

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking, 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 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending March 29, 2005.

### BANKING INSTITUTIONS

#### Mutual Holding Company Reorganization

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
3-29-05	Prudential Savings Bank Philadelphia Philadelphia County	Philadelphia	Effective
Represents reorganization into a mutual holding company to be known as Prudential Mutual Holding Company, Philadelphia, PA, a newly formed Pennsylvania mutual holding company, and 55% owner of Prudential Bancorp, Inc. of Pennsylvania, Philadelphia, PA, a newly formed Pennsylvania stock holding company. Prudential Savings Bank will be a wholly owned subsidiary of Prudential Bankcorp, Inc. of Pennsylvania.			

#### Conversions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-29-05	Prudential Savings Bank Philadelphia Philadelphia County	Philadelphia	Effective
Represents a conversion from a State-chartered mutual savings bank to a State-chartered stock savings bank in conjunction with the reorganization into a mutual holding company form of ownership listed previously.			

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-21-05	First Commonwealth Bank Indiana Indiana County	4198 Washington Road Route 19 McMurray Washington County	Opened
3-21-05	First Commonwealth Bank Indiana Indiana County	10 Trinity Place Washington Washington County	Opened
3-21-05	PeoplesBank, A Codorus Valley Company York York County	26 East Main Street New Freedom York County	Opened
3-24-05	Lafayette Ambassador Bank Easton Northampton County	1127 Chestnut Street Emmaus Lehigh County	Approved
3-24-05	Royal Bank America Narberth Montgomery County	213 Main Street Fort Lee Bergen County, NJ	Approved
3-25-05	Fulton Bank Lancaster Lancaster County	2747 Century Boulevard Sinking Spring Spring Township Berks County	Filed
3-28-05	Community Banks Millersburg Dauphin County	The Manor at Oakridge 4500 Oakhurst Boulevard Susquehanna Township Dauphin County (Limited Service Facility)	Approved

**NOTICES**

**2131**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-28-05	Community Banks Millersburg Dauphin County	1196 Walnut Bottom Road Carlisle South Middleton Township Cumberland County	Approved
3-28-05	Citizens & Northern Bank Wellsboro Tioga County	Corner of Foy and Dewey Avenues Williamsport Lycoming County	Filed

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-22-05	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Seven branch offices that are subject to purchase of assets/assumption of liabilities by Charter One Bank, National Association, Cleveland, OH:  Main Street Saxonburg Butler County  301 North Main Street Butler Butler County  1521 North Main Street Butler Butler County  223 Grove City Road Slippery Rock Butler County  100 North Main Street Zelienople Butler County  700 Moraine Point Plaza Butler Butler County  20111 Route 19 Cranberry Mall Cranberry Township Butler County	Filed
3-24-05	AmeriServ Financial Bank Johnstown Cambria County	231 State Street Harrisburg Dauphin County	Effective
3-29-05	Lebanon Valley Farmers Bank Lebanon Lebanon County	2 Micro Drive Jonestown (Lickdale) Lebanon County	Approved

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 05-654. Filed for public inspection April 8, 2005, 9:00 a.m.]

# DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

## Snowmobile and ATV Advisory Committee Meeting

The Snowmobile and ATV Advisory Committee of the Department of Conservation and Natural Resources (Department) will hold a meeting on Friday, April 15, 2005, at 9:30 a.m. in Room 105, First Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items should be directed to Anthony DiGirolomo at (717) 787-9306.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Anthony DiGirolomo at (717) 787-9306 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 05-655. Filed for public inspection April 8, 2005, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

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### APPLICATIONS

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

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

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

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

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

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

Persons wishing to comment on an NPDES application are invited to submit a statement to the regional office noted before an application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the regional office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final

determinations regarding the applications. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

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

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

**I. NPDES Renewal Applications**

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0020591 (Sewage)	Mt. Gretna Authority 101 Chautauqua Drive Mount Gretna, PA 17064	Lebanon County South Londonderry Township	Conewago Creek/7G	Y
PA0083551 (Sewage)	William A. Martin North Carolina Associates Partnership 585 Martin Road Gettysburg, PA 17325	Adams County Tyrone Township	UNT to Conowago Creek/7-F	Y
PA0086291 (IW)	Texas Eastern Transmission, LP 5400 Westheimer St. Houston, TX 77056	Juniata County Lack Township	UNT to Lick Run Creek/12-B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0104272	North East Access Area Fish and Boat Commission 450 Robinson Lane Bellefonte, PA 16823-9620	North East Township Erie County	UNT to Lake Erie 15-LE	Y

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

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

**PA0027171**, Sewerage SIC, 4952, **The Municipal Authority of the Town of Bloomsburg**, 301 East Second Street, Bloomsburg, PA 17815. This existing facility is located in Town of Bloomsburg, **Columbia 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, Susquehanna River, is in the State Water Plan watershed 5D and classified for: WWF. The nearest downstream public water supply intake for Danville Municipal Water Authority is located on the Susquehanna River, 10 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 4.29 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40		50
TSS	30	45		60
Total Cl <sub>2</sub> Residual	0.78			4.0
Ammonia-N	Report			
Kjeldahl-N	Report			
Nitrate-N	Report			
Nitrite-N	Report			
Total Nitrogen	Report			
Total Phosphorus	Report			
Fecal Coliform (5-1 to 9-30)	200 col/100 ml as a geometric mean			
(10-1 to 4-30)	2,000 col/100 ml as a geometric mean			
pH	6.0 to 9.0 at all times			

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

1. Permit Condition for the Development, Operation and Implementation of a Pretreatment Program.
2. Requirements Applicable to Stormwater Outfalls.
3. Whole Effluent Toxicity Tests.

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

**PA0216895**, Industrial Waste, SIC 4941, **Highridge Water Authority**, 17 Maple Avenue, Blairsville, PA 15717. This application is for an renewal of an NPDES permit to discharge treated process water, sewage and stormwater from Tubmill Water Plant in Fairfield Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, Tubmill Creek and UNT to Tubmill Creek, classified as TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Saltsburg Waterworks located at Saltsburg, 37.3 miles below the discharge point.

*Outfall 001: existing discharge, design flow of 0.00035 mgd.*

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	0.00035				
CBOD <sub>5</sub>			25		50
Total Suspended Solids (TSS)			30		60
Total Residual Chlorine (TRC)			1.4		3.3
Fecal Coliforms (#/100 ml)					
(5-1 to 9-30)			200		1,000
(10-1 to 4-30)			2,000		
pH	not less than 6.0 nor greater than 9.0				

*Outfall 002: existing discharge, design flow of 0.141 mgd.*

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Total Suspended Solids			30		60
Iron (Total)			2.0		4.0
Aluminum			2.9		5.8
Manganese			1.0		2.0
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0 standard units				

*Outfall 003: existing discharge.*

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Total Suspended Solids			30		60
Iron (Total)			2.0		4.0
Aluminum			2.9		5.8
Manganese			1.0		2.0
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0 standard units				

*Outfall 004: existing discharge.*

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
pH (su)	Monitor and Report				

The EPA waiver is in effect.

**PA0218227**, Industrial Waste, SIC 4941, **Municipal Authority of the Township of Washington**, 1390 Fayette Avenue, Belle Vernon, PA 15012. This application is for issuance of an NPDES permit to discharge treated process water and untreated stormwater from the MATW Water Treatment Plant in Fayette City Borough, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, Monongahela River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Belle Vernon Municipal Authority, located at Belle Vernon on the Monongahela River, over 2.5 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.55 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Total Suspended Solids			30		60
Iron (Total)			2.0		4.0
Aluminum			4.0		8.0
Manganese			1.0		2.0
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0 s.u.				

Other Conditions: Residual solids control, floating solids control, stormwater conditions, chemical additive requirements, total residual chlorine conditions, effluent concentration requirement.

The EPA waiver is in effect.

Outfall 002: existing stormwater discharge

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Outfall to consist solely of uncontaminated stormwater discharge.					

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

**PA0239551**, Sewage, **The Camping Association of the Presbyteries of Northwestern Pennsylvania, Westminster Highlands Church Camp STP**, 114 West Venango Street, Mercer, PA 16137-1109. This proposed facility is located in Scrubgrass Township, **Venango County**.

Description of Proposed Activity: a new discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and Public Water Supplier) considered during the evaluation is the Emlenton Municipal Water Company and the Allegheny River located at Emlenton, approximately 12 miles below point of discharge.

The receiving stream, a UNT to Little Scrubgrass Creek, is in watershed 16-G and classified for: CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.015 mgd.

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX		
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100ml as a geometric average 2,000/100ml as a geometric average	
Total Residual Chlorine	1.4		3.3
pH	6.0 to 9.0 standard units at all times		

The EPA waiver is in effect.

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

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

**WQM Permit No. 0205404**, Sewerage, **North Fayette Township**, 400 North Branch Road, Oakdale, PA 15071. This proposed facility is located in North Fayette Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for construction and operation of an extension to the existing sewage collection system for a residential site development.

**WQM Permit No. 6505402**, Sewage, **Greater Greensburg Sewage Authority**, P. O. Box 248, Greensburg, PA 15601. This proposed facility is located in the City of Greensburg, **Westmoreland County**.

Description of Proposed Action/Activity: Application for construction and operation of a CSO Equalization facility, 200,000 gallon underground EQ tank with pump station.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010905006	O & B Builders 1765 Canary Road Subdivision P. O. Box 973 Worcester, PA 19490	Bucks	Milford Township	Schmoultz/Unami Creeks (HQ-TSF)
PAI011505018	BK Campbell, Inc. Shoppes at Lower Oxford—Phase I 402 Bayard Road Suite 100 Kennett Square, PA 19348-1862	Chester	Lower Oxford Township	UNT to Big Elk Creek (HQ-TSF-MF)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023905007	Craig Cherry Toll Brothers 250 Gibraltar Rd. Horsham, PA 19044	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF
PAI023905008	Tony Caciolo Monogram Land Holding, Ltd 6366 Robin Lane Coopersburg, PA 18036	Lehigh	Upper Macungie Township	Little Lehigh Creek HQ-CWF
PAI023905009	Brian Soyka Sheetz, Inc 5700 Sixth Ave. Altoona, PA 16602	Lehigh	City of Bethlehem	Monocacy Creek HQ
PAI023905010	Parkland School District 1210 Springhouse Rd. Allentown, PA 18104	Lehigh	South Whitehall Township	Little Lehigh Creek HQ-CWF
PAI023905011	Lou Cinquino Maria Rodale 209 Main St. Emmaus, PA 18049	Lehigh	Salisbury and Upper Saucon Townships	Trout Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024805011	Ron Del Serro Ron Del Development Co. 3242 Farmersville Rd Bethlehem, PA 18020	Northampton	Lower Nazareth Township	Monocacy Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024505007	James P. Ertle R. R. 2 Box 30 Kunkletown, PA 18058	Monroe	Stroud Township	Pocono Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023905012	Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106	Lehigh	Upper Macungie Township	Little Lehigh Creek HQ-CWF

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

*Westmoreland County Conservation District: Center for Conservation Education, 211 Donahue Road, Greensburg, PA 15601, (724) 837-5271.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056505001(1)	Manor Development Group 109 Gateway Avenue Suite 202 Wexford, PA 15090	Westmoreland	Murrysville	UNT to Steels Run (HQ-CWF)

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-348.*

*Jefferson Conservation District: 1514 Route 28, Brookville, PA 15825, (814) 849-7463.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS103308R	Irons & Woods Golf Course Raymond Dush One Iron and Woods Road Brookville, PA 15825	Jefferson	Eldred Township	Tributary to Redlick Run HQ-CWF  Tributary to North Fork HQ-CWF

*Lawrence Conservation District: 430 Court Street, New Castle, PA 16101, (724) 652-4512.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI063705001	Turnpike Commission Brad Heigel, Project Manager 700 S. Eisenhower Blvd. Middletown, PA 17057	Lawrence	Little Beaver Township	North Fork, Little Beaver Creek HQ-CWF
	Replacement of WB-107 along SR 3011 over the PA Turnpike			

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

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

**PUBLIC WATER SUPPLY (PWS)  
PERMI**

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 (Depart-

ment) 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 may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### SAFE DRINKING WATER

#### Applications Received under the Pennsylvania Safe Drinking Water Act

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

##### Permit No. 4005503, Public Water Supply

Applicant	<b>Bezdecki Family, LLC d/b/a Sutton Springs</b>
Township or Borough	Jackson Township
County	<b>Luzerne</b>
Responsible Official	Kelly Bezdecki 1823 Sutton Road Shavertown, PA 18708
Type of Facility	Bottled Water Facility
Consulting Engineer	Richard B. Kresge, Jr., P. E. Quad Three Group 37 North Washington Street Wilkes-Barre, PA 18701
Application Received Date	March 22, 2005
Description of Action	The applicant requests approval to modify existing PWS facilities by replacing disinfection and bottling equipment at the site.

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

##### Permit No. 1805501—Construction, Public Water Supply.

Applicant	<b>Porter Township Municipal Authority</b>
Township or Borough	Porter Township
County	<b>Clinton</b>
Responsible Official	Karl Walizer, Chairman Porter Township Municipal Authority 216 Spring Run Road Mill Hall, PA 17751
Type of Facility	Public Water Supply—Construction
Consulting Engineer	Daniel B Guss, P. E. Uni-Tec Consulting Engineers, Inc. 2007 Cato Drive State College, PA 16801

Application Received Date	March 22, 2005
Description of Action	Installation of equipment and operation of a system for corrosion inhibitor addition to assure compliance with the Lead and Copper Rule.

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

##### Permit No. 0289508-A2, Public Water Supply.

Applicant	<b>Borough of Brackenridge</b> 1000 Brackenridge Avenue Brackenridge, PA 15014-1599
Township or Borough	Brackenridge Borough
Responsible Official	Mary Lou Poli, President Borough Council Borough of Brackenridge, 1000 Brackenridge Avenue Brackenridge, PA 15014-1599
Type of Facility	Water treatment plant
Consulting Engineer	Senate Engineering Company U-PARC 420 William Pitt Way Pittsburgh, PA 15238
Application Received Date	February 3, 2005
Description of Action	Modifications to the existing plant—operating existing clarifiers in series, submergence of clarifier overflow weirs, new pumps for (filters) backwash system and relocation of residual chlorine monitor.

*Central Office: Bureau Director, Water Supply and Wastewater Management, P. O. Box 8467, Harrisburg, PA 17105-8467.*

##### Permit No. 9996319, Public Water Supply.

Applicant	<b>Mayer Brothers Apple Products, Inc.</b>
Township or Borough	West Seneca, NY
Responsible Official	John Mayer, President
Type of Facility	Out-of-State Bottled Water System
Application Received Date	March 28, 2005
Description of Action	Applicant requesting a major permit amendment to use the Erie County Water Authority municipal source located in Buffalo, New York. Bottled water to be sold in Pennsylvania under the brand name Crystal Ridge Drinking Water.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 1

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

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

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

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

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

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

**Lancaster Newspapers, Inc.**, Ephrata Borough, **Lancaster County**. GemChem, Inc. 53 North Cedar St., Lititz, PA 17543 on behalf of Lancaster Newspapers, Inc., 8 West King Street, Lancaster, PA 17603 submitted a Notice of Intent to Remediate site soils contaminated with used motor oil. The applicant seeks to remediate the site to a Statewide health standard. The site will be developed as a printing and distribution facility for the *Ephrata Review* newspaper.

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

**Pangburn Seep Site**, Forward Township, **Allegheny County**. Alan Halperin, D'Appolonia Engineering, 275 Center Road, Monroeville, PA 15146 on behalf of Bill Weir, Reserve Coal Properties Company, 1800 Washington Road, Pittsburgh, PA 15241-1421 has submitted a Notice of Intent to Remediate soil and surface water contaminated with aromatic hydrocarbons. Excavation and removal of disposed wastes and contaminated media is proposed to meet a Statewide Health Standard. No development is proposed for the site, however the potential for future mining was mentioned.

**#1 Cochran Automotive**, Borough of Monroeville, **Allegheny County**. David J. Birchard, Environmental Remediation & Recovery, Inc., 5719 Route 6N, Edinboro, PA 16412 on behalf of Rob Cochran, #1 Cochran Automotive, 4200 William Penn Highway, Monroeville, PA 15146, and William Krahe, ECHO Real Estate, 701 Alpha Drive, Pittsburgh, PA 15328 has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with benzene, naphthalene, MTBE and ethyl benzene. Excavation of contaminated soils and treatment of contaminated media is proposed to meet a Site-Specific Standard. Future planned use of the property is commercial. A notice summarizing the Notice of Intent to Remediate was published in the *Pittsburgh Post Gazette* on November 4, 2004.

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

**Trinity Ind., Inc.**, City of Butler, **Butler County**. Daniel F. Szwed, P. E., Civil & Env. Consultants Inc., 333 Baldwin Rd., Pittsburgh PA 15205 on behalf of Fletcher W. Helmer, CEC, CRS, Trinity Ind. Inc., 2525 Stemmous Freeway, Dallas, TX 75207, has submitted a Notice of Intent to Remediate. The site has had industrial use since the late 1800s. Soil concentrations of some metals exceed nonresidential used aquifer Medium-Specific Concentrations. Two areas have known Lead impact. Localized areas within the lead-impacted zones have evidence of slightly elevated arsenic, antimony, nickel and iron. Small localized areas have PCBs and methylene chloride. Planned future use of the property is a commercial/industrial park.

**Trinity Ind., Inc.**, City of Butler, **Butler County**. Daniel F. Szwed, P. E., Civil & Env. Consultants Inc., 333 Baldwin Rd., Pittsburgh, PA 15205 on behalf of Fletcher W. Helmer, CEC, CRS, Trinity Ind. Inc., 2525 Stemmous Freeway, Dallas, TX 75207, has submitted a Notice of Intent to Remediate. The site has had industrial use since the late 1800s. Sitewide groundwater concentrations of iron and manganese exceed nonresidential used aquifer Medium Specific Standards (MSCs). Groundwater concentrations of aluminum and antimony slightly exceed MSCs in localized areas. Planned future use of the property is commercial/residential park.

## INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

Applications received or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the act of July 13, 1988 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

### Renewal Applications Received

**Stericycle, Inc.**, 1525 Chestnut Hill Road, Morgantown, PA 19543. License No. PA-HC 0196. Received on March 18, 2005.

## 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 to 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 may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable

requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (act) and regulations adopted under the act.

### PLAN APPROVALS

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

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

**39-301-082: We Are Pets, Inc.** (9923 Old Route 22, Breinigsville, PA 18031) for construction of a pet crematory and associated air cleaning device at their facility in Weisenburg Township, **Lehigh County**.

