARTIN AVE
PO BOX 1002
EPHRATA, PA 17522
(717) 733-0311

00032
ERHC ST MARYS LABORATORY—B
763 JOHNSONBURG RD
SAINT MARYS, PA 15857
(814) 788-8525

00181
EVANGELICAL COMMUNITY HOSPITAL—S
1 HOSPITAL DRIVE
LEWISBURG, PA 17837
(570) 522-2510

00192
FRANKFORD HOSP BUCKS CO CAMPUS—S
380 NORTH OXFORD VALLEY ROAD
LANGHORNE, PA 19047-8304
(215) 934-5227

00341
FRANKFORD HOSP TC LAB—S
RED LION AND KNIGHTS ROADS
PHILADELPHIA, PA 19114
(215) 612-4000

00236
FRANKFORD HOSPITAL FRANK DIV—S
FRANKFORD AVE AND WAKELING STREET
PHILADELPHIA, PA 19124
(215) 831-2068

- 00115
FRICK HOSPITAL—S
508 SOUTH CHURCH STREET
MOUNT PLEASANT, PA 15666
(724) 547-1500
- 00330
FULTON COUNTY MEDICAL CENTER—S
214 PEACH ORCHARD ROAD
MCCONNELLSBURG, PA 17233
(717) 485-6143
- 00173
GEISINGER MEDICAL LABORATORIES—SB
N ACADEMY ROAD
DANVILLE, PA 17822
(570) 271-6338
- 00017
GEISINGER SOUTH WILKES BARRE HOSPITAL—S
25 CHURCH STREET
WILKES BARRE, PA 18765
(570) 826-3100
- 00019
GEISINGER WYOMING VALLEY MED CTR—S
1000 E MOUNTAIN DRIVE
WILKES BARRE, PA 18711
(570) 826-7830
- 00237
GERMANTOWN COMM HLTH WILLOW TERR—S
ONE PENN BOULEVARD
PHILADELPHIA, PA 19144
(215) 456-6157
- 00122
GETTYSBURG HOSPITAL—SB
147 GETTYS STREET
GETTYSBURG, PA 17325
(717) 334-2121
- 00152
GNADEN HUETTEN MEMORIAL HOSP—SB
211 NORTH 12TH STREET
LEHIGHTON, PA 18235
(610) 377-7083
- 00299
GOOD SAMARITAN HOSPITAL—B
4TH & WALNUT STS
PO BOX 1281
LEBANON, PA 17042-1218
(717) 270-7500
- 00196
GRAND VIEW HOSPITAL—S
700 LAWN AVE
SELLERSVILLE, PA 18960
(215) 453-4528
- 00061
GROVE CITY MEDICAL CENTER—SB
631 NORTH BROAD STREET EXT
GROVE CITY, PA 16127
(724) 450-7125
- 00654
GUTHRIE CLINIC PATH LAB—S
GUTHRIE SQUARE
SAYRE, PA 18840
(570) 888-5858
- 00239
HAHNEMANN UNIVERSITY HOSPITAL—S
BROAD AND VINE STS MS 113
PHILADELPHIA, PA 19102
(215) 762-1783
- 00046
HAMOT MEDICAL CENTER—S
201 STATE STREET
ERIE, PA 16550
(814) 877-3131
- 00139
HANOVER HOSPITAL LABORATORY—SB
300 HIGHLAND AVE
HANOVER, PA 17331
(717) 637-3711
- 00155
HARRISBURG HOSPITAL LABORATORY—SB
MEDICAL SCIENCES BUILDING
100 2ND STREET
HARRISBURG, PA 17105
(570) 782-2832
- 00010
HAZLETON GENERAL HOSPITAL—S
700 EAST BROAD
HAZLETON, PA 18201
(570) 501-4152
- 00169
HEALTH NETWORK LABORATORIES—S
1627 WEST CHEW STREET
ALLENTOWN, PA 18102
(610) 402-2236
- 00549
HEALTH NETWORK LABORATORIES—S
1200 SOUTH CEDAR CREST BLVD
ALLENTOWN, PA 18103
(610) 402-8150
- 00600
HEALTH NETWORK LABORATORIES—S
2545 SCHOENERSVILLE ROAD
BETHLEHEM, PA 18017-7384
(484) 884-2259
- 24655
HEALTH NETWORK LABORATORIES—SB
2024 LEHIGH STREET
ALLENTOWN, PA 18103-4798
(610) 402-8150
- 00166
HEART OF LANCASTER REGIONAL MEDICAL CENTER—S
1500 HIGHLANDS DRIVE
LITITZ, PA 17543
(717) 625-5605
- 00103
HIGHLANDS HOSPITAL—S
401 EAST MURPHY AVENUE
CONNELLSVILLE, PA 15425
(724) 628-1500
- 00130
HOLY SPIRIT HOSPITAL—S
503 N 21ST STREET
CAMP HILL, PA 17011-2288
(717) 763-2206
- 00052
INDIANA REGIONAL MEDICAL CENTER—S
HOSPITAL ROAD
PO BOX 788
INDIANA, PA 15701-0788
(724) 357-7167

00135
J C BLAIR MEMORIAL HOSPITAL—S
1225 WARM SPRINGS AVENUE
HUNTINGDON, PA 16652
(814) 643-8645

00054
JAMESON MEMORIAL HOSPITAL—S
1211 WILMINGTON AVENUE
NEW CASTLE, PA 16105
(724) 656-4080

00240
JEANES HOSPITAL—S
7600 CENTRAL AVE
PHILADELPHIA, PA 19111
(215) 728-2347

00038
JEFFERSON REGIONAL MED CTR—S
PO BOX 18119
565 COAL VALLEY ROAD
PITTSBURGH, PA 15236
(412) 469-5723

00200
JENNERSVILLE REGIONAL HOSPITAL—S
1015 WEST BALTIMORE PIKE
WEST GROVE, PA 19390
(610) 869-1080

00034
KANE COMMUNITY HOSPITAL—B
NORTH FRALEY STREET
KANE, PA 16735
(814) 837-4575

00532
KENSINGTON HOSPITAL—S
136 WEST DIAMOND STREET
PHILADELPHIA, PA 19122
(215) 426-8100

01088
LABCORP OF AMERICA HOLDINGS—SB
69 FIRST AVENUE
PO BOX 500
RARITAN, NJ 08869
(908) 526-2400

00165
LANCASTER GENERAL HOSPITAL—S
555 N DUKE STREET
PO BOX 3555
LANCASTER, PA 17604
(717) 544-5989

00167
LANCASTER REGIONAL MED CENTER—S
250 COLLEGE AVENUE
PO BOX 3434
LANCASTER, PA 17604
(717) 291-8022

00114
LATROBE AREA HOSPITAL—S
121 W SECOND AVENUE
LATROBE, PA 15650
(724) 537-1550

00138
LEWISTOWN HOSPITAL—B
400 HIGHLAND AVENUE
LEWISTOWN, PA 17044
(717) 248-5411

00030
LOCK HAVEN HOSPITAL—B
24 CREE DRIVE
LOCK HAVEN, PA 17745
(570) 893-5000

00193
LOWER BUCKS HOSPITAL LABORATORY—S
501 BATH ROAD
BRISTOL, PA 19007
(215) 785-9300

00242
MAIN LINE CLIN LABS LANKENAU CP—S
100 EAST LANCASTER AVENUE
WYNNEWOOD, PA 19096
(610) 645-2615

00213
MAIN LINE HEALTH LAB-BRYN MAWR—S
130 S BRYN MAWR AVENUE
BRYN MAWR, PA 19010
(610) 526-3554

00199
MAIN LINE HEALTH LABS-PAOLI—S
255 WEST LANCASTER AVENUE
PAOLI, PA 19301
(610) 648-1000

00004
MARIAN COMMUNITY HOSPITAL—S
100 LINCOLN AVENUE
CARBONDALE, PA 18407
(717) 281-1042

09003
MAYO CLINIC DEPT LAB MED & PATH—SB
200 FIRST STREET SW HILTON 530
ROCHESTER, MN 55905
(507) 284-3018

00049
MEADVILLE MED CTR—LIBERTY ST—S
751 LIBERTY STREET
MEADVILLE, PA 16335
(814) 336-5000

05574
MEDTOX LABORATORIES INC—SB
402 WEST COUNTY ROAD D
ST PAUL, MN 55112
(651) 636-7466

00140
MEMORIAL HOSPITAL CLINICAL LAB—S
325 S BELMONT STREET
PO BOX 15118
YORK, PA 17403
(717) 843-8623

00023
MEMORIAL HOSPITAL LAB—SB
1 HOSPITAL DRIVE
TOWANDA, PA 18848
(570) 265-2191

00203
MERCY FITZGERALD HOSPITAL—S
1500 LANSDOWNE AVENUE
DARBY, PA 19023
(610) 237-4262

00247
MERCY HEALTH LAB/MHOP—S
501 S 54TH STREET
PHILADELPHIA, PA 19143
(215) 748-9181

- 00219
MERCY HEALTH LAB/MSH—S
2701 DEKALB PIKE
NORRISTOWN, PA 19401
(610) 278-2090
- 00336
MERCY HEALTH PARTNERS—S
746 JEFFERSON AVENUE
SCRANTON, PA 18510
(570) 348-7100
- 28436
METHODIST DIV TJUH CLINICAL LAB—S
2301 SOUTH BROAD STREET
PHILADELPHIA, PA 19148
(215) 952-9057
- 00231
MEYERSDALE COMMUNITY HOSPITAL—S
200 HOSPITAL DR
MEYERSDALE, PA 15552
(814) 634-5911
- 00269
MIDVALLEY HOSPITAL—S
1400 MAIN STREET
PECKVILLE, PA 18452
(570) 383-5520
- 00128
MINERS MEDICAL CENTER—S
290 HAIDA AVENUE
PO BOX 689
HASTINGS, PA 16646
(814) 247-3100
- 00108
MONONGAHELA VALLEY HOSPITAL INC—S
1163 COUNTRY CLUB ROAD
MONONGAHELA, PA 15063
(724) 258-1021
- 00217
MONTGOMERY HOSPITAL LAB—S
POWELL AND FORNANCE STS
NORRISTOWN, PA 19401
(610) 270-2173
- 00007
MOSES TAYLOR HOSPITAL—S
700 QUINCY AVENUE
SCRANTON, PA 18510
(570) 340-2100
- 00214
MOSS REHAB EINSTEIN AT ELKINS PARK—S
60 EAST TOWNSHIP LINE ROAD
ELKINS PARK, PA 19027
(215) 456-6150
- 00025
MOUNT NITTANY MEDICAL CENTER—B
1800 EAST PARK AVENUE
STATE COLLEGE, PA 16803
(814) 234-6117
- 00035
MUNCY VALLEY HOSPITAL—S
215 EAST WATER ST
MUNCY, PA 17756
(570) 546-8282
- 00304
NASON HOSPITAL—S
105 NASON DRIVE
ROARING SPRING, PA 16673
(814) 224-2141
- 00504
NATIONAL MED SVCS INC/DBA NMS LABS—SB
3701 WELSH ROAD
WILLOW GROVE, PA 19090
(215) 657-4900
- 00248
NAZARETH HOSPITAL—S
2601 HOLME AVE
PHILADELPHIA, PA 19152
(215) 335-6245
- 29741
NORTHERN TIER RESEARCH—SB
1300 OLD PLANK ROAD
MAYFIELD, PA 18433
(570) 351-6153
- 00099
OHIO VALLEY GENERAL HOSPITAL—S
25 HECKEL RD
MCKEES ROCKS, PA 15136
(412) 777-6161
- 00334
PALMERTON HOSPITAL—SB
135 LAFAYETTE AVENUE
PALMERTON, PA 18071
(610) 826-3141
- 00520
PC LAB INC—SB
1320 FIFTH AVENUE
PITTSBURGH, PA 15219
(412) 391-6118
- 00258
PENN PRESBYTERIAN MEDICAL CENTER—S
51 NORTH 39TH ST
DEPT OF PATH & LAB
WRIGHT SAUNDERS BLDG
5TH FL
RM 530
PHILADELPHIA, PA 19104-2640
(215) 662-3435
- 00316
PENN STATE MILTON S HERSHEY MED CTR—S
500 UNIVERSITY DRIVE
DEPT OF PATHOLOGY & LAB MEDICINE
HERSHEY, PA 17033
(717) 531-8353
- 22533
PENNSYLVANIA DEPT OF HEALTH—SB
110 PICKERING WAY
LIONVILLE, PA 19353
(610) 280-3464
- 00197
PHOENIXVILLE HOSPITAL LABORATORY—S
140 NUTT ROAD
DEPT OF PATHOLOGY
PHOENIXVILLE, PA 19460-0809
(610) 983-1612
- 00157
PINNACLEHLTH/COMM GEN OSTEO HOSP—S
4300 LONDONDERRY RD
PO BOX 3000
HARRISBURG, PA 17109
(717) 657-7214
- 00022
POCONO MEDICAL CENTER LAB—SB
206 EAST BROWN STREET
EAST STROUDSBURG, PA 18301
(570) 476-3544

00221
POTTSTOWN HOSPITAL COMPANY, LLC—S
1600 EAST HIGH STREET
POTTSTOWN, PA 19464
(610) 327-7000

00300
PUNXSUTAWNEY AREA HOSPITAL—S
81 HILLCREST DRIVE
PUNXSUTAWNEY, PA 15767
(814) 938-1800

22715
QUEST DIAGNOSTICS—SB
10101 RENNER BOULEVARD
LENEXA, KS 66219-9752
(913) 888-1770

00315
QUEST DIAGNOSTICS CLINICAL LABS INC—SB
900 BUSINESS CENTER DRIVE
HORSHAM, PA 19044
(215) 957-9300

27461
QUEST DIAGNOSTICS INC—SB
400 EGYPT ROAD
NORRISTOWN, PA 19403
(610) 631-4219

01136
QUEST DIAGNOSTICS NICHOLS INSTITUTE—SB
14225 NEWBROOK DRIVE
PO BOX 10841
CHANTILLY, VA 20153-0841
(703) 802-6900

00482
QUEST DIAGNOSTICS OF PA INC—SB
875 GREENTREE ROAD
4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
(412) 920-7600

25461
QUEST DIAGNOSTICS VENTURE LLC—SB
875 GREENTREE ROAD
4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
(412) 920-7631