**39-312-002: Buckeye Pipeline Co. LP** (P. O. Box 368, 5002 Buckeye Road, Emmaus, PA 18049) for modification of a butane blending operation at their facility in Lower Macungie and Upper Milford Township, **Lehigh County**.

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

**06-05063C: Boyertown Foundry Co.** (P. O. Box 443, Boyertown, PA 19545) for construction of a core making machine controlled by a wet scrubber and fabric collector in the Borough of Boyertown and Colebrookdale Township, **Berks County**.

**21-05049A: Pennsy Supply, Inc.** (1001 Paxton Street, Harrisburg, PA 17104) for installation of an oil-fired hot mix asphalt plant controlled by a fabric filter at their Penn Township Quarry in Penn Township, **Cumberland County**. The asphalt plant will include recycled asphalt paving and recycled asphalt roofing shingles in the material processed.

**28-05039A: Penn-Mar Ethanol, LLC** (140 Roosevelt Avenue, Suite 208, York, PA 17404) for construction of a fuel ethanol manufacturing plant in Greene and Lettorkenny Townships, **Franklin County**. The facility is subject to 40 CFR Part 60, Dc—Standards of Performance for Small Industrial—Commercial—Institutional Steam Generating Units; Subpart Kb—Standards of Performance for Volatile Organic Liquid Storage Vessels for which Construction, Reconstruction or Modification commenced After July 23, 1984; and VV—Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry.

**36-05141: PPL Distribution Generation, LLC** (Two North Ninth Street, Allentown, PA) for construction of two landfill gas fired engines in Manor Township, **Lancaster County**.

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

**10-027G: Penreco** (138 Petrolia Street, Karns City, PA 16041) for installation of a new generator powered by a 764 horsepower diesel engine in Fairview Township, **Butler County**. This is a Title V facility.

**10-027F: Penreco** (138 Petrolia Street, Karns City, PA 16041) for installation of a replacement 13,500 gallon spent acid storage tank that is vented to an existing scrubber in Fairview Township, **Butler County**. This is a Title V facility.

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

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

**09-0107: Oldcastle Retail Inc., d/b/a Bonsal American** (1214 Hayes Boulevard, Bristol, PA 19007) for installation of mineral aggregates and powders (raw materials) drying, mixing and material handling processes and associated control equipment at their Bristol cement products manufacturing facility in Bristol Township, **Bucks County**. The facility currently operates under a State Only Operating Permit (SOOP-09-00107). Total post control particulate matter emissions from these process lines are 6.1 tons per year. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**09-0134: Reed Minerals** (905 Steel Road South, Fairless Hills, PA 19030) for modification of their coal slag roofing granules plant, to increase the throughput of aggregate through the rotary dryer. The coal slag roofing granules plant is in Falls Township, **Bucks County**. This facility is a non-Title V facility. As a result of increasing the throughput of aggregate through the dryer, and hence increasing the capacity of the entire facility, emissions of PM from the dryer and processing of aggregate will increase to 7.98 tons per year. Two designated dust collectors control emissions of particulate matter, so that emissions will remain below 0.02 grain per dry standard cubic feet. Emissions from combustion of natural gas is already based on the maximum capacity of the dryer burner and therefore, there will be no change in potential emissions from combustion. The Plan Approval will contain monitoring, recordkeeping, and operating conditions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

**15-0027G: Johnson Matthey, Inc.** (456 Devon Park Drive, Wayne, PA 19087) for installation of new production equipment including an electric oven and six batching tanks, which will generate NOx and VOC emissions during the process. The new equipment will be used in a prototype coating line proposed to be built at the Johnson Matthey Devon facility. The exhaust from the new equipment will be connected to existing control devices. The Devon facility is a Title V facility located in Tredyffrin Township, **Chester County**. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

**40-302-151: SVC Manufacturing, Inc.** (750 Oakhill Road, Mountain Top, PA 18707) for construction of a Nebraska Boiler at their facility in Wright Township, **Luzerne County**. This boiler will be fired with natural gas as the primary fuel, and No. 2 fuel oil as the backup fuel. NOx emissions will be minimized using low NOx burners with a flue-gas recirculation system. Expected NOx emissions from the boiler will be less than 30 ppmv at 3% O<sub>2</sub> when firing with natural gas and 90 ppmv at

3% O<sub>2</sub> when firing No. 2 fuel oil. CO emissions will be less than 100 ppmv at 3% O<sub>2</sub>. The company will operate the facility and maintain the system in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**39-309-020: ConAgra Food Ingredients Co.** (Route 611, Martins Creek, PA 18063) for installation and operation of three air cleaning devices to control atmospheric emissions from a flour milling and loading operation, at the facility in Lower Mount Bethel Township, **Northampton County**. Particulate emissions from the flour packing house, system four receiving, and system four transfer will be controlled by three separate fabric filters. Expected particulate emission rate for each baghouse will be less than 0.02 grain/dscf. The company will operate the facility and maintain the equipment in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions, that are designed to keep the facility operating within all applicable air quality requirements. The facility has a valid Synthetic Minor Operating Permit (48-00022). Once the equipment is operational in compliance with all requirements, this plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Synthetic Minor Operating Permit.

**35-318-088: Gentex Corp.** (P. O. Box 315, Carbondale, PA 18407) for installation of a new surface coating line at their facility. The VOC emissions will be controlled by the existing RTO. The VOC emissions from the facility (including Gentex Optics) will remain unchanged, never to equal or exceed 50 TPY of VOC, based on a 12-month rolling sum as stated in the company's Title V Permit. The HAPs from the facility (including Gentex Optics) must never equal or exceed 10 TPY of any single HAP and must never equal or exceed 25 TPY of all aggregated HAPs, based on a 12-month rolling sum. The company has proposed no other changes. Gentex Corporation is a major facility subject to Title V permitting requirements and is located in Carbondale, **Luzerne County**. The company currently has a Title V Permit 35-00008. The Operating Permit will include testing, monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements. The Plan Approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date. For further details, contact Mark J. Wejkszner at (570) 826-2511 within 30 days after publication date.

**45-318-032: Tobyhanna Army Depot** (11 Hap Arnold Blvd., Tobyhanna, PA 18466-5000) for increase of VOC emissions from their facility. The proposed increase will be for the facility to go from 49.9 TPY of VOCs to 99.8 TPY of VOCs, based on a 12-month rolling sum. The company has proposed no other changes. Tobyhanna Army Depot is subject to Title V permitting requirements and is located in Coolbaugh Township, **Luzerne County**. The company currently has a Title V Permit 45-00004. The Operating Permit will include testing, monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements. The Plan Approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative

amendment at a later date. For further details, contact Mark J. Wejksznar at (570) 826-2511 within 30 days after publication date.

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

**06-03005: Rohm and Haas Chemical LLC** (P. O. Box 15209, Reading, PA 19612-5209) for a thermo-plastic powder manufacturing facility in the City of Reading, **Berks County**. The facility is a non-Title V (State only) facility. This amendment is for the change in ownership of the facility. The facility was previously owned by Mortin International. The amendment will not change any requirements in the permit.

**29-03001: JLG Industries, Inc.—Equipment Services Division, EQS**, (1 JLG Drive, McConnellsburg, PA 17233) for operation of a paint kitchen and three paint spray booths controlled by dry filters located in Ayr Township, **Fulton County**. This permit will renew Permit No. 29-03001 which covers the operation of the equipment at the EQS I and will consolidate the equipment approved by Plan Approval No. 29-03010, EQS II. The VOC emissions will be limited to less than 30 tons per year. The State only operating permit will contain monitoring and recordkeeping requirements to keep the facility operating within all applicable air quality requirements.

**36-05087B: Morgan Corp.** (485 Wenger Drive, Ephrata, PA 17522) for construction of a drive-thru paint spray booth with High Volume Low Pressure spray guns at their existing facility in Ephrata Borough, **Lancaster County**. This source will be controlled by the use of dry filters to control particulate matter emissions. The operation of the paint booth at this facility will result in emissions increase of approximately 2.5 tons per year of VOCs. This plan approval will include monitoring, record keeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

**36-05099A: McMinn's Asphalt Co., Inc.** (P. O. Box 4688, Lancaster, PA 17604) for replacement of an existing aggregate dryer and burner, knock-out box and baghouse for their existing East Petersburg batch asphalt plant in East Hempfield Township, **Lancaster County**. This plan approval will include appropriate restrictions and requirements designed to keep the source operating within all applicable air quality requirements. The estimated emissions of particulate matter, SO<sub>x</sub>, CO, NO<sub>x</sub> and VOC from the facility are estimated to be about 2.9, 24, 18.2, 6.5 and 5.6 tons per year respectively.

**36-05129A: Haines and Kibblehouse, Inc.** (P. O. Box 196, Skippack, PA 19474) for use of alternative fuel sources for their existing Silver Hill Quarry batch asphalt plant in Brecknock Township, **Lancaster County**. Alternative fuels include Oil No. 4, Oil No. 2, Natural Gas, LPG, and on Specification WDLF. This plan approval will include appropriate restrictions and requirements designed to keep the source operating within all applicable air quality requirements. The estimated emissions of particulate matter, SO<sub>x</sub>, CO, NO<sub>x</sub> and VOC from the facility are estimated to be about 8.4, 17.6, 80, 24 and 1.6 tons per year respectively.

**67-05092E: Starbucks Coffee Co.** (3000 Espresso Way, York, PA 17402) for construction of two batch coffee roasters and two cooling trays controlled by dedicated catalytic oxidizers and cyclones, respectively, at their York Roasting Plant in East Manchester Township, **York**

**County**. The facility has the following annual potential emissions: 95 tons NO<sub>x</sub>; 28 tons CO; 23 tons PM<sub>10</sub>; 8 tons VOC and 1 ton acetaldehyde. The plan approval and subsequent State-only operating permit will include emission restrictions, work practice standards, and testing, monitoring, recordkeeping, and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Richard Maxwell, New Source Review Chief, (570) 327-3637.*

**14-00014B: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) for construction of a vertical shaft impact crusher and two conveyors in a primary stone crushing operation, installation of an air cleaning device (a fabric collector) on a secondary stone crushing operation, construction of a recycled asphalt pavement (RAP) crusher and two associated conveyors, construction of a screen in a drum mix asphalt concrete plant and construction of a railcar unloading operation at their Pleasant Gap facility on State Route 64 in Spring Township, **Centre County**.

The vertical shaft impact crusher will replace an existing cage mill crusher and is expected to have essentially zero emissions of particulate matter (including PM<sub>10</sub>) due to the saturated nature of the stone being crushed. The two conveyors to be constructed in the primary crushing operation will not be equipped with an air cleaning device but will process stone which was previously subjected to a water spray dust suppression system. The resultant PM<sub>10</sub> emissions from these two conveyors are not expected to exceed .13 ton per year.

The fabric collector to be installed on the existing secondary stone crushing operation will replace a smaller fabric collector now in use. The emission of neither particulate matter nor PM<sub>10</sub> from the new fabric collector is expected to exceed 6 pounds per hour.

The RAP crusher and two associated conveyors will not be equipped with any air cleaning devices due to the inherent lack of particulate matter emissions associated with RAP processing.

The PM<sub>10</sub> emissions from the new asphalt plant screen are not expected to exceed .70 ton per year.

The railcar unloading operation will involve the unloading of stone from railcars and will consist of two hoppers and four associated conveyors. The conveyors will be equipped with a water spray dust suppression system. The railcar unloading operation is not expected to emit more than 3.97 tons of PM<sub>10</sub> per year.

The Department of Environmental Protection's (Department) review of the information submitted by Glenn O. Hawbaker, Inc. indicates that the air contamination sources to be constructed and controlled will comply with all Air Quality requirements pertaining to air contamination sources and the emission of air contaminants, including the fugitive air contaminant emission requirements of 25 Pa. Code § 123.1 and 40 CFR 60.670–60.676, the applicable particulate matter emission requirement of 25 Pa. Code § 123.13 and the BAT requirement of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue plan approval for the construction of the proposed vertical shaft impact crusher and two conveyors, RAP crusher and two associated conveyors, asphalt plant screen and railcar unloading operation as well as for the installation of the proposed fabric collector on the secondary stone crushing operation.

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

1. All conditions of State Only Operating Permit 14-00014 and Plan Approval 14-00014A remain in force unless amended or superseded by a condition contained herein.

2. The only material which shall be processed in the new vertical shaft impact crusher is material to which sufficient water has first been applied to render the material dust-free.

3. Following the installation of the Aztec model RBH-30-7-MOD fabric collector on the secondary stone crushing operation, neither the particulate matter/PM10 emissions from this collector or those from the existing Amerex RP-12-429-D6 fabric collector also associated with the secondary stone crushing operation shall exceed .02 grain per dry standard cubic foot of collector exhaust volume.

4. None of the secondary crushing operation fabric collector dust pickup or capture points required by either State Only Operating Permit 14-00014 or Plan Approval 14-00014A, or otherwise currently existing, shall be removed from service without the prior approval of the Department. More such dust pickup or capture points may however be installed provided they are ducted only to the Aztec model RBH-30-7-MOD fabric collector.

5. The Aztec model RBH-30-7-MOD fabric collector shall be equipped with instrumentation to monitor the differential pressure across the collector on a continuous basis.

6. Any air compressor used to supply compressed air to the Aztec model RBH-30-7-MOD fabric collector shall be equipped with an air dryer and oil trap.

7. A sufficient quantity of spare bags shall be kept on hand for the Aztec model RBH-30-7-MOD fabric collector to be able to immediately replace any bags requiring replacement due to deterioration resulting from routine operation.

8. Dust shall be removed from the dust hopper of the Aztec model RBH-30-7-MOD fabric collector in such a fashion that there are no resultant visible fugitive emissions.

9. Particulate matter stack testing shall be performed on the Aztec model RBH-30-7-MOD fabric collector.

10. The railcar unloading operation shall not process more than 1,200,000 tons in any 12 consecutive month period.

11. The conveyors incorporated in the railcar unloading operation shall be equipped with a water spray dust suppression system. This water spray dust suppression system shall be connected to an on-demand water source capable of delivering an adequate supply of water at any time the railcar unloading operation is in use. The water supply system shall also be equipped with strainers to prevent spray nozzle plugging. If the water source cannot deliver an adequate supply of water to properly operate the water spray dust suppression system or if the water spray dust suppression system is incapable of operation due to weather conditions or any other reason, the railcar unloading operation shall not be operated.

12. There shall be no visible fugitive emissions at any time from either the hoppers incorporated in the railcar unloading operation or from the railcars while in the process of being unloaded.

13. Following the completion of source construction and fabric collector installation, the total combined PM10 emissions from all sources existing at this facility shall not exceed 87.18 tons in any 12 consecutive month period.

14. Upon the completion of source construction and fabric collector installation, the portable crushing operation currently existing at this facility shall not thereafter be operated.

15. Following the completion of source construction and fabric collector installation, the asphalt concrete plant existing at this facility shall not produce more than 1,075,000 tons of product in any 12 consecutive month period.

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

**10-348A: Amerikohl Mining, Inc.** (Route 58, Butler, PA 16001) for construction of a 200 tph coal crusher/stockpile at their Hortert Mine, SMP No. 10990101 in Venango Township, **Butler County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection intends to issue a plan approval to construct a 200 tph coal crusher/stockpile at their Hortert Mine, SMP No. 10990101 in Venango Township, Butler County. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into a State Only operating permit through an administrative amendment at a later date. Issuance of the plan approval is recommended with the appropriate conditions in the plan approval.

*Southeast Region: Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA. 19104-4543; Edward Braun, Chief, Source Registration, (215) 685-9476.*

**AMS 04238: Naval Surface Warfare Center, Carderock Division, Ship Systems Engineering Station (NSWCCD-SSES)**, (5001 South Broad Street, Code 357, Philadelphia, PA 19112-1403) for establishing a plant wide applicability limit (PAL) and a Federally enforceable emission cap (FEEC) covering all sources at their facility in Philadelphia, **Philadelphia County**.

To show compliance with the applicable standards, AMS will place the following conditions in the Plan Approval:

1. In accordance with 25 Pa. Code § 127.448, the total actual emissions from sources at the facility shall not exceed the FEEC of 215.4 tpy of NOx on a 12-month rolling sum. This FEEC shall be increased to 240.4 tons of NOx per rolling 12-month period after NSWCCD-SSES secures additional Department of Environmental Protection (Department) approved NOx emission reduction credits (ERCs) to offset 24.7 tpy. Any change that would result in an increase over the FEEC would be subject to the NSR requirements specified in 25 Pa. Code Chapter 127, Subchapter E.

2. In accordance with 40 CFR 52.21(aa), this plan approval establishes a PAL of less than 255.4 tons of NOx and 70.2 tons of SOx per rolling 12-month period for all sources at NSWCCD-SSES. Any increase in emissions above these limits will subject the facility to the PSD requirements specified in 25 Pa. Code Chapter 127, Subchapter D.