00150
READING HOSPITAL & MED CTR—S
6TH AND SPRUCE STREETS
WEST READING, PA 19611
(610) 988-8080

00206
RIDDLE MEMORIAL HOSPITAL—S
1068 W BALTIMORE PIKE
MEDIA, PA 19063
(610) 891-3339

00243
ROXBOROUGH MEMORIAL HOSPITAL—S
5800 RIDGE AVE
PHILADELPHIA, PA 19128
(215) 487-4394

00171
SACRED HEART HOSPITAL—S
4TH & CHEW STS
ALLENTOWN, PA 18102
(610) 776-4727

00087
SAINT CLAIR MEMORIAL HOSPITAL—S
1000 BOWER HILL RD
PITTSBURGH, PA 15243
(412) 561-4900

00174
SAINT LUKES HOSPITAL—S
801 OSTRUM STREET
BETHLEHEM, PA 18015
(610) 954-4558

00328
SAINT MARY MEDICAL CENTER—S
LANGHORNE-NEWTOWN RD
LANGHORNE, PA 19047
(215) 710-2162

00048
SAINT VINCENT HEALTH CENTER—S
232 WEST 25TH STREET
ERIE, PA 16544
(814) 452-5383

00182
SCHUYLKILL MC E NORWEGIAN ST—S
700 EAST NORWEGIAN STREET
POTTSVILLE, PA 17901
(570) 621-4032

00183
SCHUYLKILL MC S JACKSON ST—SB
420 SOUTH JACKSON STREET
POTTSVILLE, PA 17901
(570) 621-5262

00064
SHARON REGIONAL HEALTH SYSTEM—SB
740 EAST STATE STREET
SHARON, PA 16146
(724) 983-3911

00039
SOLDIERS & SAILORS MEM HOSP—S
CENTRAL AVENUE
WELLSBORO, PA 16901
(570) 723-0133

00297
SOMERSET HOSPITAL CENTER FOR HEALTH—B
225 S CENTER AVENUE
SOMERSET, PA 15501
(814) 443-5000

00105
SOUTHWEST REGIONAL MEDICAL CENTER—S
350 BONAR AVENUE
WAYNESBURG, PA 15370
(724) 627-2608

22376
SPECIALTY LABORATORIES INC—S
27027 TOURNEY ROAD
VALENCIA, CA 91355
(661) 799-6543

00361
ST CATHERINE MED CTR—FOUNTAIN SPRINGS—S
101 BROAD STREET
ASHLAND, PA 17921
(570) 875-5988

00260
ST CHRISTOPHERS HOSP FOR CHILDREN—S
ERIE AVENUE AT FRONT STREET
PHILADELPHIA, PA 19134
(215) 427-4207

- 00151
ST JOSEPH QUALITY MEDICAL LAB—SB
2500 BERNVILLE ROAD
READING, PA 19605-9453
(610) 378-2200
- 00261
ST JOSEPH'S HOSPITAL—DIV NPHS—S
16TH ST AND GIRARD AVENUE
PHILADELPHIA, PA 19130
(215) 787-9000
- 00318
ST LUKES HOSP ALLENTOWN CAMPUS—S
1736 HAMILTON STREET
ALLENTOWN, PA 18104
(610) 770-8300
- 00180
ST LUKES MINERS MEMORIAL HOSPITAL—S
360 WEST RUDDLE STREET
PO BOX 67
COALDALE, PA 18218
(570) 645-2131
- 00195
ST LUKES QUAKERTOWN HOSPITAL—S
1021 PARK AVENUE
QUAKERTOWN, PA 18951
(215) 538-4681
- 00207
TAYLOR HOSPITAL DIV OF CCMC—S
175 EAST CHESTER PIKE
RIDLEY PARK, PA 19078
(610) 595-6450
- 00249
TEMPLE EAST INC NE—S
2301 EAST ALLEGHENY AVENUE
PHILADELPHIA, PA 19134
(215) 291-3000
- 00235
TEMPLE UNIV HOSPITAL EPISCOPAL CAMPUS—S
100 EAST LEHIGH AVENUE
PHILADELPHIA, PA 19125-1098
(215) 707-0977
- 00265
TEMPLE UNIVERSITY HOSPITAL—S
3401 N BROAD ST
PHILADELPHIA, PA 19140
(215) 707-4353
- 00205
THE MEDICAL CENTER BEAVER PA—SB
1000 DUTCH RIDGE ROAD
BEAVER, PA 15009-9700
(724) 728-7000
- 00104
THE UNIONTOWN HOSPITAL LABORATORY—S
500 WEST BERKELEY STREET
UNIONTOWN, PA 15401
(724) 430-5143
- 00085
THE WESTERN PA HOSP—FORBES REGIONAL CAM-
PUS—S
2570 HAYMAKER ROAD
MONROEVILLE, PA 15146
(412) 858-2560
- 00241
THOMAS JEFFERSON UNIVERSITY HOSP—S
125 SOUTH 11TH STREET
204 PAVILION
PHILADELPHIA, PA 19107
(215) 955-6371
- 00051
TITUSVILLE AREA HOSPITAL—S
406 WEST OAK STREET
TITUSVILLE, PA 16354
(814) 827-1851
- 00313
TYLER MEMORIAL HOSPITAL—S
880 SR 6 W
TUNKHANNOCK, PA 18657-6149
(570) 836-4705
- 00124
TYRONE HOSPITAL—S
CLAY AVENUE EXTENSION
TYRONE, PA 16686
(814) 684-0484
- 00121
UPMC BEDFORD MEMORIAL—SB
10455 LINCOLN HIGHWAY
EVERETT, PA 15537
(814) 623-3506
- 00096
UPMC BRADDOCK—S
400 HOLLAND AVENUE
BRADDOCK, PA 15104
(412) 636-5291
- 00059
UPMC HORIZON GREENVILLE—SB
110 NORTH MAIN STREET
GREENVILLE, PA 16125
(724) 588-2100
- 00057
UPMC HORIZON SHENANGO—SB
2200 MEMORIAL DRIVE
FARRELL, PA 16121
(724) 981-3500
- 00098
UPMC MCKEESPORT LABORATORY—S
1500 FIFTH AVENUE
MCKEESPORT, PA 15132
(412) 664-2233
- 00082
UPMC MERCY DEPT OF LAB MEDICINE—S
1400 LOCUST STREET
PITTSBURGH, PA 15219
(412) 232-7831
- 00084
UPMC PASSAVANT—S
9100 BABCOCK BLVD
PITTSBURGH, PA 15237
(412) 367-6700
- 05784
UPMC PASSAVANT LABORATORY CRANBERRY—S
ONE ST FRANCIS WAY
CRANBERRY TOWNSHIP, PA 16066
(724) 772-5370

00083
UPMC PRESBYTERIAN SHADYSIDE CP PUH—S
ROOM 5929 MAIN TOWER CHP
200 LOTHROP STREET
PITTSBURGH, PA 15213-2582
(412) 648-6000

00091
UPMC SAINT MARGARET HOSPITAL—S
815 FREEPORT ROAD
PITTSBURGH, PA 15215
(412) 784-4000

00092
UPMC SHADYSIDE—S
5230 CENTRE AVENUE
GROUND FLOOR WEST WING
PITTSBURGH, PA 15232
(412) 623-5950

00093
UPMC SOUTH SIDE—S
2000 MARY STREET
PITTSBURGH, PA 15203
(412) 488-5731

00101
VALLEY MED FAC HER VLY SEWICKLEY—S
BLACKBURN RD AND FITCH DRIVE
SEWICKLEY, PA 15143
(412) 741-6600

00066
WARREN GENERAL HOSPITAL—S
2 CRESCENT PARK
WARREN, PA 16365
(814) 723-3300

00111
WASHINGTON HOSPITAL—S
155 WILSON AVE
WASHINGTON, PA 15301
(724) 223-3136

00298
WAYNE MEMORIAL HOSPITAL—S
601 PARK STREET
HONESDALE, PA 18431
(570) 253-1300

00133
WAYNESBORO HOSPITAL—S
501 E MAIN STREET
WAYNESBORO, PA 17268
(717) 765-3403

00095
WESTERN PENNSYLVANIA HOSPITAL—S
4800 FRIENDSHIP AVE
PITTSBURGH, PA 15224
(412) 578-5779

07731
WESTERN RESERVE CARE SYSTEM—S
500 GYPSY LANE
YOUNGSTOWN, OH 44501
(330) 884-3767

30245
WESTFIELD HOSPITAL LABORATORY—S
4815 W TILGHMAN STREET
ALLENTOWN, PA 18104
(610) 776-1603

00113
WESTMORELAND HOSP AT JEANNETTE—S
600 JEFFERSON AVENUE
JEANNETTE, PA 15644
(724) 832-4371

00112
WESTMORELAND REGIONAL HOSPITAL—S
532 W PITTSBURGH STREET
GREENSBURG, PA 15601
(724) 832-4365

00037
WILLIAMSPORT HOSP & MED CENTER—SB
777 RURAL AVENUE
WILLIAMSPORT, PA 17701-3198
(570) 321-2300

00106
WINDBER HOSPITAL—B
600 SOMERSET AVE
WINDBER, PA 15963
(814) 467-6611

00018
WVHCS HOSP DBA PENNANT LABORATORY—SB
575 NORTH RIVER STREET
WILKES-BARRE, PA 18764
(570) 829-8111

25064
WVU HOSPITAL CLINICAL LABS—S
1 MEDICAL CENTER DR
PO BOX 8009
MORGANTOWN, WV 26506-8009
(304) 598-4241

00141
YORK HOSPITAL—S
1001 SOUTH GEORGE STREET
YORK, PA 17405
(717) 851-2345

A. EVERETTE JAMES,
Acting Secretary

[Pa.B. Doc. No. 09-18. Filed for public inspection January 2, 2009, 9:00 a.m.]

Laboratories Approved to Determine Urine Controlled Substance Content under the Clinical Laboratory Act, the Vehicle Code, the Fish and Boat Code, and the Game and Wildlife Code

The following laboratories are licensed by the Department of Health (Department) under the Clinical Laboratory Act (35 P.S. §§ 2151–2165) and are currently approved by the Department under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of urine for the determination of controlled substances or their biotransformation products.

This approval is based on demonstrated proficiency in periodic tests conducted by the Department's Bureau of Laboratories. These laboratories are also approved and designated for purposes of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; and reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine amount of alcohol or controlled substance), and

the Game and Wildlife Code, 34 Pa.C.S. § 2502 (relating to chemical test to determine amount of alcohol), as qualified to perform the types of services which will reflect the presence of controlled substances or their biotransformation products in urine.

Depending upon their capability and performance in proficiency surveys, laboratories are approved to perform screening and/or confirmatory urine drug analyses. Laboratories approved to perform screening tests only are designated on the approval list by an "S" after the laboratory's name. Laboratories approved to perform confirmatory testing only are designated by a "C" following the laboratory's name. Those approved to perform both screening and confirmatory analyses are designated by the letters "SC." Screening analyses provide a presumptive indication that a controlled substance is present. Confirmatory testing is used to substantiate screening results.

Persons seeking forensic urine drug analysis services from any of the listed laboratories should determine that the laboratory employs techniques and procedures acceptable for the purpose. They should also determine that the director of the facility is agreeable to performing analyses for that purpose. Persons seeking the analyses are responsible for specifying the extent to which the presence of a controlled substance is to be verified. That specification should be predicated upon the purpose for which the analysis is being sought. The list of approved laboratories will be revised approximately semiannually and published in the *Pennsylvania Bulletin*.

The Commonwealth's Vehicle Code contains a provision (75 Pa.C.S. § 1547(c)(3)(ii)) that permits test results on blood or urine for alcohol or controlled substances to be introduced into evidence at legal proceedings in Pennsylvania if the laboratory is located in another state and is not licensed and approved by the Department to provide these services. This section states that the test results may be admissible into evidence at summary or criminal proceedings in which the defendant is charged with a violation of section 3802 (driving under the influence of alcohol or controlled substance) or any other violation of that title arising out of the same action if the laboratory that performed the test is licensed by the state in which the facility is located and licensed under the Federal Clinical Laboratory Improvement Amendments of 1988 (Pub. L. No. 100-5768, 102 Stat. 2903). A similar provision appears in the Fish and Boat Code at 30 Pa.C.S. § 5125(c)(3)(ii).

The name or location of a laboratory is sometimes changed but the personnel and testing procedures of the facility remain unchanged. When changes of this type occur, the Clinical Laboratory Permit number does not change. If questions arise about the identity of a laboratory due to a name or location change, the Clinical Laboratory Permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test if the name or location of the facility changed, the Clinical Laboratory Permit number of the facility at the time the list was prepared is included in the list of approved laboratories above the name of the laboratory.

Questions regarding this list should be directed to M. Jeffery Shoemaker, Ph.D., Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Dr. Shoemaker at the previously referenced address or phone number. Persons who are speech or hearing impaired may use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

00215
ABINGTON HEALTH LANSDALE HOSP—S
100 MEDICAL CAMPUS DRIVE
LANSDALE, PA 19446
(215) 368-2100

00212
ABINGTON MEMORIAL HOSPITAL—S
1200 OLD YORK ROAD
ABINGTON, PA 19001
(215) 576-2350

27908
ACM MEDICAL LABORATORY—SC
160 ELMGROVE PARK
ROCHESTER, NY 14624
(716) 429-2264

27180
ADVANCED TOXICOLOGY NETWORK—SC
3560 AIR CENTER COVE
SUITE 101
MEMPHIS, TN 38118
(901) 794-5770

30483
AIT LABORATORIES—SC
2265 EXECUTIVE DRIVE
INDIANAPOLIS, IN 46241
(317) 243-3894

00233
ALBERT EINSTEIN MEDICAL CENTER—S
5501 OLD YORK ROAD
PHILADELPHIA, PA 19141
(215) 456-6157

00116
ALLE KISKI MED CNTR NEW KENSINGTON—S
651 FOURTH AVENUE
NEW KENSINGTON, PA 15068
(724) 226-7089

00671
ALLEGHENY COUNTY MED EX DIV OF LAB—SC
542 FORBES AVENUE
ROOM 10
COUNTY OFFICE BUILDING
PITTSBURGH, PA 15219
(412) 350-4425

28233
ALLEGHENY GENERAL HOSP DEPT OF LAB MED—S
320 E NORTH AVENUE
PITTSBURGH, PA 15212
(412) 359-6886

00077
ALLEGHENY GENERAL HOSPITAL—S
1307 FEDERAL STREET
PITTSBURGH, PA 15212
(412) 359-3521

00094
ALLEGHENY GENERAL HOSPITAL SUBURBAN CAM-
PUS—S
100 SOUTH JACKSON AVENUE
BELLEVUE, PA 15202
(412) 734-6020

- 00100
ALLEGHENY VALLEY HOSPITAL LAB—S
1301 CARLISLE STREET
NATRONA HEIGHTS, PA 15065
(724) 224-5100
- 00120
ALTOONA REGIONAL HEALTH SYSM—BON
SECOURS CAMPUS—S
2500 SEVENTH AVENUE
ALTOONA, PA 16602-2099
(814) 949-4495
- 00119
ALTOONA REGIONAL HEALTH SYSTEM LAB—S
620 HOWARD AVENUE
ALTOONA, PA 16601-4899
(814) 946-2340
- 30223
AMERITOX LTD—SC
9930 WEST HWY 80
MIDLAND, TX 79706
(432) 561-5091
- 26620
AMMON ANALYTICAL LABORATORY—SC
1622 SOUTH WOOD AVENUE
LINDEN, NJ 07036
(908) 862-4404
- 00452
ANALYTIC BIO-CHEMISTRIES LAB—SC
1680 D LORETTA AVENUE
FEASTERVILLE, PA 19053
(215) 322-9210
- 00047
ASSOCIATED CLINICAL LABORATORIES—S
1526 PEACH STREET
ERIE, PA 16501
(814) 461-2400
- 00363
ATLANTIC DIAGNOSTIC LABORATORIES INC—S
1570 GARRETT ROAD
UPPER DARBY, PA 19082
(610) 626-2112
- 00516
ATLANTIC DIAGNOSTIC LABORATORIES LLC—S
2921 NEW RODGERS ROAD
BRISTOL, PA 19007
(215) 785-5200
- 24997
ATLANTIC DIAGNOSTIC LABORATORIES LLC—SC
3520 PROGRESS DRIVE UNIT C
BENSALEM, PA 19020
(267) 525-2470
- 00251
AYER CLINICAL LAB PENNSYLVANIA HOSPITAL—S
800 SPRUCE STREETS
PHILADELPHIA, PA 19107
(215) 829-3541
- 00320
BARNES KASSON HOSPITAL LAB—S
400 TURNPIKE STREET
SUSQUEHANNA, PA 18847
(570) 853-5059
- 21553
BENDINER & SCHLESINGER INC—SC
140 58TH STREET
SUITE 8D
BROOKLYN, NY 11220
(212) 254-2300
- 27615
BIOLOGICAL SPECIALTY CORPORATION—S
2165 NORTH LINE STREET
COLMAR, PA 18915
(215) 997-8771
- 27616
BIOLOGICAL SPECIALTY CORPORATION—S
1236 NEW RODGERS RD #851
BRISTOL, PA 19007
(215) 826-9282
- 27617
BIOLOGICAL SPECIALTY CORPORATION—S
22 SOUTH 4TH STREET
READING, PA 19602
(610) 375-9862
- 22757
BIOREFERENCE LABORATORIES INC—SC
481B EDWARD H ROSS DRIVE
ELMWOOD PARK, NJ 07407
(201) 791-3600
- 00002
BLOOMSBURG HOSPITAL—S
549 E FAIR STREET
BLOOMSBURG, PA 17815
(570) 387-2124
- 00033
BRADFORD REGIONAL MEDICAL CENTER—S
116-156 INTERSTATE PKWY
BRADFORD, PA 16701-0218
(814) 362-8247
- 00296
BRANDYWINE HOSPITAL—S
201 REECEVILLE ROAD
COATESVILLE, PA 19320
(610) 383-8000
- 00472
BROOKSIDE CLINICAL LAB INC—S
4000 EDMONT AVENUE
BROOKHAVEN, PA 19015
(610) 872-6466
- 00301
BUTLER MEMORIAL HOSPITAL—S
911 EAST BRADY STREET
BUTLER, PA 16001
(724) 284-4510
- 29116
CALLOWAY LABORATORIES INC—SC
34 COMMERCE WAY
WOBURN, MA 01801
(781) 224-9899
- 00107
CANONSBURG GENERAL HOSPITAL—S
100 MEDICAL BOULEVARD
CANONSBURG, PA 15317
(724) 745-3916
- 00131
CARLISLE REGIONAL MEDICAL CENTER—S
361 ALEXANDER SPRING ROAD
CARLISLE, PA 17015-9129
(717) 249-1212