3. NSWCCD-SSES shall continue to comply with all applicable Federal, State and City of Philadelphia requirements, emission limitations, and work practice requirements that were established prior to the effective date of the FEEC and PAL. The permittee is not subject to 52.21(r)(4) (restrictions on relaxing enforceable emis-

sion limitations, and work practice requirements that were used to avoid applicability of major NSR program). (40 CFR 52.21(aa)(1)(iii))

4. The FEEC and PAL are established for all sources at the facility, including, but not limited to the following:

*Title V Source Group No. 01—Boilers and heaters*

<i>AMS ID</i>	<i>Source Description</i>	<i>Capacity</i>	<i>Emiss. Fact.</i>	<i>Fuel Type</i>
CU-B101	Bldg 519; Boiler DDG-37	196.7 mmBtu/hr	Stack Test	No. 2 Diesel Fuel
CU-B102	Bldg 519; Boiler CG-32	215.46 mmBtu/hr	Stack Test	No. 2 Diesel Fuel
CU-B107	Bldg 633; Boiler CVA-60	338.94 mmBtu/hr	Stack Test	No. 2 Diesel Fuel
CU-B108	Bldg 633; Boiler DDG-15	216.44 mmBtu/hr	Stack Test	No. 2 Diesel Fuel
CU-B110	Bldg 633; Vapor Boiler	2.176 mmBtu/hr	AP-42	No. 2 Diesel Fuel
CU-B111	Bldg 633; Vapor Boiler	0.6 mmBtu/hr	AP-42	No. 2 Diesel Fuel
CU-B112	Bldg 77L; Boiler	8.4 mmBtu/hr	AP-42	Natural Gas
CU-B113	Bldg 77L; Boiler	8.4 mmBtu/hr	AP-42	Natural Gas
CU-B114	Bldg 77H; Boiler	8.4 mmBtu/hr	AP-42	Natural Gas
CU-B116a	Bldg 77H; Make-up Air Heaters	1.2 mmBtu/hr each	AP-42	Natural Gas
CU-B116b	Bldg 77H; Unit Heaters	0.3 mmBtu/hr each	AP-42	Natural Gas
CU-BT112	Bldg 1032; Boiler	396,000 Btu/hr	AP-42	Natural Gas

*Title V Source Group No. 02—Emergency Generators*

<i>AMS ID</i>	<i>Source Description</i>	<i>Capacity</i>	<i>Emission Factor</i>	<i>Fuel Type</i>
CU-G101	Bldg. 77H; Emergency Generator	>100 BHP	AP-42	No. 2 Diesel Fuel
CU-GT109	Bldg. 4; Emergency Generator G1	>100 BHP	AP-42	Natural Gas
CU-GT110	Bldg. 4; Emergency Generator G2	>100 BHP	AP-42	Natural Gas
CU-GT111	Bldg. 56; Emergency Generator	>100 BHP	AP-42	Natural Gas
CU-GT113	Bldg. 29; Emergency Generator	>100 BHP	AP-42	Natural Gas
CU-M110G	Bldg. 77H; Marine Test Cell 1	11.48 mmBtu/hr	AP-42	No. 2 Diesel Fuel
CU-M110H	Bldg. 77H; Marine Test Cell 2	3.22 mmBtu/hr	AP-42	No. 2 Diesel Fuel
CU-M111	Bldg. 77H; Engine Test Gas Turbine DDG-51 (LM2500 2A)	226 mmBtu/hr	Stack Test	No. 2 Diesel Fuel
CU-M112	Bldg. 77H; Engine Test Gas Turbine DDG-51 (LM2500 2B)	226 mmBtu/hr	Stack Test	No. 2 Diesel Fuel
CU-M113	Bldg. 77H; Engine Test Gas Turbine CG-47 (K-17)	70 mmBtu/hr	Stack Test	No. 2 Diesel Fuel
CU-M114	Bldg. 77H; Engine Test Gas Turbine GTG #2 (K-34)	66 mmBtu/hr	Stack Test	No. 2 Diesel Fuel
CU-M115	Bldg. 633; Engine Test LSD-41 Alpha	21.63 mmBtu/hr	Stack Test	No. 2 Diesel Fuel
CU-M116	Bldg. 633; Engine Test LSD-41 Bravo	21.63 mmBtu/hr	Stack Test	No. 2 Diesel Fuel
CU-M119	Bldg. 824; Engine Test Gas Turbine Test Facility	46.5 mmBtu/hr	Stack Test	No. 2 Diesel Fuel
CU-M139	Bldg 77H; Engine Test Gas Turbine GTG#1 (K-34)	66 mmBtu/hr	Stack Test	No. 2 Diesel Fuel
CU-M142	Bldg. 77H; Engine Test Gas Turbine Auxiliary (RIMMS)	4.72 mmBtu/hr	AP-42	No. 2 Diesel Fuel
CU-M144	Bldg. 87; Engine Testing Diesel Generator	377 HP	AP-42	No. 2 Diesel Fuel
CU-M146	Bldg. 485; North Fire Pump	208 HP	AP-42	No. 2 Diesel Fuel
CU-M147	Bldg. 485; South Fire Pump	208 HP	AP-42	No. 2 Diesel Fuel
CU-M148	Bldg. 633; Portable Air Compressor	150 HP	AP-42	No. 2 Diesel Fuel
CU-M149	Bldg. 633; Marine Gas Turbine Test Facility (P104)	238 mmBtu/hr	Stack Test	No. 2 Diesel Fuel

*Title V Source Group IN—Insignificant Activities*

<i>AMS ID</i>	<i>Source Description</i>	<i>Capacity</i>	<i>Emission Factor</i>	<i>Fuel Type</i>
CU-B115	Bldg 87; 81 Space Heaters	80,000 Btu/hr. each	AP-42	Natural Gas
CU-B117	Bldg 77H; 111 Space Heaters	3 each at 0.15 mmBtu/hr	AP-42	Natural Gas
		5 each at 0.175 mmBtu/hr.	AP-42	Natural Gas
		67 each at 100,000 Btu/hr.	AP-42	Natural Gas
		36 each at 71,500 Btu/hr.	AP-42	Natural Gas
CU-G103	MD25 Portable Diesel Generator	46 BHP	AP-42	No. 2 Diesel Fuel
CU-G108	Gasoline Generator	14 BHP	AP-42	Gasoline
CU-GT114	Bldg 1081; Diesel Emergency Generator	49.5 BHP	AP-42	No. 2 Diesel Fuel
CU-M145	Bldg 77H; Diesel Generator Testing	68 BHP	AP-42	No. 2 Diesel Fuel

5. NSWCCD-SSES shall not construct or install a new source at the facility unless it meets the Best Available Technology (BAT) requirement of 25 Pa. Code § 127.1. New sources and modifications to existing sources shall be constructed only after approval by AMS in accordance with 25 Pa. Code § 127.11 and AMR I § II.A.1.a. All new sources installed pursuant to these conditions shall be subject to the FEEC and PAL limitations in Conditions 1 and 2.

6. NSWCCD-SSES shall remodel to demonstrate compliance with National Ambient Air Quality Standards (NAAQS) when AMS has cause to believe that the attainment or maintenance of the standards is in jeopardy.

7. NSWCCD-SSES shall conduct stack tests for NOx on all units identified in the equipment table as having a stack test emission factor except CU-B101, CU-B102, CU-B107 and CU-B108, which have recent stack test results. Testing shall be completed within 6 months of the issuance of this plan approval. The Permittee shall submit a test protocol to AMS for approval at least 30 days before the test date and test results within 90 days after testing. (40 CFR 52.21(aa)(12)(vi)(c))

8. All data used to establish the FEEC and PAL shall be revalidated through performance testing or other scientifically valid means approved by AMS. When stack test factors are used, revalidation shall occur at least once every 5 years after issuance of this permit. The revalidation test results shall be submitted to AMS and EPA within 3 months after completion of such tests. NSWCCD-SSES may use calculations based on permitted sulfur content of fuel (0.2% by weight) and 100% conversion for SO<sub>2</sub> emissions. (40 CFR 52.21(aa)(12)(ix), 52.21(aa)(14)(iii))

9. If at any time AMS has cause to believe that air contaminant emissions from any sources at the facility may be in excess of the limitations specified in this permit, or established pursuant to, any applicable rule or regulation contained in 25 Pa. Code Part I, Subpart C, Article III, the permittee shall be required to conduct tests to determine actual emission rates in accordance with applicable Federal, State and local regulations. The following test methods shall be used:

(a) U.S.E.P.A. Reference Method 7E for nitrogen oxides

(b) U.S.E.P.A. Reference Method 9 for opacity. At a minimum, opacity shall be determined as an average of 24 consecutive observations recorded at 15-second intervals

(c) U.S.E.P.A Reference Method 6C for SOx.

(d) U.S.E.P.A. Reference Method 20 for NOx, SOx and oxygen concentrations from gas turbines.

(e) ASTM D1266, D129, D1552, D2622 or D4294 for sulfur in fuel.

Compliance determination shall consist of the arithmetic means of results of at least three separate runs for each source test. The source test shall be consistent with EPA designated test methods and 25 Pa. Code Chapter 139. The permittee shall submit a test protocol to AMS for approval at least 30 days before the test date and test results within 90 days after testing.

10. The permittee may use alternative test methods to those listed in condition 9 if AMS gives prior approval in accordance with 25 Pa. Code § 139.3.

11. NSWCCD-SSES shall monitor all emission units in accordance with the provisions of 40 CFR 52.21(aa)(12). On a monthly basis, the rolling 12-month NOx and SOx emissions shall be calculated to verify that the FEEC and PAL limits specified in conditions 1 and 2 have not been exceeded. Emission calculations shall include emissions from start-ups, shut downs and malfunctions.

12. The Permittee shall keep all records necessary to determine compliance with any requirements of 40 CFR 52.21(aa) and of this plan approval, including a determination of each emission unit's 12-month rolling total emissions. The records shall be available for inspection onsite. An emission tracking system to document compliance with the FEEC and PAL specified in conditions 1 and 2 limits shall be maintained. The tracking system shall record, on a monthly basis, emission rates, fuel usage, and monthly emissions for all the sources at the facility, as well as total monthly and rolling 12-month emissions for the facility. Emission factors will be either stack test based or AP-42 based, as defined in the equipment table of condition 4. New sources will use the emission factor specified in its respective construction permit. Emission records shall include emissions from start-ups, shut downs and malfunctions. Copies of all records shall be retained for 5 years from the date of such record. (40 CFR 52.21(aa)(13))



13. NSWCCD-SSES shall keep the following records for the duration of the FEEC and PAL effective period plus 5 years.

(a) A copy of the PAL permit application and any application for revisions to the FEEC and PAL.

(b) Each annual certification of compliance under Title V and the data relied on in certifying compliance.

14. The permittee shall submit to AMS semiannual reports of the performance of the facility using the City of Philadelphia Monitoring Report Form within 30 days of the end of each reporting period. These reports shall consist of the following: (40 CFR 52.21(aa)(14)(i))

(a) A description of any deviations from permit requirements that occurred during the 6-month reporting period, the probable cause of deviations and corrective actions or preventive measures taken.

(b) A description of any malfunction of processes, air pollution control equipment, or monitoring equipment that occurred during the 6-month reporting period, the date and duration of the incidents, the probable cause of the incidents and actions taken to remediate these incidents.

(c) A description of any sources which have not been operated for more than 1 year.

(d) Total NO<sub>x</sub> and SO<sub>x</sub> annual emissions (tons/year) based on a 12-month rolling sum for each month in the reporting period. Emission calculations must include emissions from startups, shutdowns and malfunctions.

(e) All data relied upon, including but not limited to, any quality assurance or quality control data in calculating the monthly and annual PAL and FEEC pollutant emissions.

(f) A list of any emission units modified or added during the preceding 6-month period.

(g) A notification of a shut down of any monitoring system, whether the shut down was permanent or temporary, the reason for the shut down, the anticipated date that the monitoring system will be fully operational or replaced with another monitoring system and whether the emission unit monitored by the system continued to operate and the calculation of the emissions of the pollutant.

(h) A signed statement by the responsible official (as defined by the Title V permit) certifying the truth, accuracy and completeness of the information provided in the report.

15. Any violation of an emission limitation shall be reported (by phone call or facsimile transmission) to AMS within 24 hours of detection and followed by written notification within 31 days. For any deviation or exceedances of the FEEC and PAL, the report shall identify the PAL/ FEEC condition, and the emissions resulting from the deviation or the exceedance, and include a signed statement by the responsible official (as defined by Title V) certifying truth, accuracy, and completeness of the information provided in the report. (40 CFR 52.21(aa)(14)(ii))

16. The PAL is effective on the date of issuance of this plan approval and expires 10 years after the issue date. NSWCCD-SSES shall submit an application to renew the PAL at least 6 months prior to, but not earlier than 18 months from, the date of expiration of the PAL. If the renewal application is submitted within the time period, the PAL shall not expire at the end of the PAL effective period. It shall remain in effect until AMS issues a

revised PAL permit. The renewal application shall be submitted in accordance with the requirements of 40 CFR 52.21(aa)(10).

17. If the PAL expires and is not renewed, each emission unit (or each group of emission units) that existed under the PAL shall comply with an allowable emission limitation under a revised permit. NSWCCD-SSES shall submit to AMS an application within the time frame specified for renewal in condition 16, with proposed allowable emission limitation for each emission unit (or each group of emission units) by distributing the PAL allowable emissions. 40 CFR (52.21(aa)(9)(i)).

18. AMS shall decide whether and how the PAL allowable emissions will be distributed and issue a revised permit incorporating allowable limits for each emission unit, or group of emission units, as AMS determines is appropriate.

(a) Each emission units shall comply with the allowable emission limitation on a 12-month rolling basis. AMS may approve the use of monitoring systems (source testing, emission factors, and the like) other than CEMS, CERMS, PEMS or CPMS to demonstrate compliance with the allowable emission limitation.

(b) Until AMS issues a revised permit, NSWCCD-SSES shall continue to comply with a source-wide, multi-unit emissions cap equivalent to the PAL.

(c) Any physical change or change in the method of operation will be subject to major NSR requirements if such change meets the definition of major modification.

(d) NSWCCD-SSES shall continue to comply with any Federal, State and City of Philadelphia requirements that may have applied either during the FEEC and PAL effective period or prior to the FEEC and PAL effective period except for those emission limitations that had been established under 40 CFR 52.21(r)(4). (40 CFR 52.21(aa)(9)(ii))

19. During the effective period AMS may reopen this plan approval to:

(a) Correct typographical/calculation errors made in setting the PAL or FEEC or to reflect a more accurate determination of emissions used to establish the PAL and the FEEC.

(b) Reduce the PAL and FEEC and create creditable emission reductions for use as ERCs.

(c) Reduce the PAL and FEEC to reflect newly applicable regulatory limits.

(d) Reduce the PAL and FEEC if AMS determines that a reduction is necessary to avoid causing or contributing to a NAAQS or PSD increment violation, or if an adverse impact on an air quality related value that has been identified in a Federal Class 1 area by a Federal Land Manager.

(e) Reduce the PAL or FEEC consistent with any other requirement that is enforceable as a practical matter and that AMS may impose.

(f) Increase the PAL and FEEC in accordance with 40 CFR 52.21(aa)(11)

Except for plan approval reopening for the correction of typographical/ calculation errors, all other reopening shall be carried out in accordance with the public participation requirements of 40 CFR 52.21(aa)(5).

Copies of the application, Philadelphia Air Management Services' (AMS) analysis and other documents used in the evaluation of the application are available for public

review by calling (215) 685-7572 during normal business hours to schedule an appointment to view the documents at AMS, 321 University Avenue, Philadelphia, PA 19104.

Persons wishing to provide AMS with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the previous address. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of proposed Permit AMS 04238 and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the AMS, in its discretion, decides that a hearing is warranted based on the comments received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a newspaper or the *Pennsylvania Bulletin* or by telephone, when the AMS determines notification by telephone is sufficient. For additional information or written comments should be directed to Ed Braun, Chief, Source Registration, Air Management Services, Department of Public Health, City of Philadelphia, (215) 685-7572 within 30 days after publication date.

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

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428; Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.*

**46-00076: Greene, Tweed and Company, Inc.** (2075 Detwiler Road, Kulpsville, PA 19443) for a non-Title V Facility, State-Only, Synthetic Minor Operating Permit in Towamencin Township, **Montgomery County**. Greene, Tweed and Company, Inc. manufactures gaskets and sealing devices for use in industry. The facility's major emission points are two boilers, from which the main pollutant emitted is NOx. The facility pollutant potential to emit for NOx exceeds the major facility thresholds of 25 tons per year. However, the facility will limit the fuel usage for the boilers to prevent exceeding these thresholds. The permit will contain monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

**28-05025: Bri Mar Manufacturing LLC—South Main Street Plant** (1080 South Main Street, Chambersburg, PA 17201-3240) for a synthetic minor operating permit renewal in the Borough of Chambersburg, **Franklin County**. The facility's major sources of emissions include two paint booths, which primarily emit VOC. The synthetic minor operating permit renewal will contain monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Eric Gustafson Facilities Permitting Chief, (814) 332-6940.*

**42-00154: Bradford Regional Medical Center** (116 Interstate Parkway, Bradford, PA 16701-1036) for renewal of a Natural Minor operating permit for the operation of two natural gas-fired boilers in Bradford, **McKean County**.

**43-00036: Hodge Foundry, Inc.**, (42 Leach Road, Greenville, PA 16125) for a Synthetic Minor Permit to operate a foundry operation in Hempfield Township, **Mercer County**. This facility was previously permitted as a major source Title V facility but is taking restrictions on emissions to obtain a synthetic minor permit.

**33-00141: National Fuel Gas Supply Corporation** (Five Mile Run Road, Brookville, PA 15825) for reissuance of a Natural Minor Permit to perform natural gas transmission at their Knox compressor station in Knox Township, **Jefferson County**.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

Written comments, objections or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the district mining office indicated before an application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and

relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor wishes to have the conference conducted in the locality of the proposed mining activities.

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
suspended solids	35 mg/l	70 mg/l	90 mg/l
pH <sup>1</sup>		greater than 6.0; less than 9.0	

alkalinity greater than acidity<sup>1</sup>  
<sup>1</sup>The parameter is applicable at all times.

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

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

**02941601. NPDES Permit No. PA0215627, Weleski Terminals, Inc.**, (151 West Fourth Avenue, P. O. Box 428, Tarentum, PA 15084), to renew the permit for the Allegheny River Dock in Tarentum Borough, **Allegheny County** and related NPDES permit. No additional discharges. Application received January 11, 2005.

**30950701. NPDES Permit No. PA0215619, Consolidation Coal Company**, (1 Bridge Street, Monongah, WV 26554), to renew the permit for the Hughes Hollow Slurry Impoundment in Wayne and Gilmore Townships, **Greene County** and related NPDES permit. No additional discharges. Application received March 11, 2005.

*Greensburg District Mining Office: R. R. 2, Box 603-C, Greensburg, PA 15601, (724) 925-5500.*

**65950105 and NPDES Permit No. 0201227. Mehalic Bros.** (1089 Sessi Road, Latrobe, PA 15650). Renewal application for reclamation only to an existing bituminous surface mine, located in Mt. Pleasant Township, **Westmoreland County**, affecting 140 acres. Receiving streams: UNT to Welty Run and Welty Run, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: March 21, 2005.

*Knox District Mining Office: P. O. Box 669, Knox, PA 16232, (814) 797-1191.*

**16990105 and NPDES Permit No. PA0241661. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849). Renewal of an existing bituminous surface strip

*Coal Applications Received*

*Effluent Limits*

The following coal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

operation in Clarion Township, **Clarion County** affecting 132.3 acres. Receiving streams: Two UNTs to Little Mill Creek classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received March 18, 2005.

**33890119 and NPDES Permit No. PA0207560. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849). Renewal of an existing bituminous surface strip operation in Winslow Township, **Jefferson County** affecting 111.7 acres. Receiving streams: McCreight Run and Trout Run classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received March 21, 2005.

**10000104 and NPDES Permit No. PA0241784. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127). Revision to an existing bituminous strip operation to change the post-mining land use from forestland to a post-mining land use of unmanaged natural habitat on John P. Stoops Sr. and DeWayne Major properties in Slippery Rock and Cherry Townships, **Butler County** affecting 33.6 acres. Receiving streams: UNT to Slippery Rock Creek, classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received March 22, 2005.

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

**35920101R2 and NPDES Permit No. PA0596060. Maco Associates, Inc.**, (400 Mill Street, Dunmore, PA 18512), renewal of an existing anthracite surface mine operation in Fell Township, **Lackawanna County** affecting 1700 acres, receiving stream: Wilson Creek. Application received March 21, 2005.