- 00751
CEDAR CREST EMERGICENTER—S
1101 SOUTH CEDAR CREST BOULEVARD
ALLENTOWN, PA 18103
(610) 433-4260
- 22388
CENTER FOR DISEASE DETECTION—SC
3370 NACOGDOCHES ROAD
SUITE 100
SAN ANTONIO, TX 78217
(210) 590-3033
- 00132
CHAMBERSBURG HOSPITAL DEPT OF PATHOL-
OGY—S
112 NORTH SEVENTH STREET
CHAMBERSBURG, PA 17201
(717) 267-7153
- 00310
CHARLES COLE MEMORIAL HOSPITAL—S
1001 EAST SECOND STREET
COUDERSPORT, PA 16915
(814) 274-5510
- 00198
CHESTER COUNTY HOSPITAL—S
701 E MARSHALL ST
WEST CHESTER, PA 19380
(610) 431-5182
- 00227
CHESTNUT HILL HOSPITAL—S
8835 GERMANTOWN AVENUE
DEPT OF PATHOLOGY
PHILADELPHIA, PA 19118
(215) 248-8630
- 00228
CHILDRENS HOSP OF PHILADELPHIA—S
ONE CHILDRENS CENTER
34TH & CIVIC
PHILADELPHIA, PA 19104
(215) 590-4446
- 00329
CLARION HOSPITAL—S
1 HOSPITAL DRIVE
CLARION, PA 16214
(814) 226-9500
- 24916
CLINICAL SCIENCE LABORATORY INC—SC
51 FRANCIS AVENUE
MANSFIELD, MA 02048
(508) 339-6106
- 00005
COMMUNITY MEDICAL CENTER—S
1800 MULBERRY STREET
SCRANTON, PA 18510
(570) 969-8000
- 00125
CONEMAUGH VALLEY MEMORIAL HOSP—S
LABORATORY DEPT
1086 FRANKLIN STREET
JOHNSTOWN, PA 15905
(814) 534-9000
- 00326
CORY MEMORIAL HOSPITAL—S
612 WEST SMITH STREET
CORY, PA 16407
(814) 664-4641
- 00201
CROZER CHESTER MED CENTER—S
1 MEDICAL CENTER BOULEVARD
UPLAND, PA 19013
(610) 447-2000
- 00204
DELAWARE COUNTY MEMORIAL HOSP—S
501 NORTH LANSDOWNE AVENUE
DREXEL HILL, PA 19026-1186
(610) 284-8100
- 00266
DEPT OF PATHOLOGY & LAB MED-HUP—SC
3400 CIVIC CENTER BOULEVARD
PHILADELPHIA, PA 19104
(215) 662-3423
- 28893
DOMINION DIAGNOSTICS LLC—SC
211 CIRCUIT DRIVE
NORTH KINGSTOWN, RI 02852
(401) 667-0800
- 00194
DOYLESTOWN HOSPITAL—S
595 WEST STATE STREET
DOYLESTOWN, PA 18901
(215) 345-2250
- 00977
DRUGSCAN INC—SC
1119 MEARNS RD
PO BOX 2969
WARMINSTER, PA 18974
(215) 674-9310
- 00175
EASTON HOSPITAL—S
250 SOUTH 21ST ST
EASTON, PA 18042-3892
(610) 250-4140
- 00332
ELLWOOD CITY HOSPITAL—S
724 PERSHING ST
ELLWOOD CITY, PA 16117
(724) 752-0081
- 00164
EPHRATA COMMUNITY HOSPITAL—S
169 MARTIN AVE
PO BOX 1002
EPHRATA, PA 17522
(717) 733-0311
- 00031
ERHC RIDGWAY LABORATORY—S
94 HOSPITAL STREET
RIDGWAY, PA 15853
(814) 788-8525
- 00032
ERHC ST MARYS LABORATORY—S
763 JOHNSONBURG RD
SAINT MARYS, PA 15857
(814) 788-8525
- 00181
EVANGELICAL COMMUNITY HOSPITAL—S
1 HOSPITAL DRIVE
LEWISBURG, PA 17837
(570) 522-2510

21431
 FITNESS FOR DUTY CENTER—S
 PPL SUSQUEHANNA LLC
 769 SALEM BLVD
 BERWICK, PA 18603
 (570) 542-3336

00192
 FRANKFORD HOSP BUCKS CO CAMPUS—S
 380 NORTH OXFORD VALLEY ROAD
 LANGHORNE, PA 19047-8304
 (215) 934-5227

00341
 FRANKFORD HOSP TC LAB—S
 RED LION & KNIGHTS ROADS
 ATTN P FARANO MD
 PHILADELPHIA, PA 19114
 (215) 612-4000

00236
 FRANKFORD HOSPITAL FRANK DIV—S
 FRANKFORD AVE & WAKELING STREET
 PHILADELPHIA, PA 19124
 (215) 831-2068

00115
 FRICK HOSPITAL—S
 508 SOUTH CHURCH STREET
 MOUNT PLEASANT, PA 15666
 (724) 547-1500

20644
 FRIENDS HOSPITAL—S
 4641 ROOSEVELT BOULEVARD
 PHILADELPHIA, PA 19124-2399
 (215) 831-4600

09163
 FRIENDS MEDICAL LAB INC—SC
 5820 SOUTHWESTERN BLVD
 BALTIMORE, MD 21227
 (412) 247-4417

00330
 FULTON COUNTY MEDICAL CENTER—S
 214 PEACH ORCHARD ROAD
 MCCONNELLSBURG, PA 17233
 (717) 485-6143

30188
 GARCIA CLINICAL LABORATORY INC—S
 2195 SPRING ARBOR ROAD
 JACKSON, MI 49201
 (517) 787-9200

00173
 GEISINGER MEDICAL LABORATORIES—SC
 N ACADEMY ROAD
 DANVILLE, PA 17822
 (570) 271-6338

00017
 GEISINGER SOUTH WILKES BARRE HOSPITAL—S
 25 CHURCH STREET
 WILKES BARRE, PA 18765
 (570) 826-3100

00019
 GEISINGER WYOMING VALLEY MED CTR—S
 1000 E MOUNTAIN DRIVE
 WILKES BARRE, PA 18711
 (570) 826-7830

00237
 GERMANTOWN COMM HLTH WILLOW TERR—S
 ONE PENN BOULEVARD
 PHILADELPHIA, PA 19144
 (215) 456-6157

26799
 GHHA OCCUPATIONAL HEALTH CENTER LAB—S
 50 MOISEY DRIVE
 HAZLETON, PA 18202
 (570) 459-1028

00152
 GNADEN HUETTEN MEMORIAL HOSP—S
 211 NORTH 12TH STREET
 LEHIGHTON, PA 18235
 (610) 377-7083

00299
 GOOD SAMARITAN HOSPITAL—S
 4TH & WALNUT STS
 PO BOX 1281
 LEBANON, PA 17042-1218
 (717) 270-7500

00061
 GROVE CITY MEDICAL CENTER—S
 631 NORTH BROAD STREET EXT
 GROVE CITY, PA 16127
 (724) 450-7125

00654
 GUTHRIE CLINIC PATH LAB—S
 GUTHRIE SQUARE
 SAYRE, PA 18840
 (570) 888-5858

00239
 HAHNEMANN UNIVERSITY HOSPITAL—S
 BROAD & VINE STS MS 113
 PHILADELPHIA, PA 19102
 (215) 762-1783

00139
 HANOVER HOSPITAL LABORATORY—S
 300 HIGHLAND AVE
 HANOVER, PA 17331
 (717) 637-3711

00155
 HARRISBURG HOSPITAL LABORATORY—S
 MEDICAL SCIENCES BUILDING
 100 2ND STREET
 HARRISBURG, PA 17105
 (570) 782-2832

00010
 HAZLETON GENERAL HOSPITAL—S
 700 EAST BROAD
 HAZLETON, PA 18201
 (570) 501-4152

00169
 HEALTH NETWORK LABORATORIES—S
 1627 WEST CHEW STREET
 ALLENTOWN, PA 18102
 (610) 402-2236

00549
 HEALTH NETWORK LABORATORIES—S
 1200 SOUTH CEDAR CREST BLVD
 ALLENTOWN, PA 18103
 (610) 402-8150

- 00600
HEALTH NETWORK LABORATORIES—S
2545 SCHOENERSVILLE ROAD
BETHLEHEM, PA 18017-7384
(484) 884-2259
- 24655
HEALTH NETWORK LABORATORIES—SC
2024 LEHIGH STREET
ALLENTOWN, PA 18103-4798
(610) 402-8150
- 00166
HEART OF LANCASTER REGIONAL MEDICAL CENTER—S
1500 HIGHLANDS DRIVE
LITITZ, PA 17543
(717) 625-5605
- 00103
HIGHLANDS HOSPITAL—S
401 EAST MURPHY AVENUE
CONNELLSVILLE, PA 15425
(724) 628-1500
- 00216
HOLY REDEEMER HOSPITAL—S
1648 HUNTINGDON PIKE
MEADOWBROOK, PA 19046
(215) 947-3000
- 00130
HOLY SPIRIT HOSPITAL—S
503 N 21ST STREET
CAMP HILL, PA 17011-2288
(717) 763-2206
- 00052
INDIANA REGIONAL MEDICAL CENTER—S
HOSPITAL ROAD
PO BOX 788
INDIANA, PA 15701-0788
(724) 357-7167
- 00135
J C BLAIR MEMORIAL HOSPITAL—S
1225 WARM SPRINGS AVENUE
HUNTINGDON, PA 16652
(814) 643-8645
- 00054
JAMESON MEMORIAL HOSPITAL—S
1211 WILMINGTON AVENUE
NEW CASTLE, PA 16105
(724) 656-4080
- 00240
JEANES HOSPITAL—S
7600 CENTRAL AVE
PHILADELPHIA, PA 19111
(215) 728-2347
- 00038
JEFFERSON REGIONAL MED CTR—S
PO BOX 18119
565 COAL VALLEY ROAD
PITTSBURGH, PA 15236
(412) 469-5723
- 00200
JENNERSVILLE REGIONAL HOSPITAL—S
1015 WEST BALTIMORE PIKE
WEST GROVE, PA 19390
(610) 869-1080
- 00312
JERSEY SHORE HOSPITAL—S
1020 THOMPSON STREET
JERSEY SHORE, PA 17740
(570) 398-0100
- 00532
KENSINGTON HOSPITAL—S
136 WEST DIAMOND STREET
PHILADELPHIA, PA 19122
(215) 426-8100
- 26008
KROLL LABORATORY SPECIALISTS—SC
1111 NEWTON STREET
GRETNA, LA 70053
(504) 361-8989
- 24496
KROLL LABORATORY SPECIALISTS INC—SC
450 SOUTHLAKE BOULEVARD
RICHMOND, VA 23236
(804) 378-9130
- 21306
LAB CORP OCCUPATIONAL TEST SRVCS—SC
1120 STATELINE ROAD WEST
SOUTHAVEN, MS 38671
(886) 827-8042
- 20512
LABCORP OCCUPATIONAL TESTING SER—SC
1904 ALEXANDER DRIVE
PO BOX 12652
RESEARCH TRIANGLE PARK, NC 27709
(919) 572-7465
- 01088
LABCORP OF AMERICA HOLDINGS—SC
69 FIRST AVENUE
PO BOX 500
RARITAN, NJ 08869
(908) 526-2400
- 00165
LANCASTER GENERAL HOSPITAL—S
555 N DUKE STREET
PO BOX 3555
LANCASTER, PA 17604
(717) 544-5989
- 00167
LANCASTER REGIONAL MED CENTER—S
250 COLLEGE AVENUE
PO BOX 3434
LANCASTER, PA 17604
(717) 291-8022
- 00114
LATROBE AREA HOSPITAL—S
121 W SECOND AVENUE
LATROBE, PA 15650
(724) 537-1550
- 001381
LEWISTOWN HOSPITAL—S
400 HIGHLAND AVENUE
LEWISTOWN, PA 17044
(717) 248-5411
- 00030
LOCK HAVEN HOSPITAL—S
24 CREE DRIVE
LOCK HAVEN, PA 17745
(570) 893-5000