*Noncoal Applications Received*

*Effluent Limits*

The following noncoal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity <sup>1</sup>		greater than 6.0; less than 9.0	

<sup>1</sup>The parameter is applicable at all times.

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

*Greensburg District Mining Office: R. R. 2, Box 603-C, Greensburg, PA 15601, (724) 925-5500.*

**3474SM46 and NPDES Permit No. PA0589853. Collier Stone Company** (80 Noblestown Road, Pittsburgh, PA 15106). NPDES Renewal of a noncoal surface mine, located in Collier Township, **Allegheny County**, affecting 33.7 acres. Receiving streams: Scotts Run and Robinson Run, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: March 21, 2005.

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

**7574SM2A1C7. Hempt Bros., Inc.**, (205 Creek Road, Camp Hill, PA 17011), correction to an existing quarry operation to add clean fill for reclamation in Lower Allen Township, **Cumberland County** affecting 226.6 acres, receiving stream: Cedar Run. Application received March 17, 2005.

**06940301C2. Eastern Industries, Inc.**, (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), correction to an existing quarry operation for an incidental boundary correction in Maxatawny Township, **Berks County** affecting 47.2 acres, receiving stream: none. Application received March 21, 2005.

**7775SM6C5. Glen-Gery Corporation**, (P. O. Box 7001, Wyomissing, PA 19610), correction to an existing quarry operation for an incidental boundary correction in Perry Township, **Berks County** affecting 114.7 acres, receiving stream: UNT to Schuylkill River. Application received March 22, 2005.

**7775SM6A2C7. Glen-Gery Corporation**, (P. O. Box 7001, Wyomissing, PA 19610), correction to an existing quarry operation for an incidental boundary correction in Perry Township, **Berks County** affecting 225.0 acres, receiving stream: UNT to Schuylkill River. Application received March 22, 2005.

## 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 may 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 of the Federal Water Pollution Control Act (33 U.S.C. §§ 1341(a)).

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E35-382. Putter Pub, LLC d/b/a Scranton Municipal Golf Course**, P. O. Box 3515, Scranton, PA, in Jefferson Township, **Lackawanna County**, United States Army Corps of Engineers, Baltimore District.

To expand and maintain the reservoir of an off-stream nonjurisdictional dam with work consisting of removing accumulated sediment and expanding surface area of the reservoir by approximately 0.75 acre for the purpose of improving the golf course irrigation system (Olyphant, PA Quadrangle N: 4.2 inches; W: 2.1 inches).

**E40-646. Gerri A. Insalaco**, 412 Westport Circle, Pittston, PA 18640, in Harveys Lake Borough, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To modify and maintain an existing pile-supported dock structure in Harveys Lake (HQ-CWF), with work consisting of constructing a 33-foot by 11-foot boat garage to replace the existing boatslip. The structure (existing and proposed) extends approximately 45-feet from the shoreline and has an overall width of approximately 46-feet. The project is located at Pole No. 297 along Lakeside Drive. (Harveys Lake, PA Quadrangle N: 18.4 inches; W: 5.7 inches).

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

**E22-490: City of Harrisburg, The Martin Luther King, Jr. City Government Center**, 10 North 2nd Street, Harrisburg, PA 17101-1677 in the City of Harrisburg, **Dauphin County**, ACOA Baltimore District.

To renovate and maintain the city island's baseball stadium called Commerce Bank Park by reconstructing the baseball field, clubhouses, grandstands, concessions, offices, parking lots and other related structures to upgrade its class to Class AAA facility located within the floodway and floodplain of the Susquehanna River (WWF) (Harrisburg East, PA Quadrangle N: 1.1 inches; W: 2.1 inches) in the City of Harrisburg, Dauphin County.

**E05-311: James S. Claycomb**, 1532 Gordon Hall Road, Osterburg, PA 16667 in West Saint Claire Township, **Bedford County**, ACOE Baltimore District.

To construct and maintain a 14-foot by 55-foot steel I-beam bridge with a wooden deck across the channel of Georges Creek (WWF), a perennial stream, at a point (Alum Bank, PA Quadrangle N: 12.2 inches; W: 12.5 inches) approximately 2,200 feet upstream of the SR 96 bridge in West Saint Claire Township, Bedford County.

**E29-091: Fulton County Conservation District**, 216 North 2nd Street, McConnellsburg, PA 17233 in Ayr Township, **Fulton County**, ACOE Baltimore District.

To construct and maintain a stream rehabilitation project on 425 feet of Cove Creek (CWF) and 60 feet of an UNT to Cove Creek (CWF) beginning at the SR 1004 bridge (Latitude: 39° 56' 01", Longitude: 78° 00' 08") and continuing to a point (Latitude: 39° 55' 57", Longitude: 78° 00' 10") 425 feet downstream involving: (1) the removal of 117 yd<sup>3</sup> of material on the right floodway of Cove Creek; (2) the removal of 58 yd<sup>3</sup> of material on the left floodway of Cove Creek; (3) the installation of a 50-foot stone retaining wall on the left bank of Cove Creek; (4) the removal of 120 feet of an earthen berm and the installation of a 120-foot concrete floodwall on the left floodway of Cove Creek; (5) the installation of a rock cross vane in Cove Creek; (6) the installation of random boulders in Cove Creek; and (7) regrading of 30 feet of the left bank along with the installation of 30 feet of rock toe on the left bank of the UNT to Cove Creek all for the purpose of stabilizing the channels while improving flood storage capacity, aesthetics, riparian habitat and educational opportunities in Ayr Township and the Borough of McConnellsburg, Fulton County. The project proposes to directly affect a total of 485 linear feet of stream channel, and 175 yd<sup>3</sup> of floodway.

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

**E08-422. Department of Transportation, Engineering District 3-0**, P. O. Box 218, Montoursville, PA 17754-0218. Bridge replacement, in Ulster and Sheshequin Township, **Bradford County**, ACOE Baltimore District (Towanda, PA Quadrangle N: 18.1 inches; W: 16.3 inches).

To: 1) replace the existing 2,011-foot long, 14 span through truss bridge which has a clear roadway width of 18 feet, 4 Pratt through-truss spans each 237 feet 4 inches long and 10 warren pony truss spans, each 103 feet 4 inches, on a 90° skew with substructures consisting of a two stone masonry abutments and 13 stone masonry piers. The maximum underclearance is about 30 feet while the minimum underclearance is about 7 feet; 2) construct and maintain a 1,900-foot long prestressed concrete I-beam superstructure. The structure consists of 12 spans of 158 feet 7 inches each and a composite deck support on reinforced concrete piers and abutments. The structure alignment will be shifted approximately 165 feet to the south at the east end to meet the section of SR 1022 which comes from North Rome, at its intersection with SR 1043 and will tie into the existing roadway about 350 feet west of the west abutment. The proposed structure will be on a skew of 90° with a minimum and maximum underclearance of 12 and 32 feet respectively with a clear roadway width of 34 feet 0 inches. R-8 riprap lining is to be placed in front of both abutments and around piers 1 to 5 in the river channel and R-6 lining is to be placed around piers 6 to 11 on the east floodplain; 3)

construct, maintain and remove a 6 foot—8 foot deep rock temporary access road of to provide access to the bridge construction site and causeways A and B from SR 1043 construct abutment No. 2 and piers 6—11; 4) construct, maintain and remove temporary causeway A including 3 bridge openings to sustain river and aquatic movement across the North Branch Susquehanna River; 5) construct, maintain and remove causeway B stage I to provide access for demolition and removal of span 1 and 2 trusses and pier 1 of the existing bridge; 6) construct, maintain and remove causeway B Stage II to provide access for demolition and removal of spans 3 and 4 trusses and piers 2 and 3 of the existing bridge. 7) to replace the existing 84-inch diameter CMP located at the intersection of SR 1022 and SR 1043.

The proposed bridge will cross the North Branch of the Susquehanna River on SR 1022, Section 003 in the village of Ulster in Ulster Township, Bradford County.

The project will temporarily impact about 0.09 acre of Palustrine Forested Wetlands and 150 feet of waterway. The North Branch of the Susquehanna River is a WWF Stream.

**E14-470. Department of Transportation, Engineering District 2-0**, 1924-30 Daisy Street Extension, P. O. Box 342, Clearfield, PA 16830. SR 6220, Section B12 Temporary Stream Crossing, in Patton Township, **Centre County**, ACOE Baltimore District (Julian, PA Quadrangle N: 11.5 inches; W: 7.5 inches).

To maintain a temporary stream crossing, until December 31, 2006, with one 60-inch and six 48-inch corrugated metal pipes with the associated 150-foot long by 4-foot wide by 3-foot deep temporarily relocated low-flow stream channel for a UNT of Buffalo Run (locally known as Waddle Creek) located 100 feet upstream of the SR 3022 bridge. The project will temporarily impact 150 linear feet of Waddle Creek, which is in a HQ-CWF drainage area.

**E14-472. Taylor Township Supervisors**, 11480 S. Eagle Valley Road, Port Matilda, PA 16870. McMonagle Lane Stream Crossing, in Taylor Township, **Centre County**, ACOE Baltimore District (Port Matilda, PA Quadrangle N: 6.75 inches; W: 16.5 inches).

To maintain: 1) a 77-inch by 52-inch by 35-foot long corrugated metal pipe arch with a flared inlet section; 2) a 77-inch by 52-inch by 20-foot long corrugated metal pipe arch with a flared inlet section; and 3) R-4 riprap at the inlets and outlets of the tow culverts, and to place and maintain a bituminous road surface over the crossing to reduce overtopping erosion of the low flow crossing, located on McMonagle Lane 300 feet northeast of its intersection with Bell Hollow Road. This has permanently impacted 70 linear feet of Bell Hollow, which is a CWF.

**E17-407. Mosquito Creek Sportsmen Association**, P. O. Box 218, Frenchville, PA 16836. Deserter Run/Lost Run Vertical Flow and Gifford Run High Flow Buff Channel Project for Acid Precipitation Abatement in Girard Township, **Clearfield County**, ACOE Baltimore District (The Knobs, PA Quadrangle N: 10.38 inches; W: 5.9 inches).

To construct, operate and maintain vertical flow wetland systems along Deserter Run and Lost Run (HQ-CWF); and two high flow buffer channels along Gifford Run (HQ-CWF) for alkaline addition to abate acid precipitation in the Mosquito Creek Watershed. The vertical flow wetland systems require a nonjurisdictional 4.5-foot high concrete dam be constructed across both Deserter and Lost Run; a water intake structure be constructed in the channel of both waterways; and a

6-inch diameter plastic outlet pipe along the waterways. The high flow buffer channels require rock cross-vanes be constructed across Gifford Run at two locations and a step pool sequenced high flow channel be constructed in the floodway of the waterway. The vertical flow wetland systems will result in a cumulative, permanent wetland impact of 0.011-acre, temporary wetland impact of 0.021 acre and permanent waterway impact of 50 feet. The high flow buffer channel systems will not impact wetlands while resulting in 25-feet of permanent waterway impact. The western limit of the projects is located along the Merrill Road 0.9-mile north of the Caledonia Pike and Merrill Road intersection.

**E18-386. Department of Transportation, Engineering District 2-0**, 1924-30 Daisy Street Extension, P. O. Box 342, Clearfield, PA 16830. SR 2004, Section A04 Cedar Run, in Lamar Township, **Clinton County**, ACOE Baltimore District (Mill Hall, PA Quadrangle N: 5.65 inches; W: 6.20 inches).

To remove the existing bridge, then to construct and maintain a prestressed concrete adjacent box beam bridge with a 54 foot clear span and a minimum underclearance of 3 feet 6 inches located 0.2 mile on SR 2004 (Mackeyville Road) from SR 0064. This project propose to impact 70 linear feet of Cedar Run, which is classified as a HQ-CWF—Class “A” Wild Trout stream, and permanently impact 0.01 acre of wetlands.

**E60-168. Lewisburg Recreation Authority, c/o Greg Wetzel**, 629 Fairground Road, Lewisburg, PA 17837. Playground, in Lewisburg Borough, **Union County**, ACOE Baltimore District (Lewisburg, PA Quadrangle N: 16.1 inches; W: 3.3 inches).

To construct and maintain a youth playground, a tot lot, a skate park, a spray fountain, climbing boulders, a parking lot expansion, a life trail and picnic areas and an underground stormwater detention basin in the floodplain of Limestone Run off 15th Street about 1,200 feet from the intersection of 15th Street with Saint Mary Street in the Borough of Lewisburg.

The project will not impact waterways while impacting 0.8 acres of wetland and less than 5 acres of earth disturbance. Limestone Run is a WWF Stream.

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

**E26-325. Department of Transportation, District 12-0**, P. O. Box 459, Uniontown, PA 15401. To extend and maintain an existing box culvert in South Union Township, **Fayette County**, Pittsburgh ACOE District. (Uniontown, PA Quadrangle N: 0.9 inch; W: 16.8 inches and Latitude: 39° 52' 48"—Longitude: 79° 44' 4"). The applicant proposes: 1) to extend and maintain, with matching span and rise, an existing 214.0-foot long, 9.0-foot wide by 6.0-foot high box culvert 103.0 feet at the upstream end and 273.0 feet at the downstream end in a UNT to Coal Lick Run (WWF) (SR 0119 Station 379+15.00); 2) to relocate 360.0 linear feet of a UNT to Coal Lick Run (WWF) at the upstream end of culvert No. 1 and construct and maintain 290.0 linear feet of new stream channel (southbound on-ramp Station 8+10 to Station 11+0) 70.0 linear feet of stream channel will be lost; 3) to construct and maintain concrete lining in the invert of an existing 496.0-foot long, 10.5-foot diameter corrugated metal pipe in a UNT to Coal Lick Run (WWF) (SR 3009 Station 72+32.01); 4) to construct and maintain a 125.0-foot long, 48-inch diameter reinforced concrete pipe in a UNT to Coal Lick Run (WWF) (Northbound off-ramp Station 34+20). This structure qualifies for

Department waiver § 105.12(a)(2). The applicant proposes to impact 501.0 linear feet of perennial stream by enclosures, 360.0 linear feet of stream by relocation, and 496.0 linear feet of perennial stream by invert paving. To compensate for stream impacts the applicant will do 1,000 linear feet of riparian plantings. No vegetated wetlands will be impacted.

**E65-871. Greengate Development, LLC**, 2127 Innerbelt Business Center Drive, Suite 200, St. Louis, MO 63114. To construct culverts and outfalls in Hempfield Township, **Westmoreland County**, Pittsburgh ACOE District. (Greensburg, PA Quadrangle N: 11.0 inches; W: 12.0 inches and Latitude: 40° 18' 38"—Longitude: 79° 35' 10"). The applicant proposes to construct and maintain four 54" diameter culverts (with the two center culverts depressed 1') approximately 181 foot long within a UNT to Brush Creek (TSF) and to construct various stormwater outfalls to the same stream. The project is part of a proposed internal circulation roadway system for the reconstruction and reuse of two existing commercial retail centers, Hempfield Plaza and Greengate Centre. The project is located on the north side of Route 30 next to the existing Greengate Mall. The total proposed stream impacts proposed by this project is approximately 181' to a UNT to Brush Creek.

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

**E20-540. Lloyd Akins and John Zinnamosca**, 12515 Culvert Lane, Conneaut Lake, PA 16316. Storage Building, in Summit Township, **Crawford County**, ACOE Pittsburgh District (Harmonsborg, PA Quadrangle N: 4.9 inches; W: 8.3 inches).

The applicant proposes to construct and maintain a storage building involving to fill approximately 0.02 acre (de minimis) of PSS wetlands approximately 200 feet NE of the intersection of SR 18 and T-567 (Phelps Road).

**E25-040A. T. E. Flower Estate**, 6390 West Lake Road, Erie, PA 16505. Avonia Beach Boat Club Amendment, in Fairview Township, **Erie County**, ACOE Pittsburgh District (Fairview, PA Quadrangle N: 12.2 inches; W: 3.0 inches).

The applicant proposes to amend permit E25-040A which authorized Theodore E. Flower to maintain an existing marina and to perform maintenance dredging of the marina at the mouth of Trout Run and in Lake Erie in Fairview Township, Erie County.

The proposed amendment is to:

To restore the site to a natural condition involving the following: 1) to remove the existing docks and infrastructure within the marina; 2) to remove the existing north marina wall and northeast marina breakwater; 3) to leave the west, east and south marina walls in place; and 4) to fill 0.64 acre of the existing marina basin with sand and with stone/concrete from the demolished marina walls and breakwaters.

Lake Erie is a perennial body of water classified as a CWF. Trout Run is a perennial stream classified as a CWF and MF.

**E25-404A. Erie-Western Pennsylvania Port Authority**, 208 East Bayfront Parkway, Suite 201, Erie, PA 16507-2405. Erie-Western Pennsylvania Port Authority Facility Maintenance Dredging Amendment Request in the City of Erie, **Erie County**, ACOE Pittsburgh District.

The applicant is requesting an amendment to Permit No. E25-404A which authorizes the Erie-Western Penn-

sylvania Port Authority to perform maintenance dredging at the following in and along Presque Isle Bay and Lake, City of Erie, Erie County:

1. Chestnut Street launch ramp (Erie North, PA Quadrangle N: 1.25 inches; W: 13.25 inches).
2. West Canal Basin (Erie North, PA Quadrangle N: 2.0 inches; W: 12.2 inches).
3. East Canal Basin (Erie North, PA Quadrangle N: 2.4 inches; W: 12.3 inches).
4. Erie Marine, Inc., dock (Erie North, PA Quadrangle N: 2.5 inches; W: 11.7 inches).
5. The "ore dock" (Erie North, PA Quadrangle N: 2.6 inches; W: 11.3 inches).
6. Erie International Marine Terminal (Erie North, PA Quadrangle N: 4.5 inches; W: 11.0 inches).
7. Captain John E. Lampe Marina (Erie North, PA Quadrangle N: 4.2 inches; W: 10.0 inches).
8. East Avenue launch ramp (Erie North, PA Quadrangle N: 3.6 inches; W: 8.9 inches).
9. Perry's Landing Marina between Piers I and II (Erie North, PA Quadrangle N: 0.7 inch; W: 15.0 inches) and between Piers II and III (Erie North, PA Quadrangle N: 0.7 inch; W: 14.7 inches) totaling approximately 10 acres.
10. Bay Harbour Marina (Erie North, PA Quadrangle N: 1.0 inch; W: 14.4 inches) approximately 6 acres.
11. Commodore Perry Yacht Club (Erie North, PA Quadrangle N: 1.1 inches; W: 14.1 inches) approximately 14 acres.
12. Cherry Street Marina (Erie North, PA Quadrangle N: 1.1 inches; W: 13.9 inches) approximately 9 acres.
13. Walnut Street Marina (Erie North, PA Quadrangle N: 1.3 inches; W: 13.7 inches) approximately 7 acres.
14. Jolly Rodgers Marina (Erie North, PA Quadrangle N: 1.4 inches; W: 13.5 inches) approximately 14 acres.
15. Chestnut Street Marina (Erie North, PA Quadrangle N: 1.6 inches; W: 13.3 inches) approximately 4 acres.
16. Sassafras Street Pier, two locations (Erie North, PA Quadrangle N: 1.9 inches; W: 13.0 inches) and (Erie North, PA Quadrangle N: 2.3 inches; W: 12.9 inches) totaling approximately 6 acres.
17. Holland Street Pier (Erie North, PA Quadrangle N: 2.2 inches; W: 11.9 inches) approximately 3 acres.
18. Grain Elevator Slip (Erie North, PA Quadrangle N: 2.6 inches; W: 11.7 inches) approximately 5 acres.
19. Graving Dock Slip (Dry Dock) (Erie North, PA Quadrangle N: 2.7 inches; W: 11.5 inches) approximately 3 acres.
20. Access area to Grain Elevator Slip, Graving Dock (Dry Dock) Slip and Coal Ore Dock Slip ("ore dock") (Erie North, PA Quadrangle N: 3.1 inches; W: 11.6 inches) approximately 10 acres.