00193
LOWER BUCKS HOSPITAL LABORATORY—S
501 BATH ROAD
BRISTOL, PA 19007
(215) 785-9300

00639
MAGEE-WOMENS HOSPITAL OF UPMC HEALTH
SYSTEM—S
300 HALKET STREET
PITTSBURGH, PA 15213
(412) 647-4651

00242
MAIN LINE CLIN LABS LANKENAU CP—S
100 EAST LANCASTER AVENUE
WYNNEWOOD, PA 19096
(610) 645-2615

00213
MAIN LINE HEALTH LAB-BRYN MAWR—S
130 S BRYN MAWR AVENUE
BRYN MAWR, PA 19010
(610) 526-3554

00199
MAIN LINE HEALTH LABS-PAOLI—S
255 WEST LANCASTER AVENUE
PAOLI, PA 19301
(610) 648-1000

00004
MARIAN COMMUNITY HOSPITAL—S
100 LINCOLN AVENUE
CARBONDALE, PA 18407
(717) 281-1042

27684
MARWORTH—S
BOX 36 LILLY LAKE ROAD
WAVERLY, PA 18471
(570) 563-1112

09003
MAYO CLINIC DEPT LAB MED & PATH—SC
200 FIRST STREET SW HILTON 530
ROCHESTER, MN 55905
(507) 284-3018

00049
MEADVILLE MED CTR-LIBERTY ST—S
751 LIBERTY STREET
MEADVILLE, PA 16335
(814) 336-5000

05574
MEDTOX LABORATORIES INC—SC
402 WEST COUNTY ROAD D
ST PAUL, MN 55112
(651) 636-7466

00140
MEMORIAL HOSPITAL CLINICAL LAB—S
325 S BELMONT STREET
PO BOX 15118
YORK, PA 17403
(717) 843-8623

00023
MEMORIAL HOSPITAL LAB—S
1 HOSPITAL DRIVE
TOWANDA, PA 18848
(570) 265-2191

00203
MERCY FITZGERALD HOSPITAL—S
1500 LANSDOWNE AVENUE
DARBY, PA 19023
(610) 237-4262

00247
MERCY HEALTH LAB/MHOP—S
501 S 54TH STREET
PHILADELPHIA, PA 19143
(215) 748-9181

00219
MERCY HEALTH LAB/MSH—S
2701 DEKALB PIKE
NORRISTOWN, PA 19401
(610) 278-2090

00336
MERCY HEALTH PARTNERS—S
746 JEFFERSON AVENUE
SCRANTON, PA 18510
(570) 348-7100

28436
METHODIST DIV TJUH CLINICAL LAB—S
2301 SOUTH BROAD STREET
PHILADELPHIA, PA 19148
(215) 952-9057

00128
MINERS MEDICAL CENTER—S
290 HAIDA AVENUE
PO BOX 689
HASTINGS, PA 16646
(814) 247-3100

28907
MIRMONT TREATMENT CENTER—S
100 YEARSLEY MILL ROAD
LIMA, PA 19063
(610) 744-1400

00108
MONONGAHELA VALLEY HOSPITAL INC—S
1163 COUNTRY CLUB ROAD
MONONGAHELA, PA 15063
(724) 258-1021

00217
MONTGOMERY HOSPITAL LAB—S
POWELL & FORNANCE STS
NORRISTOWN, PA 19401
(610) 270-2173

00214
MOSS REHAB EINSTEIN AT ELKINS PARK—S
60 EAST TOWNSHIP LINE ROAD
ELKINS PARK, PA 19027
(215) 456-6150

00025
MOUNT NITTANY MEDICAL CENTER—S
1800 EAST PARK AVENUE
STATE COLLEGE, PA 16803
(814) 234-6117

00035
MUNCY VALLEY HOSPITAL—S
215 EAST WATER ST
MUNCY, PA 17756
(570) 546-8282

00304
NASON HOSPITAL—S
105 NASON DRIVE
ROARING SPRING, PA 16673
(814) 224-2141

00504
NATIONAL MED SVCS INC/DBA NMS LABS—SC
3701 WELSH ROAD
WILLOW GROVE, PA 19090
(215) 657-4900

00248
NAZARETH HOSPITAL—S
2601 HOLME AVE
PHILADELPHIA, PA 19152
(215) 335-6245

27246
NORCHEM DRUG TESTING LABORATORY—SC
1760 EAST ROUTE 66
SUITE 1
FLAGSTAFF, AZ 86004
(928) 526-1011

29741
NORTHERN TIER RESEARCH—SC
1300 OLD PLANK ROAD
MAYFIELD, PA 18433
(570) 351-6153

00099
OHIO VALLEY GENERAL HOSPITAL—S
25 HECKEL RD
MCKEES ROCKS, PA 15136
(412) 777-6161

00250
PARKWAY CLINICAL LABORATORIES—S
3494 D PROGRESS DRIVE
BENSALEM, PA 19020
(215) 245-5112

00520
PC LAB INC—SC
1320 FIFTH AVENUE
PITTSBURGH, PA 15219
(412) 391-6118

00258
PENN PRESBYTERIAN MEDICAL CENTER—S
51 NORTH 39TH ST
DEPT OF PATH & LAB
WRIGHT SAUNDERS BLDG 5TH FL RM 530
PHILADELPHIA, PA 19104-2640
(215) 662-3435

00316
PENN STATE MILTON S HERSHEY MED CTR—S
500 UNIVERSITY DRIVE
DEPT OF PATHOLOGY & LAB MEDICINE
HERSHEY, PA 17033
(717) 531-8353

22533
PENNSYLVANIA DEPT OF HEALTH—SC
110 PICKERING WAY
LIONVILLE, PA 19353
(610) 280-3464

00197
PHOENIXVILLE HOSPITAL LABORATORY—S
140 NUTT ROAD
DEPT OF PATHOLOGY
PHOENIXVILLE, PA 19460-0809
(610) 983-1612

00020
PHYSICIANS CLINICAL LABORATORY—S
148 NORTH SHERMAN COURT
HAZLETON, PA 18201
(570) 454-6301

00157
PINNACLEHLTH/COMM GEN OSTEO HOSP—S
4300 LONDONDERRY RD
PO BOX 3000
HARRISBURG, PA 17109
(717) 657-7214

00022
POCONO MEDICAL CENTER LAB—S
206 EAST BROWN STREET
EAST STROUDSBURG, PA 18301
(570) 476-3544

00221
POTTSTOWN HOSPITAL COMPANY, LLC—S
1600 EAST HIGH STREET
POTTSTOWN, PA 19464
(610) 327-7000

21648
PSYCHEMEDICS CORPORATION—SC
5832 UPLANDER WAY
CULVER CITY, CA 90230
(800) 522-7424

00300
PUNXSUTAWNEY AREA HOSPITAL—S
81 HILLCREST DRIVE
PUNXSUTAWNEY, PA 15767
(814) 938-1800

22715
QUEST DIAGNOSTICS—SC
10101 RENNER BOULEVARD
LENEXA, KS 66219-9752
(913) 888-1770

09620
QUEST DIAGNOSTICS CLIN LABS INC—SC
8401 FALLBROOK AVENUE
WEST HILLS, CA 91304
(818) 737-6268

00315
QUEST DIAGNOSTICS CLINICAL LABS INC—SC
900 BUSINESS CENTER DRIVE
HORSHAM, PA 19044
(215) 957-9300

27461
QUEST DIAGNOSTICS INC—SC
400 EGYPT ROAD
NORRISTOWN, PA 19403
(610) 631-4219

01136
QUEST DIAGNOSTICS NICHOLS INSTITUTE—SC
14225 NEWBROOK DRIVE
PO BOX 10841
CHANTILLY, VA 20153-0841
(703) 802-6900

00482
QUEST DIAGNOSTICS OF PA INC—SC
875 GREENTREE ROAD
4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
(412) 920-7600

25461
QUEST DIAGNOSTICS VENTURE LLC—SC
875 GREENTREE ROAD
4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
(412) 920-7631

24249
 QUINTILES LABORATORIES LTD—SC
 1600 TERRELL MILL ROAD
 SUITE 100
 MARIETTA, GA 30067
 (770) 373-3500

00150
 READING HOSPITAL & MED CTR—S
 6TH AND SPRUCE STREETS
 WEST READING, PA 19611
 (610) 988-8080

25348
 REDWOOD TOXICOLOGY LABORATORY—SC
 3650 WESTWIND BOULEVARD
 SANTA ROSA, CA 95403
 (707) 577-7958

00206
 RIDDLE MEMORIAL HOSPITAL—S
 1068 W BALTIMORE PIKE
 MEDIA, PA 19063
 (610) 891-3339

00243
 ROXBOROUGH MEMORIAL HOSPITAL—S
 5800 RIDGE AVE
 PHILADELPHIA, PA 19128
 (215) 487-4394

30821
 RXTOX INC—SC
 51 PROF PLAZA
 850 CLAIRTON BLVD
 SUITE 1300
 PITTSBURGH, PA 15236
 (412) 460-1310

00171
 SACRED HEART HOSPITAL—S
 4TH & CHEW STS
 ALLENTOWN, PA 18102
 (610) 776-4727

00087
 SAINT CLAIR MEMORIAL HOSPITAL—S
 1000 BOWER HILL RD
 PITTSBURGH, PA 15243
 (412) 561-4900

00174
 SAINT LUKES HOSPITAL—S
 801 OSTRUM STREET
 BETHLEHEM, PA 18015
 (610) 954-4558

00328
 SAINT MARY MEDICAL CENTER—S
 LANGHORNE-NEWTOWN RD
 LANGHORNE, PA 19047
 (215) 710-2162

29838
 SAN DIEGO REFERENCE LABORATORY—SC
 6122 NANCY RIDGE DRIVE
 SAN DIEGO, CA 92121
 (800) 677-7995

00182
 SCHUYLKILL MC E NORWEGIAN ST—S
 700 EAST NORWEGIAN STREET
 POTTSVILLE, PA 17901
 (570) 621-4032

00183
 SCHUYLKILL MC S JACKSON ST—S
 420 SOUTH JACKSON STREET
 POTTSVILLE, PA 17901
 (570) 621-5262

28471
 SECON A DIVISION OF CIVIGENICS—S
 260 LA RUE FRANCE
 LAFAYETTE, LA 70508
 (337) 291-9501

29038
 SECON OF NEW ENGLAND—SC
 415 MAIN STREET
 4TH FLOOR
 WORCESTER, MA 01608
 (508) 831-0703

00185
 SHAMOKIN AREA COMMUNITY HOSPITAL—S
 4200 HOSPITAL ROAD
 COAL TOWNSHIP, PA 17866-9697
 (570) 644-4200

00064
 SHARON REGIONAL HEALTH SYSTEM—S
 740 EAST STATE STREET
 SHARON, PA 16146
 (724) 983-3911

27649
 SMA MEDICAL LABORATORIES—S
 940 PENNSYLVANIA BOULEVARD
 UNIT E
 FEASTERVILLE, PA 19053
 (215) 322-6590

00039
 SOLDIERS & SAILORS MEM HOSP—S
 CENTRAL AVENUE
 WELLSBORO, PA 16901
 (570) 723-0133

00297
 SOMERSET HOSPITAL CENTER FOR HEALTH—S
 225 S CENTER AVENUE
 SOMERSET, PA 15501
 (814) 443-5000

22376
 SPECIALTY LABORATORIES INC—S
 27027 TOURNEY ROAD
 VALENCIA, CA 91355
 (661) 799-6543

00361
 ST CATHERINE MED CTR-FOUNTAIN SPRINGS—S
 101 BROAD STREET
 ASHLAND, PA 17921
 (570) 875-5988

00260
 ST CHRISTOPHERS HOSP FOR CHILDREN—S
 ERIE AVENUE AT FRONT STREET
 PHILADELPHIA, PA 19134
 (215) 427-4207

00151
 ST JOSEPH QUALITY MEDICAL LAB—SC
 2500 BERNVILLE ROAD
 READING, PA 19605-9453
 (610) 378-2200

- 00261
ST JOSEPH'S HOSPITAL—DIV NPHS—S
16TH ST & GIRARD AVENUE
PHILADELPHIA, PA 19130
(215) 787-9000
- 00318
ST LUKES HOSP ALLENTOWN CAMPUS—S
1736 HAMILTON STREET
ALLENTOWN, PA 18104
(610) 770-8300
- 00180
ST LUKES MINERS MEMORIAL HOSPITAL—S
360 WEST RUDDLE STREET
PO BOX 67
COALDALE, PA 18218
(570) 645-2131
- 29015
STERLING REFERENCE LABORATORIES—SC
2617 EAST L STREET
TACOMA, WA 98405
(253) 552-1551
- 00187
SUNBURY COMMUNITY HOSPITAL—S
350 NORTH 11TH STREET
SUNBURY, PA 17801
(570) 286-3491
- 00207
TAYLOR HOSPITAL DIV OF CCMC—S
175 EAST CHESTER PIKE
RIDLEY PARK, PA 19078
(610) 595-6450
- 00249
TEMPLE EAST INC NE—S
2301 EAST ALLEGHENY AVENUE
PHILADELPHIA, PA 19134
(215) 291-3000
- 00235
TEMPLE UNIV HOSPITAL EPISCOPAL CAMPUS—S
100 EAST LEHIGH AVENUE
PHILADELPHIA, PA 19125-1098
(215) 707-0977
- 00265
TEMPLE UNIVERSITY HOSPITAL—S
3401 N BROAD ST
PHILADELPHIA, PA 19140
(215) 707-4353
- 00205
THE MEDICAL CENTER BEAVER PA—S
1000 DUTCH RIDGE ROAD
BEAVER, PA 15009-9700
(724) 728-7000
- 00104
THE UNIONTOWN HOSPITAL LABORATORY—S
500 WEST BERKELEY STREET
UNIONTOWN, PA 15401
(724) 430-5143
- 00085
THE WESTERN PA HOSP-FORBES REGIONAL
CAMPUS—S
2570 HAYMAKER ROAD
MONROEVILLE, PA 15146
(412) 858-2560
- 00241
THOMAS JEFFERSON UNIVERSITY HOSP—S
125 SOUTH 11TH STREET
204 PAVILION
PHILADELPHIA, PA 19107
(215) 955-6371
- 00051
TITUSVILLE AREA HOSPITAL—S
406 WEST OAK STREET
TITUSVILLE, PA 16354
(814) 827-1851
- 00313
TYLER MEMORIAL HOSPITAL—S
880 SR 6 W
TUNKHANNOCK, PA 18657-6149
(570) 836-4705
- 00121
UPMC BEDFORD MEMORIAL—S
10455 LINCOLN HIGHWAY
EVERETT, PA 15537
(814) 623-3506
- 00096
UPMC BRADDOCK—S
400 HOLLAND AVENUE
BRADDOCK, PA 15104
(412) 636-5291
- 00059
UPMC HORIZON GREENVILLE—S
110 NORTH MAIN STREET
GREENVILLE, PA 16125
(724) 588-2100
- 00057
UPMC HORIZON SHENANGO—S
2200 MEMORIAL DRIVE
FARRELL, PA 16121
(724) 981-3500
- 00098
UPMC MCKEESPORT LABORATORY—S
1500 FIFTH AVENUE
MCKEESPORT, PA 15132
(412) 664-2233
- 00082
UPMC MERCY DEPT OF LAB MEDICINE—S
1400 LOCUST STREET
PITTSBURGH, PA 15219
(412) 232-7831
- 00058
UPMC NORTHWEST—S
100 FAIRFIELD DRIVE
SENECA, PA 16346
(814) 676-7120
- 05784
UPMC PASSAVANT LABORATORY CRANBERRY—S
ONE ST FRANCIS WAY
CRANBERRY TOWNSHIP, PA 16066
(724) 772-5370
- 00083
UPMC PRESBYTERIAN SHADYSIDE CP PUH—SC
ROOM 5929 MAIN TOWER CHP
200 LOTHROP STREET
PITTSBURGH, PA 15213-2582
(412) 648-6000

00091
UPMC SAINT MARGARET HOSPITAL—S
815 FREEPORT ROAD
PITTSBURGH, PA 15215
(412) 784-4000

00092
UPMC SHADYSIDE—S
5230 CENTRE AVENUE
GROUND FLOOR WEST WING
PITTSBURGH, PA 15232
(412) 623-5950

00093
UPMC SOUTH SIDE—S
2000 MARY STREET
PITTSBURGH, PA 15203
(412) 488-5731

27225
US DRUG TESTING LABORATORIES INC—SC
1700 SOUTH MOUNT PROSPECT ROAD
DES PLAINES, IL 60018
(847) 375-0770

00335
VALLEY FORGE MED CTR & HOSP—S
1033 W GERMANTOWN PIKE
NORRISTOWN, PA 19403
(610) 539-8500

00101
VALLEY MED FAC HER VLY SEWICKLEY—S
BLACKBURN RD & FITCH DRIVE
SEWICKLEY, PA 15143
(412) 741-6600

00066
WARREN GENERAL HOSPITAL—S
2 CRESCENT PARK
WARREN, PA 16365
(814) 723-3300

00298
WAYNE MEMORIAL HOSPITAL—S
601 PARK STREET
HONESDALE, PA 18431
(570) 253-1300

00133
WAYNESBORO HOSPITAL—S
501 E MAIN STREET
WAYNESBORO, PA 17268
(717) 765-3403

00095
WESTERN PENNSYLVANIA HOSPITAL—S
4800 FRIENDSHIP AVE
PITTSBURGH, PA 15224
(412) 578-5779

07731
WESTERN RESERVE CARE SYSTEM—SC
500 GYPSY LANE
YOUNGSTOWN, OH 44501
(330) 884-3767

30245
WESTFIELD HOSPITAL LABORATORY—S
4815 W TILGHMAN STREET
ALLENTOWN, PA 18104
(610) 776-1603

00113
WESTMORELAND HOSP AT JEANNETTE—S
600 JEFFERSON AVENUE
JEANNETTE, PA 15644
(724) 832-4371

00112
WESTMORELAND REGIONAL HOSPITAL—S
532 W PITTSBURGH STREET
GREENSBURG, PA 15601
(724) 832-4365

00037
WILLIAMSPORT HOSP & MED CENTER—S
777 RURAL AVENUE
WILLIAMSPORT, PA 17701-3198
(570) 321-2300

00018
VWHCS HOSP DBA PENNANT LABORATORY—SC
575 NORTH RIVER STREET
WILKES-BARRE, PA 18764
(570) 829-8111

00141
YORK HOSPITAL—S
1001 SOUTH GEORGE STREET
YORK, PA 17405
(717) 851-2345

A. EVERETTE JAMES,
Acting Secretary

[Pa.B. Doc. No. 09-19. Filed for public inspection January 2, 2009, 9:00 a.m.]