Special Condition C of Permit E25-404A requires the permittee to obtain individual Federal Water Pollution Control Act Section 401 Water Quality Certification from the Department for disposal of dredged material into the United States Army Corps of Engineers Confined Disposal Facility prior to each dredging and disposal event.

Special Condition D of Permit E25-404A requires the following: Prior to any dredging activity, all dredged

material for disposal into the CDF shall be sampled and tested, in situ, in accordance with Attachment A, "Sample Collection and Testing Protocol." The permittee shall notify the Water Quality Manager of the Department's Northwest Region Office at least 10 days prior to the anticipated date of in situ sampling. The permittee shall submit a report documenting the testing results and analysis to support a conclusion that the dredging and disposal of dredged material into the CDF will not degrade the water quality of Lake Erie or Presque Isle Bay with the request for Section 401 Water Quality Certification to the Water Quality Manager of the Department's Northwest Region Office for review and approval.

Items 2—4 of Attachment A require the following:

2. A total composite sample volume of 2 gallons is required for dredging amounts up to 500 cubic yards. The total composite sample will be obtained from 1 grab sample for each 50 cubic yards of material to be dredged, up to 500 cubic yards (10 grab samples).

3. For dredging between 500 and 1,000 cubic yards of material, two composite samples, each having a volume of 2 gallons, will be obtained with 1 grab sample for each 50 cubic yards of material for half of the total volume to be dredged. For example, if the total volume to be dredged is 800 cubic yards, then two composite samples will be collected with each 2-gallon composite sample consisting of 8 grab samples of 0.25 gallon.

4. For dredging in excess of 1,000 cubic yards of material, follow the sampling requirements of items 2 and 3.

The proposed amendment is to include the following special conditions in Permit E25-404A:

1. For those marinas which have already been dredged under E25-404A and for which dredged material was received, conduct "in situ" sampling and material testing once every 5 years for every 1,000 cubic yards of material to be dredged. The material tested will be a composite of ten individual samples obtained per 1,000 cubic yards dredged (one individual sample per 100 cubic yards of material to be dredged). We also propose water quality certification for all dredging activities conducted by EWPPA within the 5-year time period.

2. For those marinas not yet dredged by the EWPPA under Permit E25-404A, conduct "in situ" sampling and analytical testing per every 1,000 cubic yards of material to be dredged. The material tested will be a composite of ten individual samples obtained per 1,000 cubic yards dredged (one individual sample per 100 cubic yards of material to be dredged). Disposal of the dredged material will be in the CDF under conditions of Permit E25-581. Also proposed that, following the initial sampling and testing, water quality certification be granted for a 5-year time period as stated in paragraph 1.

Presque Isle Bay and Lake Erie are perennial bodies of water classified as WWF.

**E25-581, Erie-Western Pennsylvania Port Authority**, 208 East Bayfront Parkway, Suite 201, Erie, PA 16507-2405. Erie-Western Pennsylvania Port Authority Facility Maintenance Dredging Amendment Request in the City of Erie, **Erie County**, ACOE Pittsburgh District (Erie North, PA Quadrangle N: 4.7 inches; W: 10.3 inches).

The applicant is requesting an amendment to Permit No. E25-581 which authorizes the Erie-Western Pennsylvania Port Authority to place a total of approximately 500,000 cubic yards of material dredged from the bed of

Presque Isle Bay and local Lake Erie waters into the Erie Harbor Confined Disposal Facility (CDF) to create an upland public recreational area located south of the entrance channel to Presque Isle Bay.

Special Condition A of Permit E25-581 requires the permittee is required to obtain individual Federal Water Pollution Control Act Section 401 Water Quality Certification from the Department for disposal of dredged material into the CDF prior to each dredging and disposal event.

Special Condition B of Permit E25-581 requires the following: Prior to any dredging activity, all dredged material for disposal into the CDF shall be sampled and tested, in situ, in accordance with Attachment A, "Sample Collection and Testing Protocol." The permittee shall notify the Water Quality Manager of the Department of Environmental Protection's Northwest Region Office at least 10 days prior to the anticipated date of in situ sampling. The permittee shall submit a report documenting the testing results and analysis to support a conclusion that the dredging and disposal of dredged material into the CDF will not degrade the water quality of Lake Erie or Presque Isle Bay with the request for Section 401 Water Quality Certification to the Water Quality Manager of the Department's Northwest Region Office for review and approval.

Items 2—4 of Attachment A require the following:

2. A total composite sample volume of 2 gallons is required for dredging amounts up to 500 cubic yards. The total composite sample will be obtained from 1 grab sample for each 50 cubic yards of material to be dredged, up to 500 cubic yards (10 grab samples).

3. For dredging between 500 and 1,000 cubic yards of material, two composite samples, each having a volume of 2 gallons, will be obtained with 1 grab sample for each 50 cubic yards of material for half of the total volume to be dredged. For example, if the total volume to be dredged is 800 cubic yards, then two composite samples will be collected with each 2-gallon composite sample consisting of 8 grab samples of 0.25 gallon.

4. For dredging in excess of 1,000 cubic yards of material, follow the sampling requirements of items 2 and 3.

The proposed amendment is to include the following special conditions in Permit E25-581:

1. For those facilities which have already been dredged under E25-404A and for which dredged material was received, conduct "in situ" sampling and material testing once every 5 years for every 1,000 cubic yards of material to be dredged. The material tested will be a composite of ten individual samples obtained per 1,000 cubic yards dredged (one individual sample per 100 cubic yards of

material to be dredged). We also propose water quality certification for all dredging activities conducted by EWPPA within the 5-year time period.

2. For those facilities not yet dredged by the EWPPA under Permit E25-404A, conduct "in situ" sampling and analytical testing per every 1000 cubic yards of material to be dredged. The material tested will be a composite of ten individual samples obtained per 1,000 cubic yards dredged (one individual sample per 100 cubic yards of material to be dredged). Disposal of the dredged material will be in the CDF under conditions of Permit E25-581. Also proposed that, following the initial sampling and testing, Water quality certification be granted for a 5-year time period as stated in paragraph 1.

Presque Isle Bay and Lake Erie are perennial bodies of water classified as WWF.

#### ENVIRONMENTAL ASSESSMENTS

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

**EA-67-010: Gregory King**, 1948 Noss Road, York, PA 17404 in North Codorus Township, **York County**, ACOE Baltimore District.

To replace and existing culvert and construct and maintain a 15-foot, 3-foot diameter culvert, with a 6-inch depression below the streambed and to restore 280 linear feet of an UNT to Codorus Creek (WWF) by reshaping the channel. The project is located in North Codorus Township, York County (West York, PA Quadrangle N: 1.9 inches; W: 6.7 inches).

**EA-06-006: Paradise Township**, P. O. Box 40, Paradise, PA 17562 in Paradise Township, **Lancaster County**, ACOE Baltimore District.

To regrade and stabilize 240 lineal feet of stream channel located within a previously breached impoundment area. The project consists of channel relocation; floodway grading; and rock toe protection within an UNT to the Schuylkill River (WWF) immediately east of Ridgeway Road (Reading, PA Quadrangle N: 8.0 inches; W: 3.5 inches) in Cumru Township, Berks County.

**EA-38-002: East Hanover Township, c/o Thomas Donmoyer, Secretary-Treasurer**, R. D. No. 1 Box 6250, Grantville, PA 17028 in East Hanover Township, **Lebanon County**, ACOE Baltimore District.

To construct and maintain 495 lineal feet of stream stabilization and enhancement of an UNT to Swatara Creek (WWF) utilizing j-hook vanes, cross vanes, root wads, and minor bank and gravel bar grading located within H.M. Levitz Park (Indiantown Gap, PA Quadrangle N: 5.85 inches; W: 17.30 inches) in East Hanover Township, Lebanon County.

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## ACTIONS

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### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOI) for coverage under general permits. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.



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

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for coverage under general NPDES permits. The approval for coverage under general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in each general permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. Permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

### **I. NPDES Renewal Permit Actions**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0057185	Edward and Nhung Sweeney 1941 Ridley Creek Road Media, PA 19063	Delaware County Upper Providence Township	UNT to Ridley Creek Watershed 3G	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0062341A1	Aqua Pennsylvania, Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010	Pike County Lackawaxen Township	Teedyuskung Creek 1B	Y
PA-0061808 (Sewage)	George Royle R. R. 1, Box 1534 Hunter Farm Road Henryville, PA 18332	Paradise Township, Monroe County	UNT to Swiftwater Creek (1E)	Y
PA-0060941 Sewage	Crestwood School District Rice Elementary School 281 South Mountain Blvd. Mountain Top, PA 18707	Luzerne County Rice Township	Turner Swamp, a tributary to Little Wapwallopen Creek (5B)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0082635 (Sewage)	Sun Valley, LLC c/o Diversified Investments 3005 Douglas Boulevard No. 150 Roseville, CA 95661	Lancaster County Brecknock Township	UNT Rock Run/7J	Y
PA0086924 (Industrial Waste)	FCI USA, Inc. Lenape Drive, R. R. 1 Box 212 Mount Union, PA 17066-9728	Huntingdon County Shirley Township	Juniata River/12-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0091634 Sewage	The Rensselaerville Institute 63 Huyck Road Rensselaerville, NY 12147-2108	Fayette County North Union Township	UNT of Redstone Creek	Y
PA0096105 Sewage	Aleppo Township Authority P. O. Box 81 100 North Drive Sewickley, PA 15143	Allegheny County Aleppo Township	UNT to Ohio River	Y
PA0096423 Sewage	Turkeyfoot Valley Area School District R. D. 1, Box 78 Confluence, PA 15424-9626	Somerset County Lower Turkeyfoot Township	Casselman River	Y
PA0216186 Sewage	Greene Arc, Inc. 197 Dunn Station Road Prosperity, PA 15329	Greene County Washington Township	Ruff Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0221759	Robert L. Shuttleworth 923 Fern Road St. Mary's PA 15857	Jones Township, Elk County	UNT to East Branch Clarion River 17-A	Y
PA0033383	Cherry Run Camp Meeting Association 2855 Cherry Run Road Rimersburg, PA 16248	Toby Township Clarion County	UNT to Licking Creek 17-B	Y
PA0029378	Redbank Valley School District— Hawthorn Elementary School 920 Broad Street New Bethlehem, PA 16242	Hawthorn Borough Clarion County	UNT to Redbank Creek	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. PA0012882**, Industrial Waste, **Philadelphia Gas Works**, 800 West Montgomery Avenue, Philadelphia, PA 19122-2806. This proposed facility is located in City of Philadelphia, **Philadelphia County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge 12.8 mgd of noncontact cooling water serving PGW—Richmond Plant into the Delaware River-Zone 3.

**NPDES Permit No. PA0042889**, Sewage, **Octorara Area School District**, 228 Highland Road, Suite 1, Atglen, PA 19310. This proposed facility is located in West Fallowfield Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage into an UNT to Knight Run in Watershed 7K.

**NPDES Permit No. PA0044474**, Sewage, **Brinton Manor, Inc.** 549 Baltimore Pike, Glen Mills, PA 19342. This proposed facility is located in Concord Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage into West Branch of Chester Creek in Watershed 3G.

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

**NPDES Permit No. PAS212215**, Industrial Waste, **Glenwood Stone Company, Inc.** This proposed facility is located in New Milford Township, **Susquehanna County**.

Description of Proposed Action/Activity: Issuance of NPDES Permit.

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

**NPDES Permit No. PA0247596**, Sewage, **Ephrata Area Joint Authority**, 124 South State Street, Ephrata, PA 17522. This proposed facility is located in Ephrata Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to Cocalico Creek in Watershed 7-J.

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

**NPDES Permit No. PA0001562-A1**, Industrial Waste, **Wheeling-Pittsburgh Steel Company**, 1134 Market Street, Wheeling, WV 26003. This proposed facility is located in Allenport Borough, **Washington County**.

Description of Proposed Action/Activity: The wastewater description for Outfall 202 has been modified to include Temper Mill basement water, Hot Mill basement water and acidic groundwater.

**NPDES Permit No. PA0252816**, Sewage, **AMFIRE Mining Company, LLC**, One Energy Place, Suite 2800, Latrobe, PA 15650. This proposed facility is located in Jackson Township, **Cambria County**.

Description of Proposed Action/Activity: Discharge from a small flow treatment facility for Madison Deep Mine.

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

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

**WQM Permit No. 5204402**, Sewerage, **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010. This proposed facility is located in Lackawaxen Township, **Pike County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit.

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

**WQM Permit No. 1805401**, Sewerage 4952, **Robyn and Judy Orndorf**, 1606 Sulphur Run Road, Jersey Shore, PA 17740. This proposed facility is located in Bald Eagle Township, **Clinton County**.

Description of Proposed Action/Activity: Construction of small flow sewage treatment system to serve the Orndorf residence.

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

**WQM Permit No. WQG018362**, Sewerage, **Grant W. Smith**, 159 Dutch Road, Harmony, PA 16037. This proposed facility is located in Jackson Township, **Butler County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

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### IV. NPDES Stormwater Discharges from MS4 Permit Actions

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### V. NPDES Waiver Stormwater Discharges from MS4 Actions

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### VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021304001	Big Boulder Corp. P. O. Box B707 Blakeslee, PA 18610-0707	Lehigh	Kidder Township	Swamp Run Creek HQ-CWF
PAI023904022	Lehigh Valley Hospital Cedar Crest and I-78 P. O. Box 689 Allentown, PA 18105	Carbon	Salisbury Township	Little Lehigh Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI-0336-04-007	Barr & Byler Subdivision	Lancaster	Salisbury	UNT Pequea Creek

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

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

**List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Single Residence Sewage Treatment Plants
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

*General Permit Type—PAG-2*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Springfield Township Bucks County	PAG2000905004	Bryan Lloyd Bryan Lloyd Subdivision 355 Nemeth Road Coopersburg, PA 18036	Tributary to Tohickon Creek	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Warminster Township Bucks County	PAG2000903076	Mark Hankin Lot 15 Detention Basin P. O. Box 26767 Elkins Park, PA 19117	Little Neshaminy Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Middletown Township Bucks County	PAG2000905011	Commerce Bank NA Commerce Bank Development 11000 Atrium Way Mount Laurel, NJ 08054	Mill Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Haycock Township Bucks County	PAG2000904140	Sandra Rabenold Rabenold Subdivision 1241 Roundhouse Road Quakertown, PA 1951	Dimple Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Makefield Township Bucks County	PAG2000904196	Timothy Vile Timothy Vile Property 40 Devon Road Newtown, PA 18940	Houghs Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Easttown Township Chester County	PAG2001504106	Michael Stolper 1125 South Leopard Road 1504 East Grand Oak Lane West Chester, PA 19380	Darby Creek (CWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Garden Township Chester County	PAG2001505010	Wilkinson Builders Southwood Road Improvements 1020 Broad Run Road Landenberg, PA 19350	Broad Run (CWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Downingtown Borough Chester County	PAG2001504115	Joseph Dwyer Roberts Auto Mall Facility 19 Park Lane Downingtown, PA 19335	East Branch Brandywine Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Westtown Township Chester County	PAG2001504071	Thomas Galbally Orvis Tract Residential Sbdv. P. O. Box 973 Paoli, PA 19301	UNT Radley Run (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Garden Township Chester County	PAG200 1504122	Eugene/Daneil Nance Nance Subdivision 462 Locust Grove Road West Chester, PA 19382	UNT to West Branch Red Clay Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG201 1505006	The Mann Center for the Performing Arts Capital Improvement Program 123 South Broad Street Philadelphia, PA 19109-1026	Schuylkill River Watershed (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG201 1505008	Inglis House Corporation Carline Apartments Demolition 2600 Belmont Avenue Philadelphia, PA 19131-2799	Schuylkill River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Dunmore Borough Lackawanna County	PAG2003505001	Wendy Yankelitis Marywood University 2300 Adamo Ave. Scranton, PA 18509	UNT to Lackawanna River CWF	Lackawanna County Cons. Dist. (570) 281-9495
Hanover Township Lehigh County	PAG2003905003	Michael Esposito Allentown Airport LP 1401 Broad St. Clifton, NJ 07013	Catasauqua Creek CWF	Lehigh County Cons. Dist. (610) 391-9583
Hellertown Borough Northampton County	PAG2004805010	Abraham R. Atiyeh 1177 Sixth St. Whitehall, PA 18052	Saucon Creek (Source to Black River) CWF	Northampton County Cons. Dist. (610) 746-1971
Moore Township Northampton County	PAG2004804038	Richard George S & S Homes R. R .5, Box 5250 Saylorsburg, PA 18353	Hokendauqua Creek CWF	Northampton County Cons. Dist. (610) 746-1971
Weatherly Borough Carbon County	PAG2001305004	Federal Mogul Corp. 75 West Main St. Weatherly, PA 18225 and Enviro Matrix, Inc. 163 Madison, Suite 104 Detroit, MI 48226	Black Creek CWF	Carbon County Cons. Dist. (610) 377-4894
Dunmore Borough Lackawanna County	PAG2003505007	Thomas Cummings Dunmore Borough 400 S. Blakely St. Dunmore, PA 18512	Lackawanna River CWF	Lackawanna County Cons. Dist. (570) 281-9495
Lehman Township Luzerne County	PAG2004004023	Pennsylvania State University Office of Physical Plant Room 101 P University Park, PA 16802	Toby Creek CWF	Luzerne County Cons. Dist. (570) 674-7991