Laboratories Approved to Perform Blood Lead and/or Erythrocyte Protoporphyrin Determinations under the Clinical Laboratory Act

The following laboratories are licensed in accordance with the Clinical Laboratory Act (35 P. S. §§ 2151—2165) and are currently approved under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of blood for lead or erythrocyte protoporphyrin content. This approval is based on demonstrated proficiency in periodic evaluations conducted by the Bureau of Laboratories of the Department of Health (Department).

Lead poisoning is a reportable noncommunicable disease. Approved laboratories which offer blood lead testing services are required to inform the Department of actual or possible incidents of this condition in accordance with 28 Pa. Code § 27.34 (relating to reporting cases of lead poisoning). These regulations specify the following requirements for reporting by clinical laboratories:

(1) A clinical laboratory shall report all blood lead test results on both venous and capillary specimens for persons under 16 years of age to the Department's Childhood Lead Poisoning Prevention Program, Division of Maternal and Child Health, Bureau of Family Health.

(2) A clinical laboratory shall report an elevated blood lead level in a person 16 years of age or older to the Department's Division of Environmental Health Epidemiology, Bureau of Epidemiology or to other locations as designated by the Department. An elevated blood lead level is defined by the National Institute for Occupational Safety and Health (NIOSH). As of January 26, 2002, NIOSH defines an elevated blood lead level as a venous blood lead level of 25 micrograms per deciliter (µg/dL) or higher. The Department will publish in the *Pennsylvania Bulletin* any NIOSH update of the definition within 30 days of NIOSH's notification to the Department.

(3) A clinical laboratory which conducts blood lead tests of 100 or more specimens per month shall submit results electronically in a format specified by the Department.

(4) A clinical laboratory which conducts blood lead tests of less than 100 blood lead specimens per month shall submit results either electronically or by hard copy in the format specified by the Department.

(5) A laboratory which performs blood lead tests on blood specimens collected in this Commonwealth shall be licensed as a clinical laboratory and shall be specifically approved by the Department to conduct those tests.

(6) Blood lead analyses requested for occupational health purposes on blood specimens collected in this Commonwealth shall be performed only by laboratories which are licensed and approved as specified in paragraph (5), and which are also approved by the Occupational Safety and Health Administration of the United States Department of Labor under 29 CFR 1910.1025 (j)(2)(iii) (relating to lead).

(7) A clinical laboratory shall complete a blood lead test within 5 work days of the receipt of the blood specimen and shall submit the case report to the Department by the close of business of the next work day after the day on which the test was performed. The clinical laboratory shall submit a report of lead poisoning using either the hardcopy form or electronic transmission format specified by the Department.

(8) When a clinical laboratory receives a blood specimen without all of the information required for reporting purposes, the clinical laboratory shall test the specimen and shall submit the incomplete report to the Department.

Erythrocyte protoporphyrin determinations may be performed as an adjunct determination to substantiate blood lead levels of 25 micrograms per deciliter or higher. Since erythrocyte protoporphyrin concentrations may not increase as a result of low-level exposures to lead, direct blood lead analysis is the only reliable method for identifying individuals with blood lead concentrations below 25 micrograms per deciliter.

Persons seeking blood lead or erythrocyte protoporphyrin analyses should determine that the laboratory employs techniques and procedures acceptable for the purpose for which the analyses are sought. Laboratories offering blood lead analysis only are designated with the letter "L" following the name of the laboratory. Those offering erythrocyte protoporphyrin analysis only are designated with the letter "P." Laboratories offering both services are designated with the letters "LP."

The list of approved laboratories will be revised approximately semiannually and published in the *Pennsylvania Bulletin*.

The name or location of a laboratory is sometimes changed but the personnel and testing procedures of the facility remain unchanged. When changes of this type occur, the Clinical Laboratory Permit number does not change. If questions arise about the identity of a laboratory due to a name or location change, the Clinical Laboratory Permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test if the name or location of the facility changed, the Clinical Laboratory Permit number of the facility at the time the list was prepared is included in the list of approved laboratories above the name of the laboratory.

The Department's blood lead proficiency testing program is approved by the United States Department of Health and Human Services (HHS) in accordance with the requirements contained in the Clinical Laboratory Improvement Amendments of 1988 (42 CFR 493.901 and 493.937) which are administered by the Centers for Medicare and Medicaid Services (CMS). Participation in these programs may therefore be used to demonstrate acceptable performance for approval purposes under both Federal and Commonwealth statutes.

Questions regarding this list should be directed to Dr. M. Jeffery Shoemaker, Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Dr. Shoemaker at the previously referenced address or phone number. Persons who are speech or hearing impaired may use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

22912
ACL LABORATORIES—LP
8901 WEST LINCOLN AVE
WEST ALLIS, WI 53227
(414) 328-7945

29169
ADVANCED TOXICOLOGY NETWORK—LP
3560 AIR CENTER COVE
SUITE 101
MEMPHIS, TN 38118
(901) 794-5770

00016
ANGELINE KIRBY MEM HEALTH CENTER—L
71 NORTH FRANKLIN STREET
WILKES-BARRE, PA 18701
(570) 822-4278

00516
ATLANTIC DIAGNOSTIC LABORATORIES LLC—LP
2921 NEW RODGERS ROAD
BRISTOL, PA 19007
(215) 785-5200

20506
CENTRAL PA ALLIANCE LABORATORY—L
1803 MT ROSE AVENUE
SUITE C3-C4
YORK, PA 17403
(717) 851-1426

00228
CHILDRENS HOSP OF PHILADELPHIA—L
ONE CHILDRENS CENTER
34TH & CIVIC
PHILADELPHIA, PA 19104
(215) 590-4446

27845
CLINICAL REFERENCE LABORATORY—LP
8433 QUIVIRA ROAD
LENEXA, KS 66215
(913) 492-3652

00561
EAST PENN MFG CO INC—LP
DEKA RD KELLER TECH CENTER
PO BOX 147
LYONS STATION, PA 19536
(610) 682-6361

00332
ELLWOOD CITY HOSPITAL—LP
724 PERSHING ST
ELLWOOD CITY, PA 16117
(724) 752-0081

00173
GEISINGER MEDICAL LABORATORIES—L
N ACADEMY ROAD
DANVILLE, PA 17822
(570) 271-6338

25914
GENOVA DIAGNOSTICS—L
63 ZILLICOA STREET
ASHEVILLE, NC 28801
(828) 253-0621

30672
GLAD PROGRAM—L
4700 WISSACHICKON AVENUE
BLDG C
BOX 118
SUITE 102
PHILADELPHIA, PA 19144
(215) 967-2126

20802
HAGERSTOWN MEDICAL LABORATORY—L
11110 MEDICAL CAMPUS RD
STE 230
HAGERSTOWN, MD 21742
(301) 790-8670

24655
HEALTH NETWORK LABORATORIES—LP
2024 LEHIGH STREET
ALLENTOWN, PA 18103-4798
(610) 402-8150

05618
LAB CORP OF AMERICA HOLDINGS—LP
6370 WILCOX ROAD
DUBLIN, OH 43016-1296
(800) 282-7300

21885
LAB CORP OF AMERICA HOLDINGS—LP
1447 YORK COURT
BURLINGTON, NC 27215
(800) 334-5161

01088
LABCORP OF AMERICA HOLDINGS—LP
69 FIRST AVENUE
PO BOX 500
RARITAN, NJ 08869
(908) 526-2400

09523
LABORATORY CORP OF AMERICA—L
13900 PARK CENTER ROAD
HERNDON, VA 20171
(703) 742-3100

00242
MAIN LINE CLIN LABS LANKENAU CP—L
100 EAST LANCASTER AVENUE
WYNNEWOOD, PA 19096
(610) 645-2615

29685
MAYO CLINIC DEPARTMENT OF LAB MEDICINE &
PATHOLOGY—L
3050 SUPERIOR DRIVE NW
ROCHESTER, MN 55901
(507) 538-3458

09003
MAYO CLINIC DEPT LAB MED & PATH—P
200 FIRST STREET SW HILTON 530
ROCHESTER, MN 55905
(507) 284-3018

29251
MAYO MEDICAL LABORATORIES NEW ENG-
LAND—LP
160 DASCOMB ROAD
ANDOVER, MA 01810
(978) 658-3600

26302
MEDICAL ASSOCIATES BDHG—P
935 HIGHLAND BLVD
SUITE 2200
BOZEMAN, MT 59715
(406) 587-5123

05574
MEDTOX LABORATORIES INC—LP
402 WEST COUNTY ROAD D
ST PAUL, MN 55112
(651) 636-7466

00203
MERCY FITZGERALD HOSPITAL—L
1500 LANSDOWNE AVENUE
DARBY, PA 19023
(610) 237-4262

00504
NATIONAL MED SVCS INC/DBA NMS LABS—LP
3701 WELSH ROAD
WILLOW GROVE, PA 19090
(215) 657-4900

23801
PACIFIC TOXICOLOGY LABORATORIES—LP
9348 DE SOTO AVENUE
CHATSWORTH, CA 91311
(818) 598-3110

02125
PED ALLIANCE ST CLAIR PED DIV—L
1580 MCLAUGHLIN RUN ROAD
PINERIDGE COMMONS
SUITE 208
UPPER ST CLAIR, PA 15241
(412) 257-0331

22533
PENNSYLVANIA DEPT OF HEALTH—LP
110 PICKERING WAY
LIONVILLE, PA 19353
(610) 280-3464

00022
POCONO MEDICAL CENTER LAB—L
206 EAST BROWN STREET
EAST STROUDSBURG, PA 18301
(570) 476-3544

00324
PRIMARY CARE HLTH SERV INC LAB—L
7227 HAMILTON AVE
PITTSBURGH, PA 15208
(412) 244-4728

00255
PUBLIC HEALTH LAB CITY OF PHILA—L
500 SOUTH BROAD STREET
ROOM 359
PHILADELPHIA, PA 19146
(215) 685-6812

22715

QUEST DIAGNOSTICS—LP
10101 RENNER BOULEVARD
LENEXA, KS 66219-9752
(913) 888-1770

00315

QUEST DIAGNOSTICS CLINICAL LABS INC—LP
900 BUSINESS CENTER DRIVE
HORSHAM, PA 19044
(215) 957-9300

00669

QUEST DIAGNOSTICS INCORPORATED—L
ONE MALCOLM AVENUE
TETERBORO, NJ 07608
(201) 393-5895

01136

QUEST DIAGNOSTICS NICHOLS INSTITUTE—LP
14225 NEWBROOK DRIVE
PO BOX 10841
CHANTILLY, VA 20153-0841
(703) 802-6900

00482

QUEST DIAGNOSTICS OF PA INC—LP
875 GREENTREE ROAD
4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
(412) 920-7600

25461

QUEST DIAGNOSTICS VENTURE LLC—LP
875 GREENTREE ROAD
4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
(412) 920-7631

00150

READING HOSPITAL & MED CTR—L
6TH AND SPRUCE STREETS
WEST READING, PA 19611
(610) 988-8080

22376

SPECIALTY LABORATORIES INC—L
27027 TOURNEY ROAD
VALENCIA, CA 91355
(661) 799-6543

00104

THE UNIONTOWN HOSPITAL LABORATORY—L
500 WEST BERKELEY STREET
UNIONTOWN, PA 15401
(724) 430-5143

00083

UPMC PRESBYTERIAN SHADYSIDE CP PUH—L
ROOM 5929 MAIN TOWER CHP
200 LOTHROP STREET
PITTSBURGH, PA 15213-2582
(412) 648-6000

00018

WVHCS HOSP DBA PENNANT LABORATORY—L
575 NORTH RIVER STREET
WILKES-BARRE, PA 18764
(570) 829-8111

A. EVERETTE JAMES,
Acting Secretary

[Pa.B. Doc. No. 09-20. Filed for public inspection January 2, 2009, 9:00 a.m.]

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.3 (relating to definitions).

Jefferson Manor Health Center
417 Route 28
Brookville, PA 15825

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.67(j) and (k) (relating to electric requirements for existing and new construction).

Village Vista Manor
P. O. Box 7001
1941 Benmar Drive
Lancaster, PA 17604
FAC ID 220902

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.67(k).

Longwood at Oakmont Health Care Center
500 Route 909
Verona, PA 15147

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.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

A. EVERETTE JAMES,
Acting Secretary

[Pa.B. Doc. No. 09-21. Filed for public inspection January 2, 2009, 9:00 a.m.]

Recognized Lifeguard Certifying Authorities for 2009

The Department of Health has determined that the following lifeguard certifying authorities meet the requirements in 28 Pa. Code § 18.42 (relating to certified lifeguards) and are recognized as lifeguard certifying authorities for 2009: The American Red Cross, Jeff Ellis and Associates, YMCA, The Boy Scouts of America, Starfish Aquatics Institute and National Aquatic Safety Company.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape,

Braille) should contact the Department of Health, Bureau of Community Health Systems, Room 628, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-4366 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

A. EVERETTE JAMES,
Acting Secretary

[Pa.B. Doc. No. 09-22. Filed for public inspection January 2, 2009, 9:00 a.m.]