## NOTICES

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Greater Lewistown Shopping Plaza, Derry Township, Burnham Borough, Mifflin County	PAG2004405001	Greater Lewistown Shopping Plaza c/o Morantis Properties 8035 McKnight Rd. Andre Plaza Suite 302 Pittsburgh, PA 15237	Buck Run TSF	Mifflin County Conservation District 20 Windmill Hill #4 Burnham, PA 17009 (717) 248-4695
Conewago Township York County	PAG2006704044	Cornerstone Development Group 1 Marketway East York, PA 17401-1611	UNT to Little Conewago Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Springettsbury Township York County	PAG2006704075	Central York School District Dr. Linda Estep 775 Marion Road York, PA 17402	Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Hellam Township York County	PAG2006704018	Argento Mini-Storage Anthony Argento Cape Horn Builders 3110 Wheatlyn Road York, PA 17402	Kreutz Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
West Manheim Township York County	PAG2006705003	First Church of God Charles Hartman 600 Fairview Drive Hanover, PA 17331	Conewago Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Shrewsbury Township York County	PAG2006704139	Lot 10 Shrewsbury Commons SC Building C, LP 4750 Owings Mills Blvd. Owings Mills, MD 21117	UNT to Deer Creek CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Montgomery Township Franklin County	PAG2002804048	Mountain Brook Estates Oliver Homes 19733 Leitersburg Pike Hagerstown, MD 21742	Conococheague Creek TSF-MF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Montgomery Township Franklin County	PAG2002805015	Daniel and Cathy Twigg P. O. Box 238 Greencastle, PA 17225	Conococheague Creek TSF-MF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Washington Township Franklin County	PAG2002805017	Spring Run Estates Accent Developers c/o Robert Lee Royer 1800 East Main Street Waynesboro, PA 17268	UNT to East Branch of Antietam—CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074 Ext. 5

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Greene Township Franklin County	PAG2002805020	Walker Road Realignment Greene Township c/o Charles Jamison 1145 Garver Lane Scotland, PA 17254	Conococheague Creek—CWF UNT to Falling Spring Branch—TSF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Hamilton Township Franklin County	PAG2002805001	Elk Ridge, LLC c/o Edwin Martin 4961 Cumberland Hwy. Chambersburg, PA 17201	Conococheague Creek—WWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Bradford County Rome Township	PAG2000805003	Roger Druck P. O. Box 113 Rome, PA 18837	Parks Creek CWF	Bradford County Conservation District R. R. 5, Box 5030C Stoll Natural Resource Center Towanda, PA 18848 (570) 265-5539, Ext. 205
Centre County Bellefonte Borough	PAG2001405001	Dr. James Masullo, Jr. Bellefonte Area School District 318 N. Allegheny St. Bellefonte, PA 16823	Unt. Spring Creek CWF	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Lycoming County Jersey Shore Borough	PAG2004105003	Citizen and Northern Bank 90-92 Main St. P. O. Box 58 Wellsboro, PA	Lowshe Run WWF	Lycoming County Conservation District 542 County Farm Road, Suite 202 Montoursville, PA 17754 (570) 433-3003
Washington County California Borough	PAG2006305001	Borough of California 225 Third Street California, PA 15419	Pike Run (TSF) Monongahela River (WWF)	Washington County CD (724) 228-6774
Washington County Peters Township	PAG2006305006	Karen Marshall 100 Bayberry Street McMurray, PA 15317 and Ray Harrington 128 Breezewood Drive Venetia, PA 15367	UNT to Peters Creek (TSF)	Washington County CD (724) 228-6774
Westmoreland County Sewickley Township	PAG2006504049	Sutersville-Sewickley Municipal Sewer Auth. 320 Municipal Avenue Sutersville, PA 15083	Sewickley Creek and Yough River (WWF)	Westmoreland County CD (724) 837-5271
Westmoreland County Hempfield and Salem Townships	PAG2006505002	Dominion Peoples 1201 Pitt Street Pittsburgh, PA 15221	UNT to Brush Creek (TSF) and Jacks Run (WWF)	Westmoreland County CD (724) 837-5271
Butler County Cranberry Township	PAG2001004029	Cranberry Wal-Mart Expansion Jeff Rutter 2001 Southeast 10th Street Bentonville AR 72716-0550	Brush Creek—WWF	Butler County Conservation District (724) 284-5270
Mercer County Springfield Township	PAG2004305001	Borough of Grove City 123 West Main St. P. O. Box 110 Grove City, PA 16127	Black Run Tributary CWF	Mercer County Conservation District (724) 662-2242

*General Permit Type—PAG-3**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
South Coatesville Borough Chester County	PAR230069	Air Liquide Large Industries U. S., LP 161 Lower Modena Rd. Coatesville, PA 19320	Brandywine Creek 3H Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Falls Township Bucks County	PAR800078	Kinder Morgan Inc. 1 Sinter Rd. Fairless Hills, PA 19030	Delaware River 2E Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
City of Philadelphia Philadelphia County	PAR600057	Oscar's Auto Parts 6145 W. Passyunk Ave. Philadelphia, PA 19153	Schuylkill River 3F Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
City of Philadelphia Philadelphia County	PAR600081	Butch's Auto Parts 3301 S. 61st St. Philadelphia, PA 19142	Schuylkill River 3F Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
West Whiteland Township Chester County	PAR230069	FedEx Ground Pkg. System Inc. 442 Creamery Way Suite D Exton, PA 19341	Valley Creek 3H Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Bensalem Township Bucks County	PAR800133	Estes Express Lines Inc. 4095 Blanche Rd. Bensalem, PA 19020	UNT to Neshaminy Creek 2F Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Tamaqua Borough Schuylkill County	PAR202240	Hart Metals, Inc. 1415 East Broad Street Tamaqua, PA 18252	Panther Creek CWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Adams County Straban Township	PAR213501	Daltile Corporation 211 North Fourth St. Gettysburg, PA 17325	Swift Run WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Adams County Bendersville Borough	PAR213502	Daltile Corporation 211 North Fourth St. Gettysburg, PA 17325	Oppossum Creek TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Adams County Gettysburg Borough	PAR213503	Daltile Corporation 211 North Fourth St. Gettysburg, PA 17325	Rock Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Elizabethtown Borough	PAR123508	Masterfoods USA 295 Brown Street Elizabethtown, PA 17022-2192	Conoy Creek/TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Mifflin County Derry Township	PAR503502	Mifflin County Solid Waste Authority P. O. Box 390 87 Landfill Road Lewistown, PA 17044-0390	UNT to Kishacoquillas Creek TSF Jack's Creek TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707



<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lebanon County North Lebanon Township	PAR233544	The Valspar Corporation 4406 Industrial Park Road Camp Hill, PA 17011	Quittapahilla Creek TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
City of Erie Erie County	PAR128306	Meadow Brook Dairy Company, Inc. 2365 Buffalo Road Erie, PA 16510	City of Erie Storm Sewer Lake Erie Watershed	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of Erie, Erie County	PAR218318	Ready Mix Concrete Company of Erie, Inc. P. O. Box 1438 Erie, PA 16512	City of Erie Stormwater Sewers	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Wilmington Township Lawrence County	PAR808343	United Parcel Service, Inc. 521 North Center Avenue New Stanton, PA 15672	UNT to the Neshannock Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Vernon Township, Crawford County	PAR808345	United Parcel Service, Inc. 521 North Center Avenue New Stanton, PA 15672	UNT to the Watson Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Cranberry Township Venango County	PAR808346	United Parcel Service, Inc. 521 North Center Avenue New Stanton, PA 15672	UNT to the Lower Two Mile Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Wetmore Township McKean County	PAR808344	United Parcel Service, Inc. 521 North Center Avenue New Stanton, PA 15672	UNT to the Hubert Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Millcreek Township Erie County	PAR808347	United Parcel Service, Inc. 521 North Center Avenue New Stanton, PA 15672	UNT to the Walnut Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Summit Township Butler County	PAR808348	United Parcel Service, Inc. 521 North Center Avenue New Stanton, PA 15672	Connoquenessing Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of St. Marys Elk County	PAR218322	Dubrook, Inc. P. O. Box 388 DuBois, PA 15801	Elk Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-4*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Bald Eagle Township Clinton County	PAG045186	Robyn and Judy Orndorf 1606 Sulphur Run Road Jersey Shore, PA 17740	Sugar Run CWF	Water Management Program 208 West Third Street, Williamsport, PA 17701 (570) 327-3664
Findley Township Mercer County	PAG048690	Ronald B. Woods 1391 Butler Pike Mercer, PA 16137	Strip Mine Pond	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Jackson Township Butler County	PAG049154	Grant W. Smith 159 Dutch Road Harmony, PA 16037	UNT to Doe Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Fairview Township Mercer County	PAG049156	Laubscher Cheese Company LTD SFTF 1468 Perry Highway Mercer, PA 16137	UNT to Otter Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-5*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Upper Dublin Township Montgomery County	PAG050051-T1	Exxon Station No. 26320 Maple Glen, LLC 607 Washington Street Reading, PA 19601	UNT to Park Creek	Southeast Regional Office 2 East Main Street Norristown, PA 19401
East Norriton Township Montgomery County	PAG050042 Amendment No. 1	Norristown Exxon, LLC 607 Washington Street Reading, PA 19601-3503	Stony Creek-3F-Lower Schuylkill Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Harrison City Borough Westmoreland County	PAG056203	Howard Gasoline & Oil Company P. O. Box 494 Harrison City, PA 15636	Bushy Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-8 (SSN)*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Licking Township, Clarion County	PAG086101	ALCOSAN 3300 Preble Avenue Pittsburgh, PA 15233	Burns Farms CL4 (Stewart Farm) Licking Township, Clarion County	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Licking and Toby Townships Clarion County	PAG086101	ALCOSAN 3300 Preble Avenue Pittsburgh, PA 15233	Burns Farms CL5 (Spike Wilson Farm) Licking Township, Toby Township Clarion County	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*Facility Location:  
Municipality &  
County*Licking Township  
Clarion County

Permit No.

PAG086101

*Applicant Name &  
Address*ALCOSAN  
3300 Preble Avenue  
Pittsburgh, PA 15233*Site Name &  
Location*Burns Farms CL8  
(Jones Farm)  
Licking Township,  
Clarion County*Contact Office &  
Phone No.*DEP—NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA  
16335-3481  
(814) 332-6942*General Permit Type—PAG-9**Facility Location:  
Municipality &  
County*Greene Township  
Mercer County

Permit No.

PAG098305

*Applicant Name &  
Address*Enterline Septic Cleaning  
196 Maysville Road  
Jamestown, PA 16134*Site Name &  
Location*Enterline Septic  
Cleaning  
196 Maysville Road  
Jamestown, PA  
16134*Contact Office &  
Phone No.*DEP—NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA  
16335-3481  
(814) 332-6942**PUBLIC WATER SUPPLY (PWS)  
PERMITS**

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

**SAFE DRINKING WATER****Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).**

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

**Permit No. 4603503, Public Water Supply.**

Applicant

**Audubon Water Company**  
2650 Eisenhower Avenue  
Norristown, PA 19403

Township

Lower Providence

County

**Montgomery**

Type of Facility

PWS

Consulting Engineer

Daniel R. Hudson  
Evans Mill Environmental, Inc.  
101 Fellowship Road  
Uwchland, PA 19480Permit to Construct  
Issued

March 24, 2005

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

**Operations Permit** issued to: **Nestle Waters North America, Inc.**, 405 Nestle Way, Breinigsville, PA 18031 (PWSID 3396420) Upper Macungie Township, **Lehigh County** and Washington Township, **Northampton County** on March 22, 2005, for the operation of facilities approved under construction permit No. 4803502 issued February 4, 2005.

**Operations Permit** issued to: **Hometown America Communities**, 1161 Valley Stream Drive, Perkiomenville, PA 18074 (PWSID 3480075) Lehigh Township, **Northampton County** on March 25, 2005, for the operation of facilities approved under construction permit No. 4804503.

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

**Permit No. 3104504 MA, Minor Amendment, Public Water Supply.**

Applicant

**Warriors Mark General Authority**

Municipality

Warriors Mark Township

County

**Huntingdon**

Type of Facility

Replacement of approximately  
2,000 feet of waterline (SR 0350  
and SR 0550)

Consulting Engineer Eric S Lundy, P. E.  
Dana R. Boob  
Surveying & Engineering  
P. O. Box 699  
Millheim, PA 16854-0699

Permit to Construct 3/10/2005  
Issued:

**Permit No. 3804504**, Public Water Supply.

Applicant **Plains LPG Services, LP**  
Municipality Heidelberg Township  
County **Lebanon**  
Type of Facility Installation of nitrate treatment  
and UV disinfection.

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

Permit to Construct 3/14/2005  
Issued:

**Permit No. 6704501, Minor Amendment**, Public Water Supply.

Applicant **Exelon Nuclear**  
Municipality Delta Borough  
County **York**  
Type of Facility Amendment to previous permit  
for the replacement of polishing  
filter media and strainers.

Consulting Engineer 1—Not Available

Permit to Construct 3/11/2005  
Issued:

**Operations Permit** issued to: **Exelon Nuclear—Peach Bottom Atomic Power Station**, 7670905, Delta Borough, **York County** on 3/11/2005 for the operation of facilities approved under Construction Permit No. 6704516 MA.

**Operations Permit** issued to: **New Oxford Municipal Authority**, 7010025, Oxford Township, **Adams County** on 3/16/2005 for the operation of facilities approved under Construction Permit No. 0103501.

**Operations Permit** issued to: **Mt. Gretna Heights Assoc. Inc.**, 7380039, West Cornwall Township, **Lebanon County** on 3/16/2005 for the operation of facilities approved under Construction Permit No. 3802503.

**Operations Permit** issued to: **United Water Pennsylvania**, 7220015, Susquahanna Township, **Dauphin County** on 3/10/2005 for the operation of facilities approved under Construction Permit No. 2203505 MA.

**Operations Permit** issued to: **Exelon Nuclear**, 7670905, Delta Borough, **York County** on 3/11/2005 for the operation of facilities approved under Construction Permit No. 6705501 MA.

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

**Permit No. 3204504**, Public Water Supply.

Applicant **Indiana County Municipal Services Authority**  
827 Water Street  
Indiana, PA 15701

Borough or Township Washington Township  
County **Indiana**  
Type of Facility Crooked Creek Water Treatment System

Consulting Engineer Gibson-Thomas Engineering, Inc.  
1004 Ligonier Street  
P. O. Box 853  
Latrobe PA 15650

Permit to Construct March 18, 2005  
Issued

**Permit No. 0204502**, Public Water Supply.

Applicant **Township of Shaler**  
300 Wetzel Road  
Glenshaw, PA 15116

Borough or Township Shaler Township  
County **Allegheny**

Type of Facility Anderson/Sharpshill/Eade tanks  
and East Elfinwild pump station

Consulting Engineer KLH Engineers, Inc.  
5173 Campbells Run Road  
Pittsburgh, PA 15205

Permit to Construct March 24, 2005  
Issued

**Operations Permit** issued to: **Fawn-Frazer Joint Water Authority**, 326 Dunnellville Road, Natrona Heights, PA 15065, (PWSID #5020076) Frazer Township, **Allegheny County** on March 10, 2005, for the operation of facilities approved under Construction Permit No. 0271501-A3.

**Operations Permit** issued to: **Wilksburg-Penn Joint Water Authority**, 2200 Robinson Boulevard, Pittsburgh, PA 15221, (PWSID #5020056) Penn Hills, **Allegheny County** on March 10, 2005, for the operation of facilities approved under Construction Permit No. 0299509.

**Operations Permit** issued to: **Somerset Township Municipal Authority**, 2209 North Center Avenue, Somerset, PA 15501, (PWSID #4560002) Somerset Township, **Somerset County** on March 29, 2005, for the operation of facilities approved under Construction Permit No. 5602501.

**Permit No. 0202502-A1, Minor Amendment**. Public Water Supply.

Applicant **Moon Township Municipal Authority**  
1700 Beaver Grade Road  
Suite 200  
Moon Township, PA 15108

Borough or Township Moon Township  
County **Allegheny**

Type of Facility Disinfection system changes

Consulting Engineer Nichols & Slagle Engineering, Inc.  
333 Rouser Road  
Airport Office Park  
Building 4, Suite 600  
Moon Township, PA 15108

Permit to Construct March 23, 2005  
Issued

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a)**

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Summit Hill Borough	116 West Ludlow Street Summit Hill, PA 18250	Carbon

*Plan Description:* The approved plan provides for a systematic plan to identify and propose corrective measures for portions of the Borough's wastewater collection system that may be subject to excessive amounts of infiltration/inflow (I/I). The CAP also contains time schedules for the implementation of the activities proposed in the CAP. The CAP is now to be considered an integral part of the Borough of Summit Hill's Official Sewage Facilities Plan.

Should conditions be encountered during the implementation of the CAP, which require the alteration of the approved CAP, the Borough of Summit Hill shall contact the Department, in writing, and discuss the need to alter the CAP at the earliest possible time. Any additional wastewater-related improvements, additions, deletions or changes outside of those explicitly described in the CAP must be in compliance with the Department's regulations and be submitted to and approved by the Department in writing.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Coaldale Borough	P. O. Box 116 Coaldale, PA 18218	Schuylkill
Lansford Borough	P. O. Box 126 Lansford, PA 18232	Carbon
Summit Hill Borough	116 West Ludlow Street Summit Hill, PA 18250	Carbon

*Plan Description:* The CAP proposes a systematic plan to identify and propose corrective measures for portions of the Authority's wastewater conveyance and treatment facilities that may be subject to excessive amounts of infiltration/inflow (I/I). The CAP also contains time schedules for the implementation of the activities proposed in the CAP. The CAP is now to be considered an integral part of the Official Sewage Facilities Plans of Coaldale Borough, Lansford Borough, and Summit Hill Borough.

Any additional wastewater-related improvements, additions, deletions or changes outside of those explicitly described in the CAP must be in compliance with the Department's regulations and be submitted to and approved by the Department in writing.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Logan Township	800 39th Street Altoona, PA 16602-1799	Blair

*Plan Description:* The approved Weaver Street Sanitary Sewer Extension plan provides for installation of a sanitary sewer line to connect 13 existing residential homes and 2 commercial sites that are currently serviced by existing on lot sewage systems. A 1,500 linear foot sanitary sewer line extension will be constructed. The new 8-inch sanitary sewer line will tie into the existing Westmont Interceptor at a manhole near Mill Run Road. The sewage will be treated at the Westerly Sewage Treatment Plant, which is operated and maintained by the Altoona City Authority. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Huston Township	R. R. 2, Box 54 Martinsburg PA 16662	Blair County

*Plan Description:* The approved plan provides for construction of a Small Flow Treatment Facility for the Clappertown Christian Missionary & Alliance Church to repair an existing malfunctioning on lot sewage disposal system. The proposed sewage flows are 1,600 gallons per day with a discharge to an UNT of Piney Creek. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

**HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988**

**Settlement under HSCA and CERCLA Bishop Tube Site, East Whiteland Township, Chester County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305) and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C.A. §§ 9601—9675), has entered into a Prospective Purchaser Agreement (Agreement) with Constitution Drive Partners, L. P. (CDP) regarding the Bishop Tube HSCA Site.

The Bishop Tube Site is located approximately 1/4 mile south of US Route 202 in East Whiteland Township, Chester County. The Site consists of land totaling approximately 13.7 acres and was formerly used as a precious metals and stainless steel manufacturing facility. The Department has determined that there is significant soils and groundwater contamination at the Site.

The Site was acquired by the Central and Western Chester County Industrial Development Authority for potential redevelopment and has now been sold to CDP for purposes of commercial redevelopment. Other than potential liability associated with its purchase of the Site, CDP has asserted, and the Department has no information to indicate otherwise, that it neither caused, contributed to nor is otherwise liable for any contamination at the Bishop Tube Site. Under the terms of the Agreement with the Department, which was executed immediately prior to CDP's acquisition of the Site, CDP agrees: (1) to assess and clean up soils contamination at the Site to one

of the standards set forth in the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908); (2) not to exacerbate any existing contamination at the Site; and (3) to provide access and right of entry to the Department for potential future remediation of groundwater contamination in exchange for a covenant not to sue and contribution protection from the Commonwealth.

This notice is provided under section 1113 of the HSCA (35 P. S. § 6020.1113). The Agreement may be examined from 8 a.m. to 4 p.m. at the Department's offices at 2 East Main Street, Norristown, PA 19401 by contacting either George Horvat at (484) 250-5717 or Anderson Lee Hartzell at (484) 250-5866. A public comment period on the Agreement will extend for a period of 60 days from the date of publication of this notice. Interested persons may submit written comments regarding the PPA to the Department by submitting them to George Horvat at the previously listed address.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**3742 Main Street**, City of Philadelphia, **Philadelphia County**. Rodd W. Bender, Manko, Gold, Katcher & Fox, LLP on behalf of Tina Roberts, 3780 Main St. Assoc., LP has submitted a Final Report concerning remediation of site soil contaminated with inorganics, PAH and PCB. The report is intended to document remediation of the site to meet the Statewide Health and Site-Specific Standards.

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

**Westinghouse Air Brake Technology Company**, Borough of Wilmerding, **Allegheny County**. Bruce Shaw, American Geosciences, Inc., 3925 Reed Blvd., Suite 400, Monroeville, PA 15668-1848 (on behalf of Westinghouse Air Brake Technology Company, 1001 Air Brake Avenue, Wilmerding, PA 15148) has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with heavy metals, solvents, BTEX and PHCs. The report is intended to document remediation of the site to meet the Site Specific Standard.

**#1 Cochran Automotive**, Borough of Monroeville, **Allegheny County**. David J. Birchard, Environmental Remediation & Recovery, Inc., 5719 Route 6N, Edinboro, PA 16412 on behalf of Rob Cochran, #1 Cochran Automotive, 4200 William Penn Highway, Monroeville, PA 15146, and William Krahe, ECHO Real Estate, 701 Alpha Drive, Pittsburgh, PA 15328 has submitted a Remedial Investigation Report concerning the remediation of site soils and groundwater contaminated with benzene, naphthalene, MTBE, and ethyl benzene. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

**Stackpole Center Ind. Site Northeast Area**, City of St. Marys, **Elk County**. Emsource St. Marys LLC, 111 Commercial St., Suite 400, Portland ME 04101 has submitted a Final Report concerning remediation of site Soil and Groundwater contaminated with Trichlorethene, 1,2-dichlorethene and 1,2-dichloroethane and Vinyl Chloride, Cadmium, Nickel and Lead. The report is intended to document remediation of the site to meet the Site-Specific Standards.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a

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

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

The Department has received the following plans and reports:

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

**Defense Distribution Depot Susquehanna, Pennsylvania (DDSP) N-PX Gas Station, Fairview Township, York County.** Defense Distribution Depot Susquehanna, 2001 Mission Drive, New Cumberland, PA 17070, submitted a combined Remedial Investigation and Risk Assessment concerning remediation of site soils and groundwater contaminated with solvents and BTEX compounds. The site is being remediated to a Site-Specific standard. The combined report was approved by the Department on March 24, 2005.

**Agway Curryville Property, North Woodbury Township, Blair County.** Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110-9307, on behalf of Agway, Inc., 5790 Widewaters Parkway, Dewitt, NY 13214, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with inorganics, pesticides and herbicides. The final report demonstrated attainment of a combination of the State-wide Health and Site-specific standards. The Remedial Investigation and Final Report were approved by the Department on March 25, 2005.

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

**McKeesport Steel Casting, City of McKeesport, Allegheny County.** Charles Haefner Jr., P. G., KU Resources Inc., Business Innovation Center, Suite 207, One Library Place, Duquesne, PA 15110 (on behalf of Stahl Gear & Machine, P. O. Box 720, Duquesne, PA 15110) has submitted a Remedial Investigation Report, Risk Assessment Report, and Cleanup Plan concerning remediation of site soil and groundwater contaminated with lead, heavy metals, PAHs and SVOCs. Remedial Investigation Report, Risk Assessment Report, and Cleanup Plan were approved by the Department on March 3, 2005.

**Retail Parcel—Former Auld Lumber, Hampton Township, Allegheny County.** Robert J. Valli, P. G., Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Northwest Savings Bank, 225 Second Avenue, P. O., Box 128, Warren, PA 16365) has submitted a Final Report concerning remediation of site groundwater contaminated with solvents, BTEX and PAHs. The Final Report demonstrated attainment of the nonresidential Statewide Health Standard and was approved by the Department on March 3, 2005.

#### REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

**Registration approved under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Residual Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and residual waste regulations for a general permit to operate residual waste processing facilities and/or the beneficial use of residual waste other than coal ash.**

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

**Registration Under General Permit No. WMGR090R041. Whitehall Township, 319 MacArthur Road, Whitehall, PA 18052-2900.**

General Permit No. WMGR090 authorizes the processing and beneficial use of reclaimed asphalt pavement materials as a roadway construction material. Central Office approved this registration for coverage under the general permit on March 29, 2005.

Persons interested in obtaining more information, or obtaining copies of the general permit may contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

#### AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

**48-310-053GP3: Northledge LLC** (930 East Market Street, Bethlehem, PA 18017) on March 24, 2005, to construct and operate a portable stone crushing plant and associated air cleaning device at their facility at Box 186, Route 611, Lower Mount Bethel Township, **Northampton County**.

**40-323-015GP4: Graham Packaging—PET Technologies Incorporated** (12 Maplewood Drive, Hazleton, PA 18201) on March 24, 2005, to construct and operate a burn-off oven and associated air cleaning device at their facility in Hazle Township, **Luzerne County**.

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

**GP4-07-03050: Altoona-Beasley Manufacturing, Inc.** (210 East Plant Road, Altoona, PA 16603) on March 23, 2005, authorized to operate burn off ovens in City of Altoona, **Blair County**.

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

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

**48-328-007: Green Knight Economic Development Corp.** (2147 Pen Argyl Road, Pen Argyl, PA 18072) on March 16, 2005, for installation of a new turbine core at their facility in Plainfield Township, **Northampton County**.

**48-307-061: Waylite Division—International Mill Service, Inc.** (1155 Business Center Drive, Horsham, PA 19044) on March 21, 2005, to construct a steel slag processing plant and portable power screen operation to replace the existing system at their facility in Bethlehem, **Northampton County**.

**45-317-001A: CHS, Inc.** (P. O. Box 147, Mount Pocono, PA 18344) on March 21, 2005, to modify a flour milling operation and associated air cleaning devices at their facility in Pocono Township, **Monroe County**.

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

**38-03007A: Evans Eagle Burial Vaults, Inc.** (15 Graybill Road, Leola, PA 17540) on March 24, 2005, to construct a gas-fired cremation chamber at their facility in Heidelberg Township, **Lebanon County**.

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**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

**46-0037N: Cabot Supermetals** (P. O. Box 1608, County Line Road, Boyertown, PA 19512) on March 25, 2005, to amend the operation of a tantalum production line in Douglass Township, **Montgomery County**.

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

**48-306-008D: Northampton Generating Co. LP** (1 Horwith Drive, Northampton PA 18067) on March 24, 2005, to modify a fluidized bed boiler and associated air cleaning device at their facility in Northampton Borough, **Northampton County**. The Plan Approval has been extended.

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

**60-303-003: Eastern Industries, Inc.** (P. O. Box 177, Winfield, PA 17889) on March 18, 2005, to operate a drum mix asphalt plant and associated air cleaning device (a fabric collector) on a temporary basis until July 16, 2005, in Buffalo Township, **Union County**. The plan approval has been extended.

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

**04-00719A: Lehigh Cement Co.** (3111 Water Street, Richmond, VA 23223) on March 22, 2005, to complete construction on the dock expansion at the Bulk Cement Terminal in Aliquippa, **Beaver County**. This plan approval was extended.

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

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*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.*

**67-05030: CP Converters, Inc.** (15 Grumbacher Road, York, PA 17402) on March 24, 2005, for a Title V Operating Permit Renewal in Manchester Township, **York County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.*

**24-00009: Weyerhaeuser, Inc.** (100 Center Street, Johnsonburg, PA 15845) on March 21, 2005, to issue the Title V Amendment Operating Permit to operate their paper mill in Johnsonburg Borough, **Elk County**. As a result of potential emissions of NOx and VOC, the facility is a major source, and is therefore subject to Reasonable Available Control Technology. The issued amended Title V Operating Permit does not reflect any changes in air emission from the facility. The facility is subject to Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The facility is subject to Compliance Assurance Monitoring under 40 CFR Part 64.

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

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

**65-00044: Texas Eastern Production Pipeline Co. Limited Partnership—TEPPCO** (P. O. Box 4040, Route 136, Greensburg, PA, 15601-8040) on March 28, 2005. The facility's major sources of emissions include two liquid petroleum gas (LPG) flares, LPG dehydrators and a



salt bath heater at their Greensburg Terminal in Hempfield Township, **Westmoreland County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.*

**62-00035: IA Construction Corp.—Warren Plant** (240 River Road, Warren, PA 16365) on March 22, 2005, for a Synthetic Minor Permit to operate their hot mix asphalt plant in Conewango Township, **Warren County**. The significant sources are hot mix batch plant; fugitives from transfer points. The facility has taken a restriction on production not exceeding 495,000 tons per year to qualify as a Synthetic Minor facility.

**10-00230: IA Construction Corp.—Zelienople Plant** (158 Lindsay Road, Zelienople, PA 16063) on March 22, 2005, for a Synthetic Minor Permit to operate a hot mix asphalt plant in Jackson Township, **Butler County**. The significant sources are hot mix batch plant; fugitives from transfer points. The facility has taken a restriction on production not exceeding 495,000 tons per year to qualify as a Synthetic Minor facility.

**25-00395: Eriez Manufacturing Co.** (2200 Asbury Road, Erie, PA 16506) on March 23, 2005, for a Natural Minor Permit for two spray surface coating operations at their Eriez Magnetics Plant in Millcreek Township, **Erie County**.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

**22-05023: Pittsburgh Terminals Corp.** (P. O. Box 2621, Harrisburg, PA 17105) on March 21, 2005, to operate their Harrisburg Terminal in Swatara Township, **Dauphin County**. The Synthetic Minor Operating Permit was administratively amended to reflect a change in ownership from ExxonMobil Oil Corporation to Pittsburgh Terminals Corp. This is Revision No. 2 to this operating permit.

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

**55-00003: Susquehanna University** (514 University Avenue, Selinsgrove, PA 17870) on March 22, 2005, via the minor operating permit modification requirements of 25 Pa. Code § 127.462, to provide greater flexibility, with respect to coal and fuel oil usage, in achieving compliance with the facility's 100 ton per 12 consecutive month period synthetic minor sulfur oxides emission limitation in Selinsgrove Borough, **Snyder County**.

**17-399-018: DuPenn, Inc.—Metaltech Division** (Route 219 South, DuBois, PA 15801) on March 24, 2005, via the minor operating permit modification requirements of 25 Pa. Code § 127.462, to allow the use of additional lubricants/lubricant blends in three powdered metal parts sintering furnaces in Sandy Township, **Clearfield County**.

**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).**

*Coal Permits Actions*

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

**11773037 and NPDES Permit No. PA0069159. Cooney Brothers Coal Company**, P. O. Box 246, Crescon, PA 16630, surface mining permit renewal for reclamation only in Conemaugh Township, **Cambria County**, affecting 358.7 acres. Receiving streams: UNTs to and Little Conemaugh River classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 1, 2005. Permit issued March 23, 2005.

*Knox District Mining Office: P. O. Box 669, Knox, PA 16232, (814) 797-1191.*

**33010103 and NPDES No. PA0241954. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849). Revision to an existing bituminous strip operation to modify the abatement plan in Winslow Township, **Jefferson County**. Receiving streams: UNT to Sandy Lick Creek. Application received: January 10, 2005. Permit Issued: March 22, 2005.

**33010103 and NPDES No. PA0241954. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849). Renewal of an existing bituminous strip operation in Winslow Township, **Jefferson County** affecting 103.0 acres. This renewal is issued for an additional 5-year term. Receiving streams: UNT to Sandy Lick Creek. Application received: January 10, 2005. Permit Issued: March 22, 2005.

**16920107 and NPDES No. PA0211435. RFI Energy, Inc.** (555 Philadelphia Street, Indiana, PA 15701). Revision to an existing bituminous strip, tippel refuse disposal, and beneficial use of coal ash operation to add 7.0 acres in Perry and Licking Townships, **Clarion County**. Receiving streams: UNTs to Cherry Run. Application received: November 3, 2004. Permit issued: March 22, 2005.

**5974-16920107-E-5. RFI Energy, Inc.** (555 Philadelphia Street, Indiana, PA 15701). Application for a stream encroachment to mine through and reconstruct approximately 1,100 feet of an UNT No. 1 to Cherry Run in Perry and Licking Townships, **Clarion County**. Receiving streams: UNT to Cherry Run. Application received: November 3, 2004. Permit issued: March 22, 2005.

*Pottsville District Mining Office: 5 W. Laurel Boulevard, Pottsville, PA 17901.*

**54880201R3. Blaschak Coal Corp.** (P. O. Box 12, Mahanoy City, PA 17948), renewal of an existing coal refuse reprocessing operation in Pine Grove Township, **Schuylkill County** affecting 19.6 acres, receiving stream: none. Application received August 24, 2004. Renewal issued March 24, 2005.

*Noncoal Permits Actions*

*Greensburg District Mining Office: R. R. 2, Box 603-C, Greensburg, PA 15601, (724) 925-5500.*

**26840301 and NPDES Permit No. PA0200042. Norman Thomson** (P. O. Box 10, Lemont Furnace, PA 15456). NPDES Permit renewal issued continued reclamation and treatment of discharges at a noncoal surface mine located in North Union Township, **Fayette County**, affecting 50.2 acres. Receiving stream: UNT to Cove Run. Application received: January 18, 2005. NPDES renewal issued: March 23, 2005.

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

**50050802. Robert H. Snyder** (R. R. 4 Box 4267, Duncannon, PA 17020), commencement, operation and restoration of a Small Noncoal (Shale and Topsoil) Quarry operation in Watts Township, **Perry County** affecting 5.0 acres. Receiving stream: Tributary to the Susquehanna River. Application received January 28, 2005. Permit issued March 21, 2005.

**58050802. Edward Greene, III** (R. R. 3 Box 217A-3, Susquehanna, PA 18847), commencement, operation and restoration of a Small Noncoal (Shale and Sandstone) Quarry operation in Harmony Township, **Susquehanna County** affecting 5.0 acres. Receiving stream: East Branch of Canawacta Creek. Application received December 22, 2004. Permit issued March 22, 2005.

**66032803. Walter Flagstone, Inc.** (R. R. 1 Box 40, Sugar Run, PA 18846), commencement, operation and restoration of a bluestone quarry operation in Windham Township, **Wyoming County** affecting 4.0 acres, receiving stream: none. Application received August 18, 2003. Permit issued March 25, 2005.

**58040834. Anthony P. Bennett** (R. R. 1 Box 4056, Wyalusing, PA 18853), commencement, operation and restoration of a bluestone quarry operation in Middletown Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received June 4, 2004. Permit issued March 25, 2005.

**58042808. Timothy Mark Smith** (R. R. 3 Box 329-E, Montrose, PA 18801), commencement, operation and restoration of a bluestone quarry operation in New Milford Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received December 9, 2004. Permit issued March 25, 2005.

**58042809. Timothy Mark Smith** (R. R. 3 Box 329-E, Montrose, PA 18801), commencement, operation and restoration of a bluestone quarry operation in New Milford Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received December 9, 2004. Permit issued March 25, 2005.

**50050801. Denny W. Metz** (2149 Rock Hollow Road, Loysville, PA 17047), commencement, operation and restoration of a quarry operation in Saville Township, **Perry County** affecting 5.0 acres, receiving stream: none. Application received January 11, 2005. Permit issued March 25, 2005.

**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. 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.**

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

**23054002. Explo-Craft, Inc.** (P. O. Box 1332, West Chester, PA 19380), construction blasting at Creekside Run in Bethel Township, **Delaware County** with an expiration date of April 17, 2006. Permit issued March 21, 2005.

**23054003. Explo-Craft, Inc.** (P. O. Box 1332, West Chester, PA 19380), construction blasting at Mill Ridge in Aston Township, **Delaware County** with an expiration date of April 17, 2006. Permit issued March 21, 2005.

**52054104. Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting for Pocono Ranch Lands in Lehman Township, **Pike County** with an expiration date of April 30, 2006. Permit issued March 21, 2005.

**28054103. T. J. Angelozzi, Inc.** (7845 Kabik Court, Woodbine, MD 21797), construction blasting on Joann Drive in Greencastle Borough, **Franklin County** with an expiration date of March 18, 2006. Permit issued March 23, 2005.

**38054109. Keystone Blasting Service** (381 Reifsyder Road, Lititz, PA 17543), construction blasting for Hornings Roadside Market in Jackson Township, **Lebanon County** with an expiration date of December 30, 2005. Permit issued March 23, 2005.

**48054102. Austin Powder Company** (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Saddle Brook Development in Upper Mt. Bethel Township, **Northampton County** with an expiration date of March 11, 2006. Permit issued March 23, 2005.

**21054116. John W. Gleim, Jr., Inc.** (625 Hamilton Street, Carlisle, PA 17013), construction blasting for Bent Creek Development in Silver Spring Township, **Cumberland County** with an expiration date of August 1, 2005. Permit issued March 24, 2005.