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Maximum Allowable Prices and Competitive Prices

Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) (relating to selection criteria for authorization and reauthorization; and terms and conditions of participation) and 7 CFR 246.12 (relating to food delivery system), the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective January 1, 2009, through March 31, 2009, the Maximum Allowable Prices the Department of Health (Department) will pay Type 1 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.43
12 oz. Evaporated Milk	\$1.17
16 oz. Dry Milk	\$6.01
1 qt. Lactose Reduced Milk	\$2.05
1/2 gal. Kosher Milk	\$2.77
4 oz. Kosher Infant Juice	\$0.71
8 oz. Kosher Infant Cereal	\$2.22
1 doz. Grade A Eggs	\$1.58
1 lb. Fresh Carrots	\$1.08
14 to 16 oz. Canned Carrots	\$1.08
1 lb. Cheese	\$6.63
1 lb. Kosher Cheese	\$6.63
1 lb. Dry Beans or Peas	\$1.78
1 oz. Adult WIC Cereal	\$0.34
8 oz. Gerber Infant Cereal	\$2.22
15 to 18 oz. Peanut Butter	\$3.19
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.18
6 oz. Cans Juice	\$1.61
5 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.05
4 oz. Gerber Infant Juice	\$0.71
32 oz. Alimentum Advance Ready-to-Feed Formula	\$8.91
16 oz. Alimentum Advance Powder Formula ...	\$25.27
8 oz. Boost Ready-to-Feed Formula	\$2.00
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula	\$13.86
13 oz. Enfamil LIPIL Concentrate Formula ...	\$4.38

<i>Description</i>	<i>Maximum Allowable Price</i>
32 oz. Enfamil LIPIL Ready-to-Feed Formula .	\$6.57
12.9 oz. Enfamil LIPIL Powder Formula	\$13.35
32 oz. Isomil DF Ready-to-Feed Formula	\$6.21
12 oz. Nestle Good Start DHA/ARA Powder-Orange Formula	\$12.77
13 oz. Nestle Good Start DHA/ARA Concentrate-Orange Formula	\$4.13
32 oz. Nestle Good Start DHA/ARA RTF-Orange Formula	\$6.19
24 oz. Nestle Good Start DHA/ARA Powder-Yellow Formula	\$20.56
12.9 oz. Nestle Good Start Soy DHA/ARA Powder-Blue Formula	\$13.46
13 oz. Nestle Good Start Soy DHA/ARA Concentrate-Blue Formula	\$4.37
32 oz. Nestle Good Start Soy DHA/ARA Ready-to-Feed-Blue Formula	\$6.43
24 oz. Nestle Good Start 2 Soy DHA/ARA Powder-Teal Formula	\$20.56
12 oz. Nestle Good Start Natural Cultures DHA/ARA Powder-Green Formula	\$14.02
24 oz. Nestle Good Start 2 Natural Cultures DHA/ARA Powder-White Formula	\$24.91
12 oz. Nestle Good Start Powder-Purple Formula	\$10.79
13 oz. Nutramigen Lipil Concentrate Formula .	\$7.01
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$8.98
16 oz. Nutramigen Lipil Powder Formula	\$25.26
8 oz. Pediasure Ready-to-Feed Formula	\$1.80
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$1.84
13 oz. Similac Advance Concentrate Formula ..	\$4.32
32 oz. Similac Advance Ready-to-Feed Formula	\$6.25
12.9 oz. Similac Advance Powder Formula	\$13.20
12.8 oz. Similac Neosure with Iron Powder Formula	\$15.03
32 oz. Similac Neosure with Iron Ready-to-Feed Formula	\$7.40
13 oz. Store Brand Concentrate Formula	\$2.84
32 oz. Store Brand Ready-to-Feed Formula	\$3.79
25.75 oz. Store Brand Powder Formula	\$14.34

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustment).

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective January 1, 2009, through March 31, 2009, the Competitive Prices for WIC Authorization for Type 1 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.29
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.29
12 oz. Evaporated Milk	\$1.11

<i>Description</i>	<i>Competitive Prices</i>
16 oz. Dry Milk	\$5.76
1 doz. Grade A Eggs	\$1.51
1 lb. Fresh Carrots	\$1.07
14 to 16 oz. Canned Carrots	\$1.07
1 lb. Cheese	\$6.03
1 lb. Kosher Cheese	\$6.03
1 lb. Dry Beans or Peas	\$1.58
1 oz. Adult WIC Cereal	\$0.33
8 oz. Gerber Infant Cereal	\$2.22
15 to 18 oz. Peanut Butter	\$2.84
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.91
5 to 6.5 oz. Chunk Light Tuna Packed in Water	\$0.98
4 oz. Gerber Infant Juice	\$0.71
12 oz. Nestle Good Start DHA/ARA Powder-Orange Formula	\$12.77
13 oz. Nestle Good Start DHA/ARA Concentrate-Orange Formula	\$4.13
32 oz. Nestle Good Start DHA/ARA RTF-Orange Formula	\$6.19
12.9 oz. Nestle Good Start Soy DHA/ARA Powder-Blue Formula	\$13.46
13 oz. Nestle Good Start Soy DHA/ARA Concentrate-Blue Formula	\$4.37
32 oz. Nestle Good Start Soy DHA/ARA Ready-to-Feed-Blue Formula	\$6.43

Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective January 1, 2009, through March 31, 2009, the Maximum Allowable Prices the Department will pay Type 2 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.43
12 oz. Evaporated Milk	\$1.33
16 oz. Dry Milk	\$6.27
1 qt. Lactose Reduced Milk	\$2.14
1/2 gal. Kosher Milk	\$2.77
4 oz. Kosher Infant Juice	\$0.75
8 oz. Kosher Infant Cereal	\$2.29
1 doz. Grade A Eggs	\$1.59
1 lb. Fresh Carrots	\$1.12
14 to 16 oz. Canned Carrots	\$1.12
1 lb. Cheese	\$6.63
1 lb. Kosher Cheese	\$6.63
1 lb. Dry Beans or Peas	\$1.96
1 oz. Adult WIC Cereal	\$0.34
8 oz. Gerber Infant Cereal	\$2.29
15 to 18 oz. Peanut Butter	\$3.19
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.37
6 oz. Cans Juice	\$1.61
5 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.11
4 oz. Gerber Infant Juice	\$0.75

<i>Description</i>	<i>Maximum Allowable Price</i>
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.43
16 oz. Alimentum Advance Powder Formula ...	\$26.86
8 oz. Boost Ready-to-Feed Formula	\$2.00
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula	\$14.44
13 oz. Enfamil LIPIL Concentrate Formula ...	\$4.55
32 oz. Enfamil LIPIL Ready-to-Feed Formula .	\$6.70
12.9 oz. Enfamil LIPIL Powder Formula	\$13.88
32 oz. Isomil DF Ready-to-Feed Formula	\$6.34
12 oz. Nestle Good Start DHA/ARA Powder-Orange Formula	\$12.77
13 oz. Nestle Good Start DHA/ARA Concentrate-Orange Formula	\$4.64
32 oz. Nestle Good Start DHA/ARA RTF-Orange Formula	\$6.44
24 oz. Nestle Good Start DHA/ARA Powder-Yellow Formula	\$22.19
12.9 oz. Nestle Good Start Soy DHA/ARA Powder-Blue Formula	\$13.52
13 oz. Nestle Good Start Soy DHA/ARA Concentrate-Blue Formula	\$4.80
32 oz. Nestle Good Start Soy DHA/ARA Ready-to-Feed-Blue Formula	\$6.78
24 oz. Nestle Good Start 2 Soy DHA/ARA Powder-Teal Formula	\$22.19
12 oz. Nestle Good Start Natural Cultures DHA/ARA Powder-Green Formula	\$14.76
24 oz. Nestle Good Start 2 Natural Cultures DHA/ARA Powder-White Formula	\$25.99
12 oz. Nestle Good Start Powder-Purple Formula	\$10.79
13 oz. Nutramigen Lipil Concentrate Formula .	\$7.30
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$9.20
16 oz. Nutramigen Lipil Powder Formula	\$26.93
8 oz. Pediasure Ready-to-Feed Formula	\$2.13
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$2.09
13 oz. Similac Advance Concentrate Formula ..	\$4.49
32 oz. Similac Advance Ready-to-Feed Formula	\$6.38
12.9 oz. Similac Advance Powder Formula	\$13.72
12.8 oz. Similac Neosure with Iron Powder Formula	\$15.89
32 oz. Similac Neosure with Iron Ready-to-Feed Formula	\$7.65
13 oz. Store Brand Concentrate Formula	\$2.89
32 oz. Store Brand Ready-to-Feed Formula ...	\$3.86
25.75 oz. Store Brand Powder Formula	\$14.72

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective January 1, 2009, through March 31, 2009, the Competitive Prices for WIC Authorization for Type 2 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.29
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.29
12 oz. Evaporated Milk	\$1.25
16 oz. Dry Milk	\$6.27
1 doz. Grade A Eggs	\$1.51
1 lb. Fresh Carrots	\$1.11
14 to 16 oz. Canned Carrots	\$1.11
1 lb. Cheese	\$6.03
1 lb. Kosher Cheese	\$6.03
1 lb. Dry Beans or Peas	\$1.73
1 oz. Adult WIC Cereal	\$0.34
8 oz. Gerber Infant Cereal	\$2.29
15 to 18 oz. Peanut Butter	\$2.84
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.04
5 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.04
4 oz. Gerber Infant Juice	\$0.75
12 oz. Nestle Good Start DHA/ARA Powder-Orange Formula	\$12.77
13 oz. Nestle Good Start DHA/ARA Concentrate-Orange Formula	\$4.64
32 oz. Nestle Good Start DHA/ARA RTF-Orange Formula	\$6.44
12.9 oz. Nestle Good Start Soy DHA/ARA Powder-Blue Formula	\$13.52
13 oz. Nestle Good Start Soy DHA/ARA Concentrate-Blue Formula	\$4.80
32 oz. Nestle Good Start Soy DHA/ARA Ready-to-Feed-Blue Formula	\$6.78

Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective January 1, 2009, through March 31, 2009, the Maximum Allowable Prices the Department will pay Type 3 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.43
12 oz. Evaporated Milk	\$1.36
16 oz. Dry Milk	\$6.27
1 qt. Lactose Reduced Milk	\$2.14
1/2 gal. Kosher Milk	\$2.95
4 oz. Kosher Infant Juice	\$0.78
8 oz. Kosher Infant Cereal	\$2.42
1 doz. Grade A Eggs	\$1.82
1 lb. Fresh Carrots	\$1.12
14 to 16 oz. Canned Carrots	\$1.12
1 lb. Cheese	\$6.63
1 lb. Kosher Cheese	\$8.60
1 lb. Dry Beans or Peas	\$1.96
1 oz. Adult WIC Cereal	\$0.38
8 oz. Gerber Infant Cereal	\$2.42

<i>Description</i>	<i>Maximum Allowable Price</i>
15 to 18 oz. Peanut Butter	\$3.19
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.37
6 oz. Cans Juice	\$1.69
5 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.11
4 oz. Gerber Infant Juice	\$0.78
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.43
16 oz. Alimentum Advance Powder Formula ...	\$26.99
8 oz. Boost Ready-to-Feed Formula	\$2.00
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula	\$14.44
13 oz. Enfamil LIPIL Concentrate Formula ...	\$5.24
32 oz. Enfamil LIPIL Ready-to-Feed Formula .	\$7.54
12.9 oz. Enfamil LIPIL Powder Formula	\$15.19
32 oz. Isomil DF Ready-to-Feed Formula	\$8.19
12 oz. Nestle Good Start DHA/ARA Powder-Orange Formula	\$12.77
13 oz. Nestle Good Start DHA/ARA Concentrate-Orange Formula	\$4.64
32 oz. Nestle Good Start DHA/ARA RTF-Orange Formula	\$6.62
24 oz. Nestle Good Start DHA/ARA Powder-Yellow Formula	\$22.19
12.9 oz. Nestle Good Start Soy DHA/ARA Powder-Blue Formula	\$14.19
13 oz. Nestle Good Start Soy DHA/ARA Concentrate-Blue Formula	\$4.99
32 oz. Nestle Good Start Soy DHA/ARA Ready-to-Feed-Blue Formula	\$7.12
24 oz. Nestle Good Start 2 Soy DHA/ARA Powder-Teal Formula	\$22.19
12 oz. Nestle Good Start Natural Cultures DHA/ARA Powder-Green Formula	\$14.76
24 oz. Nestle Good Start 2 Natural Cultures DHA/ARA Powder-White Formula	\$25.99
12 oz. Nestle Good Start Powder-Purple Formula	\$10.79
13 oz. Nutramigen Lipil Concentrate Formula .	\$7.79
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$9.20
16 oz. Nutramigen Lipil Powder Formula	\$28.36
8 oz. Pediasure Ready-to-Feed Formula	\$2.58
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$2.63
13 oz. Similac Advance Concentrate Formula ..	\$5.17
32 oz. Similac Advance Ready-to-Feed Formula	\$7.18
12.9 oz. Similac Advance Powder Formula	\$15.02
12.8 oz. Similac Neosure with Iron Powder Formula	\$15.89
32 oz. Similac Neosure with Iron Ready-to-Feed Formula	\$9.23
13 oz. Store Brand Concentrate Formula	\$3.10
32 oz. Store Brand Ready-to-Feed Formula ...	\$4.32
25.75 oz. Store Brand Powder Formula	\$16.18

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective January 1, 2009, through March 31, 2009, the Competitive Prices for WIC Authorization for Type 3 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.29
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.95
12 oz. Evaporated Milk	\$1.30
16 oz. Dry Milk	\$6.27
1 doz. Grade A Eggs	\$1.76
1 lb. Fresh Carrots	\$1.11
14 to 16 oz. Canned Carrots	\$1.11
1 lb. Cheese	\$6.03
1 lb. Kosher Cheese	\$8.60
1 lb. Dry Beans or Peas	\$1.73
1 oz. Adult WIC Cereal	\$0.36
8 oz. Gerber Infant Cereal	\$2.42
15 to 18 oz. Peanut Butter	\$2.84
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.06
5 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.04
4 oz. Gerber Infant Juice	\$0.78
12 oz. Nestle Good Start DHA/ARA Powder-Orange Formula	\$12.77
13 oz. Nestle Good Start DHA/ARA Concentrate-Orange Formula	\$4.64
32 oz. Nestle Good Start DHA/ARA RTF-Orange Formula	\$6.62
12.9 oz. Nestle Good Start Soy DHA/ARA Powder-Blue Formula	\$14.19
13 oz. Nestle Good Start Soy DHA/ARA Concentrate-Blue Formula	\$4.99
32 oz. Nestle Good Start Soy DHA/ARA Ready-to-Feed-Blue Formula	\$7.12

Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties.

Maximum Allowable Prices

Effective January 1, 2009, through March 31, 2009, the Maximum Allowable Prices the Department will pay Type 1 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.54
12 oz. Evaporated Milk	\$1.28
16 oz. Dry Milk	\$6.01
1 qt. Lactose Reduced Milk	\$2.10
1/2 gal. Kosher Milk	\$2.77
4 oz. Kosher Infant Juice	\$0.75
8 oz. Kosher Infant Cereal	\$2.27
1 doz. Grade A Eggs	\$1.74
1 lb. Fresh Carrots	\$1.10
14 to 16 oz. Canned Carrots	\$1.10

<i>Description</i>	<i>Maximum Allowable Price</i>
1 lb. Cheese	\$6.86
1 lb. Kosher Cheese	\$6.86
1 lb. Dry Beans or Peas	\$2.02
1 oz. Adult WIC Cereal	\$0.35
8 oz. Gerber Infant Cereal	\$2.27
15 to 18 oz. Peanut Butter	\$3.44
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.36
6 oz. Cans Juice	\$1.61
5 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.24
4 oz. Gerber Infant Juice	\$0.75
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.18
16 oz. Alimentum Advance Powder Formula	\$26.21
8 oz. Boost Ready-to-Feed Formula	\$2.00
12.8 oz. EnfaCare LIPIL w/ Iron Powder Formula	\$14.39
13 oz. Enfamil LIPIL Concentrate Formula	\$4.49
32 oz. Enfamil LIPIL Ready-to-Feed Formula	\$6.66
12.9 oz. Enfamil LIPIL Powder Formula	\$13.76
32 oz. Isomil DF Ready-to-Feed Formula	\$6.32
12 oz. Nestle Good Start DHA/ARA Powder-Orange Formula	\$12.77
13 oz. Nestle Good Start DHA/ARA Concentrate-Orange Formula	\$4.39
32 oz. Nestle Good Start DHA/ARA RTF-Orange Formula	\$6.36
24 oz. Nestle Good Start DHA/ARA Powder-Yellow Formula	\$21.44
12.9 oz. Nestle Good Start Soy DHA/ARA Powder-Blue Formula	\$13.62
13 oz. Nestle Good Start Soy DHA/ARA Concentrate-Blue Formula	\$4.55
32 oz. Nestle Good Start Soy DHA/ARA Ready-to-Feed-Blue Formula	\$6.51
24 oz. Nestle Good Start 2 Soy DHA/ARA Powder-Teal Formula	\$21.65
12 oz. Nestle Good Start Natural Cultures DHA/ARA Powder-Green Formula	\$14.21
24 oz. Nestle Good Start 2 Natural Cultures DHA/ARA Powder-White Formula	\$25.11
12 oz. Nestle Good Start Powder-Purple Formula	\$10.79
13 oz. Nutramigen Lipil Concentrate Formula	\$7.17
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$9.02
16 oz. Nutramigen Lipil Powder Formula	\$26.02
8 oz. Pediasure Ready-to-Feed Formula	\$1.85
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$1.92
13 oz. Similac Advance Concentrate Formula	\$4.43
32 oz. Similac Advance Ready-to-Feed Formula	\$6.34
12.9 oz. Similac Advance Powder Formula	\$13.60
12.8 oz. Similac Neosure with Iron Powder Formula	\$15.60
32 oz. Similac Neosure with Iron Ready-to-Feed Formula	\$7.62
13 oz. Store Brand Concentrate Formula	\$2.87
32 oz. Store Brand Ready-to-Feed Formula	\$3.84
25.75 oz. Store Brand Powder Formula	\$14.59

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allow-

able foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective January 1, 2009, through March 31, 2009, the Competitive Prices for WIC Authorization for Type 1 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.39
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.39
12 oz. Evaporated Milk	\$1.20
16 oz. Dry Milk	\$5.83
1 doz. Grade A Eggs	\$1.67
1 lb. Fresh Carrots	\$1.08
14 to 16 oz. Canned Carrots	\$1.08
1 lb. Cheese	\$6.22
1 lb. Kosher Cheese	\$6.22
1 lb. Dry Beans or Peas	\$1.75
1 oz. Adult WIC Cereal	\$0.33
8 oz. Gerber Infant Cereal	\$2.27
15 to 18 oz. Peanut Butter	\$3.07
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.03
5 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.11
4 oz. Gerber Infant Juice	\$0.75
12 oz. Nestle Good Start DHA/ARA Powder-Orange Formula	\$12.77
13 oz. Nestle Good Start DHA/ARA Concentrate-Orange Formula	\$4.39
32 oz. Nestle Good Start DHA/ARA RTF-Orange Formula	\$6.36
12.9 oz. Nestle Good Start Soy DHA/ARA Powder-Blue Formula	\$13.62
13 oz. Nestle Good Start Soy DHA/ARA Concentrate-Blue Formula	\$4.55
32 oz. Nestle Good Start Soy DHA/ARA Ready-to-Feed-Blue Formula	\$6.51

Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties.

Maximum Allowable Prices

Effective January 1, 2009, through March 31, 2009, the Maximum Allowable Prices the Department will pay Type 2 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.54
12 oz. Evaporated Milk	\$1.37
16 oz. Dry Milk	\$6.27
1 qt. Lactose Reduced Milk	\$2.23
1/2 gal. Kosher Milk	\$2.77
4 oz. Kosher Infant Juice	\$0.79

<i>Description</i>	<i>Maximum Allowable Price</i>
8 oz. Kosher Infant Cereal	\$2.42
1 doz. Grade A Eggs	\$1.75
1 lb. Fresh Carrots	\$1.12
14 to 16 oz. Canned Carrots	\$1.12
1 lb. Cheese	\$6.86
1 lb. Kosher Cheese	\$6.86
1 lb. Dry Beans or Peas	\$2.02
1 oz. Adult WIC Cereal	\$0.36
8 oz. Gerber Infant Cereal	\$2.42
15 to 18 oz. Peanut Butter	\$3.44
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.38
6 oz. Cans Juice	\$1.75
5 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.24
4 oz. Gerber Infant Juice	\$0.79
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.74
16 oz. Alimentum Advance Powder Formula	\$27.51
8 oz. Boost Ready-to-Feed Formula	\$2.00
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula	\$15.12
13 oz. Enfamil LIPIL Concentrate Formula	\$4.76
32 oz. Enfamil LIPIL Ready-to-Feed Formula	\$7.05
12.9 oz. Enfamil LIPIL Powder Formula	\$14.61
32 oz. Isomil DF Ready-to-Feed Formula	\$6.34
12 oz. Nestle Good Start DHA/ARA Powder-Orange Formula	\$12.77
13 oz. Nestle Good Start DHA/ARA Concentrate-Orange Formula	\$4.69
32 oz. Nestle Good Start DHA/ARA RTF-Orange Formula	\$6.73
24 oz. Nestle Good Start DHA/ARA Powder-Yellow Formula	\$22.19
12.9 oz. Nestle Good Start Soy DHA/ARA Powder-Blue Formula	\$14.19
13 oz. Nestle Good Start Soy DHA/ARA Concentrate-Blue Formula	\$4.85
32 oz. Nestle Good Start Soy DHA/ARA Ready-to-Feed-Blue Formula	\$6.78
24 oz. Nestle Good Start 2 Soy DHA/ARA Powder-Teal Formula	\$22.34
12 oz. Nestle Good Start Natural Cultures DHA/ARA Powder-Green Formula	\$14.85
24 oz. Nestle Good Start 2 Natural Cultures DHA/ARA Powder-White Formula	\$26.05
12 oz. Nestle Good Start Powder-Purple Formula	\$10.79
13 oz. Nutramigen Lipil Concentrate Formula	\$7.51
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$9.20
16 oz. Nutramigen Lipil Powder Formula	\$27.39
8 oz. Pediasure Ready-to-Feed Formula	\$2.17
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$2.22
13 oz. Similac Advance Concentrate Formula	\$4.70
32 oz. Similac Advance Ready-to-Feed Formula	\$6.71
12.9 oz. Similac Advance Powder Formula	\$14.44
12.8 oz. Similac Neosure with Iron Powder Formula	\$16.68
32 oz. Similac Neosure with Iron Ready-to-Feed Formula	\$7.93
13 oz. Store Brand Concentrate Formula	\$2.95
32 oz. Store Brand Ready-to-Feed Formula	\$4.05
25.75 oz. Store Brand Powder Formula	\$15.53

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective January 1, 2009, through March 31, 2009, the Competitive Prices for WIC Authorization for Type 2 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.39
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.39
12 oz. Evaporated Milk	\$1.29
16 oz. Dry Milk	\$6.27
1 doz. Grade A Eggs	\$1.67
1 lb. Fresh Carrots	\$1.11
14 to 16 oz. Canned Carrots	\$1.11
1 lb. Cheese	\$6.22
1 lb. Kosher Cheese	\$6.22
1 lb. Dry Beans or Peas	\$1.75
1 oz. Adult WIC Cereal	\$0.36
8 oz. Gerber Infant Cereal	\$2.42
15 to 18 oz. Peanut Butter	\$3.07
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.13
5 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.11
4 oz. Gerber Infant Juice	\$0.79
12 oz. Nestle Good Start DHA/ARA Powder-Orange Formula	\$12.77
13 oz. Nestle Good Start DHA/ARA Concentrate-Orange Formula	\$4.69
32 oz. Nestle Good Start DHA/ARA RTF-Orange Formula	\$6.73
12.9 oz. Nestle Good Start Soy DHA/ARA Powder-Blue Formula	\$14.19
13 oz. Nestle Good Start Soy DHA/ARA Concentrate-Blue Formula	\$4.85
32 oz. Nestle Good Start Soy DHA/ARA Ready-to-Feed-Blue Formula	\$6.78

Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties.

Maximum Allowable Prices

Effective January 1, 2009, through March 31, 2009, the Maximum Allowable Prices the Department will pay Type 3 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.56
12 oz. Evaporated Milk	\$1.37

<i>Description</i>	<i>Maximum Allowable Price</i>
16 oz. Dry Milk	\$6.27
1 qt. Lactose Reduced Milk	\$2.25
1/2 gal. Kosher Milk	\$2.97
4 oz. Kosher Infant Juice	\$0.83
8 oz. Kosher Infant Cereal	\$2.58
1 doz. Grade A Eggs	\$2.02
1 lb. Fresh Carrots	\$1.13
14 to 16 oz. Canned Carrots	\$1.13
1 lb. Cheese	\$6.86
1 lb. Kosher Cheese	\$8.60
1 lb. Dry Beans or Peas	\$2.02
1 oz. Adult WIC Cereal	\$0.38
8 oz. Gerber Infant Cereal	\$2.58
15 to 18 oz. Peanut Butter	\$3.44
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.38
6 oz. Cans Juice	\$1.75
5 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.24
4 oz. Gerber Infant Juice	\$0.83
32 oz. Alimentum Advance Ready-to-Feed Formula	\$10.33
16 oz. Alimentum Advance Powder Formula ..	\$30.11
8 oz. Boost Ready-to-Feed Formula	\$2.00
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula	\$17.26
13 oz. Enfamil LIPIL Concentrate Formula ..	\$5.66
32 oz. Enfamil LIPIL Ready-to-Feed Formula ..	\$8.45
12.9 oz. Enfamil LIPIL Powder Formula	\$16.70
32 oz. Isomil DF Ready-to-Feed Formula	\$8.22
12 oz. Nestle Good Start DHA/ARA Powder-Orange Formula	\$14.98
13 oz. Nestle Good Start DHA/ARA Concentrate-Orange Formula	\$5.40
32 oz. Nestle Good Start DHA/ARA RTF-Orange Formula	\$7.98
24 oz. Nestle Good Start DHA/ARA Powder-Yellow Formula	\$22.19
12.9 oz. Nestle Good Start Soy DHA/ARA Powder-Blue Formula	\$16.04
13 oz. Nestle Good Start Soy DHA/ARA Concentrate-Blue Formula	\$5.37
32 oz. Nestle Good Start Soy DHA/ARA Ready-to-Feed-Blue Formula	\$7.32
24 oz. Nestle Good Start 2 Soy DHA/ARA Powder-Teal Formula	\$22.34
12 oz. Nestle Good Start Natural Cultures DHA/ARA Powder-Green Formula	\$15.89
24 oz. Nestle Good Start 2 Natural Cultures DHA/ARA Powder-White Formula	\$26.05
12 oz. Nestle Good Start Powder-Purple Formula	\$12.48
13 oz. Nutramigen Lipil Concentrate Formula ..	\$8.63
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$10.94
16 oz. Nutramigen Lipil Powder Formula	\$30.29
8 oz. Pediasure Ready-to-Feed Formula	\$2.64
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$2.63
13 oz. Similac Advance Concentrate Formula ..	\$5.59
32 oz. Similac Advance Ready-to-Feed Formula	\$8.04
12.9 oz. Similac Advance Powder Formula	\$16.51
12.8 oz. Similac Neosure with Iron Powder Formula	\$19.19

<i>Description</i>	<i>Maximum Allowable Price</i>
32 oz. Similac Neosure with Iron Ready-to-Feed Formula	\$9.99
13 oz. Store Brand Concentrate Formula	\$3.24
32 oz. Store Brand Ready-to-Feed Formula	\$4.82
25.75 oz. Store Brand Powder Formula	\$17.93

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective January 1, 2009, through March 31, 2009, the Competitive Prices for WIC Authorization for Type 3 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.54
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.95
12 oz. Evaporated Milk	\$1.31
16 oz. Dry Milk	\$6.27
1 doz. Grade A Eggs	\$1.99
1 lb. Fresh Carrots	\$1.13
14 to 16 oz. Canned Carrots	\$1.13
1 lb. Cheese	\$6.38
1 lb. Kosher Cheese	\$8.60
1 lb. Dry Beans or Peas	\$1.75
1 oz. Adult WIC Cereal	\$0.38
8 oz. Gerber Infant Cereal	\$2.58
15 to 18 oz. Peanut Butter	\$3.07
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.13
5 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.11
4 oz. Gerber Infant Juice	\$0.83
12 oz. Nestle Good Start DHA/ARA Powder-Orange Formula	\$14.98
13 oz. Nestle Good Start DHA/ARA Concentrate-Orange Formula	\$5.40
32 oz. Nestle Good Start DHA/ARA RTF-Orange Formula	\$7.98
12.9 oz. Nestle Good Start Soy DHA/ARA Powder-Blue Formula	\$16.04
13 oz. Nestle Good Start Soy DHA/ARA Concentrate-Blue Formula	\$5.37
32 oz. Nestle Good Start Soy DHA/ARA Ready-to-Feed-Blue Formula	\$7.32

Persons with a disability who require an alternative format of this listing (for example, large print, audiotope, Braille), should contact Chris Harr, Department of Health, Division of WIC, 2150 Herr Street, 1st Floor, Harrisburg, PA 17105, (717) 783-1289 or for speech and/or

hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

A. EVERETTE JAMES,
Acting Secretary

[Pa.B. Doc. No. 09-23. Filed for public inspection January 2, 2009, 9:00 a.m.]

Traumatic Brain Injury Support Group Program

The Bureau of Family Health's Division of Child and Adult Health Services is accepting applications to promote education, greater public awareness and networking for individuals with traumatic brain injury (TBI) and their family members. Funding for up to \$3,000 is available to establish support groups in areas of need or expand existing support groups within the community that focus on TBI as it relates to the individual with TBI or family members. Activities should assist in facilitating a support group in underserved areas or expanding an existing support group. The goal is to promote education and networking at the grass roots level focused on TBI.

For the purpose of this funding opportunity, TBI is defined as an insult to the brain, not of a degenerative or congenital nature, caused by an external physical force that may produce a diminished or altered state of consciousness which results in impairment of cognitive abilities or physical functioning or in the disturbance of behavioral or emotional functioning. These impairments may be either temporary or permanent and cause partial or total functional disability or psychosocial maladjustment.

Eligible applicants are Commonwealth public and private organizations, foundations or community-based agencies recognized by Federal Tax ID number. Individuals may not apply. Informal groups without Federal Tax ID numbers are encouraged to partner with a sponsor organization who may apply on behalf of the group.

Project funds must be used to reimburse purchases and activities occurring between January 1, 2009, and March 31, 2009. Applicants may apply for funding to cover multiple purchases/activities, not to exceed \$3,000.

Completed applications will be accepted up to the due date, January 22, 2009. Awards will be made after that date and will be contingent upon the availability of funds and Department of Health (Department) approval. Copies of application forms and other background information are available on the Department's web site at www.health.state.pa.us (search word: "mini-grant").

Completed applications will be scored by an independent review panel. Rating factors include the following:

1. Estimated numbers of persons benefiting from proposal.
2. Reasonableness of expenditures/purchases (with respect to both nature and cost).
3. Demonstration of interest/need of a TBI Support Group.
4. Descriptions of meeting parameters, group facilitator and marketing for the support group.
5. Collaboration plans with other TBI support groups.
6. Plans for continuing the support group beyond the project period.

Applicants will be notified of approval/disapproval in writing within 30 days of the due date. Awardees are expected to abide by the provisions and limitations of the Federal funding source, the TBI Implementation and Partnership Grant.

To request application materials, for additional information related to this initiative or persons with a disability who require an alternative format of this notice or of the application materials (for example, large print, audiotape, Braille) should contact Amy Flaherty, Public Health Program Manager, Bureau of Family Health, Division of Child and Adult Health Services, Health and Welfare Building, 7th Floor East, 625 Forster Street, Harrisburg, PA 17120, (717) 772-2762, fax (717) 772-0323, aflaherty@state.pa.us or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

A. EVERETTE JAMES,
Acting Secretary

[Pa.B. Doc. No. 09-24. Filed for public inspection January 2, 2009, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Current Prevailing Wage Act Debarments

The contractors referenced have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these persons and firms, or any firms, corporations or partnerships in which these persons and firms have an interest, shall be awarded no contract for 3 years after the date listed.

SANDI VITO,
Acting Secretary

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Philip Saar Enterprises, Inc. and Philip Saar, Individually	2036 Saxonburg Boulevard Tarentum, PA 15084	12/15/2008

SANDI VITO,
Acting Secretary

[Pa.B. Doc. No. 09-25. Filed for public inspection January 2, 2009, 9:00 a.m.]

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

Determination of Need; Disabled Veterans' Real Estate Tax Exemption

Under 51 Pa.C.S. § 8904 (relating to duty commission), as amended by the act of November 29, 2006 (P. L. 1409, No. 161), the State Veterans' Commission (Commission) fixes uniform and equitable standards for the determina-

tion of need for certain disabled veterans and their unmarried surviving spouses to qualify for an exemption from real estate taxes on their principal dwellings. In so doing, the Commission is required by law to apply a rebuttable presumption that an applicant with annual income of \$75,000 or less has a need for the exemption.

Section 8904 of the act further provides that, beginning January 1, 2009, the Commission will adjust the annual income level qualifying for the rebuttable presumption in an amount equal to the change in the Consumer Price Index for the preceding 2 years. During the 2-year period from December 1, 2006, until November 30, 2008, the Consumer Price Index (All Urban Consumers/Seasonally Adjusted) increased by a total of 5.4%. Accordingly, beginning January 1, 2009, the Commission will apply a rebuttable presumption that an applicant for the Disabled Veterans' Real Estate Tax Exemption program with an annual income of \$79,050 or less demonstrates a need for the exemption.

In applying the \$79,050 annual income level, the Office of Deputy Adjutant General for Veterans' Affairs will follow the following approach in determining the effective date of the exemption.

Applications pending on December 31, 2008, which are determined to demonstrate need based on eligibility criteria applicable on or before that date, shall be effective based on the date of application as provided by 43 Pa. Code § 5.25 (relating to effective date of exemption).

Applications pending on December 31, 2008, which did not demonstrate need applying the prior annual rebuttable presumption income level, but which would meet the need eligibility criteria applicable on January 1, 2009, shall be effective as of January 1, 2009.

Applications filed with the local boards for assessment and revision of taxes or similar board or agency on or after January 1, 2009, shall be effective based on the date of application as provided by 43 Pa. Code § 5.25.

Applicants who were denied certificates of need prior to January 1, 2009, but who believe they qualify after that date, may reapply, with the effective date of any exemption being based on the date of the new application as provided by 43 Pa. Code § 5.25.

JESSICA L. WRIGHT,
*Major General,
PAARNG
The Adjutant General*

[Pa.B. Doc. No. 09-26. Filed for public inspection January 2, 2009, 9:00 a.m.]

DEPARTMENT OF REVENUE

Interest Rate Notice

Under the provisions of sections 806 and 806.1 of the Fiscal Code (72 P. S. §§ 806 and 806.1), the Secretary of Revenue announces that, for the year commencing January 1, 2009, all underpayments of tax which became due and payable to the Commonwealth on and after January 1, 1982, shall bear interest at the rate of 5% per annum. All overpayments of the tax imposed under Article III of the Tax Reform Code of 1971 (72 P. S. §§ 7301—7361), which became due and payable to the Commonwealth on

and after January 1, 1982, shall bear interest at the rate of 5% per annum. All other overpayments of tax which became due and payable to the Commonwealth on and after January 1, 1982, shall bear interest at the rate of 3% per annum. These rates will remain constant until December 31, 2009. These rates will be codified under 61 Pa. Code § 4.2(a) (relating to rate of interest).

These rates have been established based upon the rate established by the Secretary of the Treasury of the United States under the provisions of section 6621(a)(2) of the Internal Revenue Code to be effective January 1, 2009.

Although the Tax Reform Act of 1986 amended the Internal Revenue Code section 6621, by requiring that the Secretary of the Treasury of the United States establish quarterly rates of interest to become effective for Federal purposes on the first month of each calendar quarter, these amendments do not affect Commonwealth law. The Fiscal Code requires that the interest rate be established effective January 1 of each calendar year without regard to any change in the Federal interest rate during the calendar year.

STEPHEN H. STETLER,
Acting Secretary

[Pa.B. Doc. No. 09-27. Filed for public inspection January 2, 2009, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding Chester County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 575(b)), the Director of the Bureau of Design makes the following written finding:

The Federal Highway Administration and the Department of Transportation (Department) are planning a bridge rehabilitation project that involves the rehabilitation of the existing bridge structure (Mortonville Bridge) carrying SR 3062 (Strasburg Road) over the West Branch of Brandywine Creek in East Fallowfield Township, Chester County. The Mortonville Bridge is a four-span spandrel, stone arch bridge originally constructed in 1826. The rehabilitation will include a complete structure rehabilitation with the construction of a new reinforced concrete slab that cantilevers beyond each fascia providing a 26 ft. roadway. Associated with the larger bridge rehabilitation project is the rehabilitation of the immediately adjacent National Register-Listed Dry Mill Race Bridge by means of reconstruction of the south spandrel and parapet wall.

The subject project is considered a Level 2 Categorical Exclusion in accordance with 23 CFR Part 771.117(d), Item 3 as published in the August 28, 1987, *Federal Register*.

The Mortonville Bridge is listed on the National Register of Historic Places and is therefore, a section 2002/section 4(f) resource. Impact to the Mortonville Bridge will constitute a use of the section 2002/section 4(f) resource.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize the effects.

BRIAN G. THOMPSON, P. E.,
Director
Bureau of Design

[Pa.B. Doc. No. 09-28. Filed for public inspection January 2, 2009, 9:00 a.m.]

FISH AND BOAT COMMISSION

Extension of Temporary Changes to Fishing Regulations; Leaser Lake, Lehigh County

The Executive Director of the Fish and Boat Commission (Commission) has taken action to extend the temporary modifications of fishing regulations at Leaser Lake, Lehigh County, in anticipation of a complete drawdown of the lake to make repairs to the dam. The Executive Director, acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), previously had lifted all seasons, sizes and creel limits for all species, effective July 1, 2008, and ending on January 1, 2009. The Executive Director is extending these temporary changes until April 1, 2009, to allow fish salvage operations to continue until the drawdown is complete. The Executive Director has found that this action is necessary and appropriate for the management of fish and to conserve and preserve fishing opportunities. The Executive Director has caused these temporary modifications to fishing regulations to be posted in the vicinity of the lake, and the modified regulations are fully effective and enforceable.

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

[Pa.B. Doc. No. 09-29. Filed for public inspection January 2, 2009, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, December 18, 2008, and announced the following:

Action Taken—Regulations Approved:

State Board of Education #6-315: Disciplinary Placements (amends 22 Pa. Code Chapter 14)

Pennsylvania Liquor Control Board #54-65: Promotion of Sale of Liquor by Vendors (amends 40 Pa. Code Chapter 13)

State Board of Cosmetology #16A-4514: General Revisions (amends 49 Pa. Code Chapter 7)

State Board of Funeral Directors #16A-4817: Renewal Fee (amends 49 Pa. Code Chapter 13)

State Athletic Commission #16-41: Mixed Martial Arts (adds Pa. Code Chapter 29)

Approval Order

Public Meeting held
December 18, 2008

Commissioners Voting: Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson; Nancy Sabol Frantz, Esq., by phone; Karen A. Miller

*State Board of Education—
Disciplinary Placements;
Regulation No. 6-315 (#2730)*

On October 27, 2008, the Independent Regulatory Review Commission (Commission) received this regulation from the State Board of Education (Board). This rulemaking amends 22 Pa. Code Chapter 14. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This regulation corrects a typographical citation error, in order to keep the regulation aligned with relevant case law.

We have determined this regulation is consistent with the statutory authority of the Board (24 P. S. §§ 13-1372 and 26-2603-B) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
December 18, 2008

Commissioners Voting: Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson; Nancy Sabol Frantz, Esq., by phone; Karen A. Miller

*Pennsylvania Liquor Control Board—
Promotion of Sale of Liquor by Vendors;
Regulation No. 54-65 (#2714)*

On August 7, 2008, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Liquor Control Board (Board). This rulemaking amends 40 Pa. Code Chapter 13. The proposed regulation was published in the August 23, 2008 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 27, 2008.

This regulation creates a sub-category of stock merchandise, known as "luxury items." These are varieties of wine and spirits that are in short supply or high demand, as may be determined by the Board.

We have determined this regulation is consistent with the statutory authority of the Board (47 P. S. § 2-207(i)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
December 18, 2008

Commissioners Voting: Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson; Nancy Sabol Frantz, Esq., by phone; Karen A. Miller

*State Board of Cosmetology—
General Revision;
Regulation No. 16A-4514 (#2628)*

On August 15, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Cosmetology (Board). This rulemaking amends 49 Pa. Code Chapter 7. The proposed regulation was published in the August 25, 2007 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on November 3, 2008.

The regulation implements changes made to the Cosmetology Law (Law) by Act 99 of 2006 (Act 99), as well as generally updates the regulations to strengthen safety and sanitation requirements and to reflect current processes and practices.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 517) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
December 18, 2008

Commissioners Voting: Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson; Nancy Sabol Frantz, Esq., by phone; Karen A. Miller; John F. Mizner, Esq., by phone

*State Board of Funeral Directors—
Renewal Fee;
Regulation No. 16A-4817 (#2605)*

On April 11, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Funeral Directors (Board). This rulemaking amends 49 Pa. Code Chapter 13. The proposed regulation was published in the April 21, 2007 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on November 3, 2008.

This regulation amends the fee schedule for the State Board of Funeral Directors to increase the biennial renewal fee.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 479.18.1) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
December 18, 2008

Commissioners Voting: Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson; Nancy Sabol Frantz, Esq., by phone; Karen A. Miller; John F. Mizner, Esq., by phone

*State Athletic Commission—
Mixed Martial Arts;
Regulation No. 16-41 (#2694)*

On April 24, 2008, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Athletic Commission. This rulemaking adds Pa. Code Chapter 29. The proposed regulation was published in the May 10, 2008 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 30, 2008.

This final-form regulation establishes rules for amateur and professional mixed martial arts competitions.

We have determined this regulation is consistent with the statutory authority of the State Athletic Commission (5 Pa.C.S. §§ 103(b)(1) and 302) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 09-30. Filed for public inspection January 2, 2009, 9:00 a.m.]

INSURANCE DEPARTMENT

Travelers Personal Insurance Company; Travelers Personal Security Insurance Company; and Travelers Commercial Insurance Company; Private Passenger Automobile; Rate Revisions; Rate Filing

On December 16, 2008, the Insurance Department (Department) received from Travelers Personal Insurance Company, Travelers Personal Security Insurance Company and Travelers Commercial Insurance Company a filing for rate level changes for private passenger automobile insurance.

The companies request an overall 3.10% increase amounting to \$3,601,000 annually, to be effective March 24, 2009.

Unless formal administrative action is taken prior to February 14, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, xlu@state.pa.us, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-31. Filed for public inspection January 2, 2009, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by January 20, 2009. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Application of the following for approval to *begin* operating as *common carrier* for transportation of *persons* as described under the application.

A-2008-2078955. Charlie's Yellow Cab, Inc. (1397 East Evergreen Drive, No. 3, Palatine, IL 60074)—persons upon call or demand in the Counties of Carbon and Schuylkill.

Application of the following for *amendment* to the certificate of public convenience approving the operation of motor vehicles as *common carrier* for transportation of *persons* as described under the application.

A-2008-2080244. Premium Taxi, LLC (1444 West Hamilton Street, 102C, Allentown, Lehigh County, PA 18102)—for amendment to its common carrier certificate, which grants the right, inter alia—to transport persons, upon call or demand, in the City of Allentown, and the Townships of North and South Whitehall and Salisbury, in Lehigh County: *So as to Permit* the transportation of persons, upon call or demand, in the Boroughs of Catasauqua, Coplay, Macungie, Emmaus, Fountain Hill

and the Townships of Upper and Lower Macungie, all in Lehigh County, and the Borough of North Catsauqua and the Township of Northampton, in Northampton County and the City of Bethlehem, in the Counties of Lehigh and Northampton.

Applications of the following for the approval of the right and privilege to *discontinue/abandon* operating as *common carrier* by motor vehicle and for cancellation of the certificate of public conveyance as described under each application.

A-00120847. Joseph K. and Sharon L. Williams (30 Londonvale Road, Gordonville, Lancaster County, PA 17529)—discontinuance of service and cancellation of its certificate—persons in paratransit service, whose personal convictions prevent them from owning or operating motor vehicles, between points in the County of Lancaster, and from points in said county, to points in Pennsylvania, and return.

A-00123729. Henry Hill t/a One Man One Van Passenger Service (63 Sidorick Lane, East Stroudsburg, Monroe County, PA 18302)—discontinuance of service and cancellation of its certificate—persons, in paratransit service, from points in the County of Monroe, to points in Pennsylvania, and return.

A-2008-2079228. Frank R. Gehard t/a Black Diamond Limousine and Classic Limousine Service (203 South 12th Street, Altoona, Blair County, PA 16602)—for the discontinuance of service and cancellation of his certificate, as a common carrier, by motor vehicle, authorizing the transportation of persons in limousine service between points in Pennsylvania; excluding service in Allegheny County and service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2008-2079229. Puddle Jumpers, Inc. (401 South Main Street, Ambler, Montgomery County, PA 19002)—for the discontinuance of service and cancellation of its certificate, as a common carrier, by motor vehicle, authorizing the transportation of persons, primary and secondary school age children in paratransit service between points in the Borough of Ambler, Montgomery County, and within an airline radius of 10 statute miles of the limits of the said borough.

A-2008-2079233. C. Eugene and Nancy W. Becker, Tenants by the Entirety (518 Brenneman Road, Willow Street, Lancaster County, PA 17584)—for the discontinuance of service and cancellation of their certificate, as a common carrier, by motor vehicle, authorizing the transportation of persons in paratransit service, between points in the Counties of Lancaster and York, and from points in said counties, to points in Pennsylvania, and return, limited to the transportation of persons whose personal convictions prevent them from owning or operating motor vehicles.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-32. Filed for public inspection January 2, 2009, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

The hearings have 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 hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

February 4, 2009	Sara B. Christianson (Class T-D)	1 p.m.
February 11, 2009	Ray White (Wavier of Adjustment) John F. Yocklovich (Effective Date of Retirement)	1 p.m. 2:30 p.m.
February 25, 2009	Lyn Segal (Hop)	1 p.m.
March 11, 2009	Dr. Barbara Burke-Stevenson (Return to Service) Homer C. Knox, III (Purchase of Service)	1 p.m. 2:30 p.m.
March 25, 2009	John C. Balko (D) (Change of Option) Angela Cervo Labuda (Effective Date of Retirement)	1 p.m. 2:30 p.m.
April 8, 2009	Frances C. Swartz (D) (Death Benefit)	1 p.m.
April 22, 2009	Dr. Clyde Ellsworth (Purchasae of Service)	1 p.m.

Persons with a disability, who wish to attend the previously-listed hearings, and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Barbara Flurie, 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 hearings 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. 09-33. Filed for public inspection January 2, 2009, 9:00 a.m.]

STATE BOARD OF NURSING

Reinstatement of the Professional Nursing License of Lori Peterle, R.N., C.R.N.P.; Doc. No. 1925- 51-08

On November 12, 2008, Lori Peterle, license nos. RN302208L and TP003750B, of Nokomis, FL, had her license reinstated, but placed on probation, based on findings that Lori Peterle demonstrated that she is fit to resume the practice of nursing.

Individuals may obtain a copy of the order by writing to C. William Fritz, II, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving

service of the appeals is the previously-named Board counsel.

MARY E. BOWEN, RN, CRNP,
Chairperson

[Pa.B. Doc. No. 09-34. Filed for public inspection January 2, 2009, 9:00 a.m.]

THADDEUS STEVENS COLLEGE OF TECHNOLOGY

Request for Bids

The Thaddeus Stevens College of Technology is soliciting bids to remove 40 existing through the wall HVAC systems and replace with new P TAC units. Bid No. 08-0006. Bid documents can be obtained from Nancy Froeschle, Thaddeus Stevens College of Technology, 750 East King Street, Lancaster, PA 17602, (717) 299-7787, fax (717) 391-3557 or froeschle@stevenscollege.edu.

DR. WILLIAM E. GRISCOM,
President

[Pa.B. Doc. No. 09-35. Filed for public inspection January 2, 2009, 9:00 a.m.]