**09054003. Eastern Blasting Company, Inc.** (1292 Street Road, New Hope, PA 18938), construction blasting at Towering Oaks of Yardley in Lower Makefield Township, **Bucks County** with an expiration date of December 31, 2005. Permit issued March 25, 2005.

**09054002. Eastern Blasting Company, Inc.** (1292 Street Road, New Hope, PA 18938), construction blasting at Arbor Point in Buckingham Township, **Bucks County** with an expiration date of June 30, 2006. Permit issued March 25, 2005.

**09054004. West End Drilling & Blasting, Inc.** (P. O. Box 1646, Brodheads ville, PA 18322), construction blasting at Reserves @ New Briton in Chalfont Borough, **Bucks County** with an expiration date of April 25, 2006. Permit issued March 25, 2005.

**06054007. Schlouch, Inc.** (Excelsior Industrial Park P. O. Box 69, Blandon, PA 19510), construction blasting at Governor Point in Cumru Township, **Berks County** with an expiration date of April 21, 2006. Permit issued March 25, 2005.

**46054005. AMROC** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting at Woodmont in Lower Moreland Township, **Montgomery County** with an expiration date of April 22, 2006. Permit issued March 25, 2005.

### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E67-775: Department of Transportation Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103 in Washington Township, **York County**, ACOE Baltimore District.

To remove the existing structure and then to construct and maintain a 76-inch by 48-inch concrete elliptical pipe culvert at the channel of an unnamed tributary to North Branch Bermudian Creek (WWF) and associated improvements on SR 4043, Section 003 to improve the traffic safety condition located about 0.75 mile northwest of Bermudian Village (Dillsburg, PA Quadrangle N: 5.23 inches; W: 6.25 inches) in Washington Township, York County.

**E31-200: Department of Transportation Engineering District 9-0**, 1620 North Juniata Street, Hollidaysburg, PA 16648 in Clay Township, **Huntingdon County**, ACOE Baltimore District.

To remove the existing structure and then to construct and maintain a 14-foot by 6.67-foot box culvert at the channel of an unnamed tributary to Three Springs Creek (CWF) and associated improvements on SR 2004 Segment 0020, Offset 0000 in order to improve the traffic safety condition located about 0.7 mile southeast of Three Springs Borough (Orbisonia, PA Quadrangle N: 11.15 inches; W: 14.17 inches) in Clay Township, Huntingdon County.

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

**E08-419. Wysox Creek Watershed Association, Inc.**, P. O. Box 174, Rome, PA 18837. Northeast School/Johnson Creek Restoration Project, in Pike and Orwell Townships, **Bradford County**, ACOE Baltimore District (Le Raysville, PA Quadrangle N: 20.2 inches; W: 15.7 inches).

To construct, operate and maintain a stream stabilization project consisting of 10,776 linear feet of Johnson Creek and 579 linear feet of Beaver Creek. The construction is broke into two phases labeled phase one and phase two. Phase one consists of lower Johnson Creek stabilization of 2,023 linear feet in length between stations 66+50 and 86+73. The project will consist of 4 "J"-hook veins, 10 cross veins, 2 log veins and 46 root wads. This phase also includes the 579 linear feet of Beaver Creek which includes 3 "J"-hook veins, 6 cross veins, 1 log vein and 14 root wads. Phase two of the permit consists of the construction between stations 0+00 through 66+50 of Lower Johnson Creek and construction of the entire 2,086 linear foot upper Johnson Creek Reach between stations 0+00—20+86. The phase will include 49 "J" hook veins, 40 cross veins, 15 log veins, and 209 root wades. This permit also includes 401 Water Quality Certification.

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

**E02-1480. Borough of West Mifflin**, 3000 Lebanon Church Road, West Mifflin, PA 15122. To construct a stream enclosure in the Borough of West Mifflin, **Allegheny County**, Pittsburgh ACOE District. (Glassport, PA Quadrangle N: 19.9 inches; W: 1.2 inches and Latitude: 40° 21' 35"—Longitude: 79° 53' 01"). To remove the existing 78-inch diameter culvert and to construct and maintain a new 78-inch diameter stream enclosure 135.0 feet in length in the channel of an unnamed tributary to Thompson Run (WWF) for the purpose of improving the entrance road to West Mifflin Park. The project is located on the north side of Bettis Road, approximately 1,500 feet southwest from the intersection of Bettis Road and Union Road. This permit also authorizes the construction and maintenance of a temporary road crossing and a temporary 24-inch diameter diversion pipe and will impact a total of 155.0 linear feet of stream channel.

**E63-556. Maronda Homes, Inc.**, 202 Park West Drive, Pittsburgh, PA 15275. To construct a concrete box culvert and fill wetlands in North Strabane Township, **Washington County**, Pittsburgh ACOE District. (Washington East, PA Quadrangle N: 21.2 inches; W: 9.5 inches and Latitude: 40° 14' 30"—Longitude: 80° 11' 35"). To remove the existing driveway crossing, to place and maintain fill in 0.02 acre of wetlands, to construct and maintain a concrete box culvert 10 feet wide and 8 feet high (depressed 1 foot with baffles) approximately 92 feet long with 12 feet long concrete aprons on the upstream and downstream sides and a riprap energy dissipater for 26 feet on the downstream end of the culvert, to place and maintain fill along the left bank flood plain for approximately 300 feet and construct and maintain a stormwater outfall in, along and to an UNT to Chartiers Creek (WWF) for a proposed residential development to be known as Maple Ridge. The project will be located on the south side of SR 519 approximately 0.6 miles east of its southbound exit off of SR 79.

**E63-568. Washington County Commissioners**, 100 West Beau Street, Suite 702, Washington, PA 15301. To construct a single span bridge in Hanover and Robinson Townships, **Washington County**, Pittsburgh ACOE District. (Clinton, PA Quadrangle N: 11.3 inches; W: 15.9 inches and Latitude: 40° 26' 14"—Longitude: 80° 21' 51"). To remove the existing structure and to construct and maintain a single span bridge having a normal clear span of 73 feet 9 inches at a 70° skew angle and an underclearance of approximately 11 feet 7 inches over Raccoon Creek (WWF), to construct and maintain various outfalls to Raccoon Creek and to place and maintain fill in a deminimus area of palustrine emergent wetland equal to 0.0001 acre. The bridge (T-500, Donaldson Bridge Raccoon Creek No. 7) is located on Raccoon Creek Road.

**E65-856. Youngwood Borough**, 17 South Sixth Street, Youngwood, PA 15697-1231. To remove and construct a box beam bridge in Youngwood Borough, **Westmoreland County**, Pittsburgh ACOE District. (Mt. Pleasant, PA Quadrangle N: 20.8 inches; W: 10.5 inches and Latitude: 40° 14' 22"—Longitude: 79° 34' 31"). To (work authorized as stated on permit) remove the existing structures and 1) to construct and maintain a precast adjacent box beam, single span bridge having a clear span of 80.0 feet and an underclearance of 12.0 feet over Jacks Run (WWF); 2) to realign and maintain 380 linear feet of Jacks Run (WWF) and to place and maintain R-8 rock riprap for bank protection along the realigned section of stream; and 3) to construct and maintain one 48-inch diameter and two 24-inch diameter stormwater outfalls in Jacks Run (WWF). The project will permanently impact 380 linear feet of perennial stream; no vegetated wetlands will be impacted. The project is located on Depot Street.

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## SPECIAL NOTICES

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### Request for Comment and Notice of Public Meeting for Proposed Total Maximum Daily Loads (TMDLs) for the Proposed Amendments to the Laurel Run Watershed Final TMDL in Fayette County

*Greensburg District Mining Office: Mike Gardner, Armbrust Professional Center, R. D. 2, Box 603-C, Greensburg, PA 15601.*

The Department of Environmental Protection (Department) is holding a public meeting on April 26, 2005, at 7 p.m. at the Ohiopyle State Park Office in Ohiopyle, PA to discuss and accept comments on the proposed amendments to the Laurel Run Watershed Final TMDL, approved April 9, 2003, by the United States Environmental Protection Agency (EPA). The proposed amendments address the misclassification of Laurel Run, the oversight of two permitted discharges and the absence of aluminum waste load allocations for permitted discharges in the approved final TMDL.

The data and all supporting information used to develop the proposed amendments to the TMDL are available from the Department. To request a copy of the proposed Amended Laurel Run Watershed Final TMDL and an information sheet, contact Mike Gardner at (724)-925-5522 between 8 a.m. and 3 p.m., Monday through Friday. E-mail will be received at mgardner@state.pa.us. Directions to the meeting place can also be obtained through this contact.

The TMDL can be viewed and printed by accessing the Department's website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: TMDL).

Written comments will be accepted at the previously listed address and must be received by June 8, 2005. Persons who plan to make a presentation at the public meeting should notify the Department by 3 p.m. on April 22, 2005. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

[Pa.B. Doc. No. 05-656. Filed for public inspection April 8, 2005, 9:00 a.m.]

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### Citizens Advisory Council Meeting Change

The April 19, 2005, Citizens Advisory Council (Council) meeting previously scheduled to start at 10:30 a.m. in Room 105, Rachel Carson State Office Building, Harrisburg, PA has been moved to 11 a.m. or immediately following the conclusion of the Environmental Quality Board meeting. An agenda and meeting materials for this meeting will be available on the Council's website at [www.cacdep.state.pa.us](http://www.cacdep.state.pa.us).

Questions concerning the Council's next scheduled meeting should be directed to Stephanie Mioff at (717) 787-4527 or [stmioff@state.pa.us](mailto:stmioff@state.pa.us).

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-657. Filed for public inspection April 8, 2005, 9:00 a.m.]

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### Pennsylvania Energy Development Authority; Funding Opportunity Available

The Pennsylvania Energy Development Authority (Authority) was established to promote applied energy research, to provide financial incentives for the deployment

of clean alternative energy projects in this Commonwealth and to promote investment in this Commonwealth's energy sector. The Authority is seeking applications for innovative, advanced energy research and deployment projects and for businesses interested in locating their advanced energy operations in this Commonwealth. For this round of funding, projects must be related to electric power.

For purposes of this financial assistance opportunity, "alternative energy projects and related research" refers to deployment projects, manufacturing or applied research involving the following types of fuels, technologies or measures: solar energy; wind; low-impact hydropower; geothermal; biologically derived methane gas, including landfill gas; biomass; fuel cells; coal-mine methane; waste coal; integrated gasification combined cycle; and demand management measures, including recycled energy and energy recovery, energy efficiency and load management.

Under this program, the Authority may award financial assistance in the form of grants, loans or loan guarantees. Eligibility differs depending on the type of assistance requested.

For grants under this solicitation, the following entities are eligible to apply: corporations, partnerships, associations and other legal business entities; nonprofit corporations; individuals; municipalities in this Commonwealth; and any public corporations, authorities or bodies whatsoever. In the case of applied research grants, the Authority encourages the formation of public and private partnerships among postsecondary and private sector organizations. Applications for applied research grants proposed by a partnership will be given priority over those proposed by a single entity.

For loans, the following entities are eligible to apply: corporations; partnerships and other legal business entities; municipalities in this Commonwealth; and any public corporations, authorities or bodies whatsoever. Eligibility for loan guarantees is limited to corporations, partnerships and other legal business entities.

Funding is competitive and will be determined by vote of the Board of Directors. Guidelines and applications may be viewed and downloaded from the Authority's website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword PEDDA). Applications will be accepted through May 13, 2005.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-658. Filed for public inspection April 8, 2005, 9:00 a.m.]

### **State Water Plan; Statewide Water Resources Committee; Critical Water Planning Area Subcommittee Meeting**

The Critical Water Planning Area Subcommittee of the State Water Plan, Statewide Water Resources Committee has scheduled a meeting to discuss the development of criteria/guidelines for designation of Critical Water Planning Areas. The meeting will be held on April 26, 2005, at 10 a.m. at the Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110.

Questions concerning this meeting should be directed to Susan K. Weaver, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 783-8055, [suweaver@state.pa.us](mailto:suweaver@state.pa.us).

Persons with a disability who require accommodations to attend the meeting should contact the Department of Environmental Protection (Department) at (717) 705-2425 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-659. Filed for public inspection April 8, 2005, 9:00 a.m.]

### **State Water Plan; Statewide Water Resources Committee Meeting**

The State Water Plan, Statewide Water Resources Committee has scheduled a meeting to discuss the development of the State Water Plan. The meeting will be held on May 4, 2005, at 9:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning this meeting should be directed to Susan K. Weaver, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 783-8055, [suweaver@state.pa.us](mailto:suweaver@state.pa.us).

Persons with a disability who require accommodations to attend the meeting should contact the Department of Environmental Protection (Department) at (717) 705-2425 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-660. Filed for public inspection April 8, 2005, 9:00 a.m.]

## **DEPARTMENT OF PUBLIC WELFARE**

### **Proposed Federal Child Care and Development Fund State Plan Public Hearing**

The Department of Public Welfare (Department), Office of Child Development will hold a public hearing on the proposed Federal Child Care and Development Fund (CCDF) State Plan for the period October 1, 2005, through September 30, 2007. The hearing will be held on May 9, 2005, from 1 p.m. to 4 p.m. in Hearing Room 3, First Floor, Keystone Building, Forster Street and Commonwealth Avenue, Harrisburg, PA. The purpose of the public hearing is to gather comments on the proposed CCDF State Plan from the general public. Based upon comments received, the Commonwealth will consider necessary revisions to the proposed plan and develop a final plan to send the Federal government.

*Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Office of Child Development, P. O. Box 2675, Harrisburg, PA 17120. Comments are due within 30 days of this notice.

Persons who would like to review the proposed plan should call the Office of Child Development at (717) 346-9320 after April 20, 2005, to request a description of the content of the proposed plan.

Persons wishing to testify at the public hearing should register by May 2, 2005, by calling Michele Messinger, Office of Child Development at (717) 346-9320.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Services at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

[Pa.B. Doc. No. 05-661. Filed for public inspection April 8, 2005, 9:00 a.m.]

# ENVIRONMENTAL QUALITY BOARD

## Environmental Quality Board Meeting Change

The April 19, 2005, Environmental Quality Board (Board) meeting previously scheduled to start at 9 a.m. in Room 105, Rachel Carson State Office Building, Harrisburg, PA has been moved to 10 a.m. An agenda and meeting materials for this meeting will be available on the Department of Environmental Protection's website at www.dep.state.pa.us (DEP Keyword: EQB).

Questions concerning the Board's next scheduled meeting should be directed to Natalie Shepherd at (717) 783-8727 or nshepherd@state.pa.us.

KATHLEEN A. MCGINTY,  
*Chairperson*

[Pa.B. Doc. No. 05-662. Filed for public inspection April 8, 2005, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
7-392	Environmental Quality Board Environmental Laboratory Accreditation 35 Pa.B. 519 (January 22, 2005)	2/22/05	3/24/05

### Environmental Quality Board Regulation #7-392 (IRRC #2454)

#### Environmental Laboratory Accreditation

**March 24, 2005**

We submit for your consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The Environmental Quality Board (EQB) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on February 22, 2005. If the final-form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

#### GENERAL

#### 1. Use of the Consumer Price Index to adjust fees.—Statutory authority; Consistency with statute and Reasonableness.

Under 27 Pa.C.S. § 4104(6), the Department of Environmental Protection (Department) has the power and duty to:

Require a fee for the processing of an application for a certificate of accreditation, including the issuance, renewal, modification or other action relating to the certificate, *in an amount sufficient to pay the department's cost of implementing and administering the accreditation program.* (Emphasis added.)

To fulfill this obligation, the EQB proposes Section 252.204(a) (relating to fees) to establish base fees. Under Section 252.204(b), these base fees will then be adjusted every three years by applying the applicable Consumer Price Index (CPI).

We do not see the nexus between the statutory requirement to charge fees "sufficient to pay the department's cost" and the CPI mechanism in the proposed regulation. Therefore, we object to this proposal for the following reasons:

- The regulation does not allow for consideration of

actual program costs to determine the fees charged to the regulated community.

- The regulation would circumvent the opportunity for affected parties to comment on fee changes.
- The regulation assumes that all 34 fees will increase at the same rate.
- There is no corrective mechanism for insufficient or excess revenues. How will the Department maintain its obligation to administer and enforce the laboratory accreditation program if the CPI adjusted fees do not cover the program costs? Conversely, what will be done if the CPI adjusted fees produce excess revenue?

We recommend the EQB delete this provision and replace it with a fee adjustment mechanism that reflects actual or projected program costs. If the EQB maintains the proposed CPI mechanism, it must provide convincing data to establish that the CPI mechanism will closely track the direct costs experienced by the Department, as required by 27 Pa.C.S. § 4104(6).

Section 252.206(4) (relating to out-of-state onsite reimbursement) also uses the CPI to adjust the \$50 per hour rate for assessor's travel time. For the reasons discussed above, we question why the CPI is used rather than the direct experience of wages and benefits.

### **2. Unique needs.—Consistency with statute and setting lesser standards for individuals or small businesses.**

The statute at 27 Pa.C.S. § 4105(d) states,

Unique needs. To the extent possible, the Environmental Quality Board shall establish requirements and procedures that address the unique needs of small businesses, municipalities, municipal authorities and in-house laboratories.

In the Preamble, the EQB states,

To the extent possible, the unique needs of small businesses, municipalities, municipal authorities and in-house laboratories (collectively referred to as "small laboratories") have been considered and addressed throughout this proposed rulemaking where compatible with the goals of creating an effective and sensible environmental laboratory accreditation program.

Nonetheless, commentators requested changes to the regulation to accommodate small businesses, municipalities, municipal authorities and in-house laboratories. Throughout our comments on specific provisions, we have acknowledged public comment related to the statutory provision of "unique needs." The concerns include the fee structure, accreditation-by-rule, need for accreditation of certain testing and personnel requirements. In the final-form regulation, the EQB should explain how the "unique needs" provision of the statute was applied in development of the regulatory requirements.

### **3. Coordination of regulatory initiatives.—Consistency with existing regulations and implementation procedures.**

The Regulatory Analysis Form submitted with this proposed regulation states that laboratory certification requirements found in Subchapter H of 25 Pa. Code Chapter 109 will be deleted and moved to this regulatory package. However, this proposed rulemaking does not include deletion of the Chapter 109 requirements.

Additionally, Section 252.302 lists among the qualifications for laboratory supervisor, in Subsections (h)(2) and

(3), certification under the Water and Wastewater Systems Operators' Certification Act. However, the Department has acknowledged that the certification program is only in the development stage, and is not ready to be proposed as a regulation. Commentators have justifiably objected to a requirement that is not yet in place.

The Department has stated that both the Chapter 109 revisions and the upcoming certification for water or wastewater subclassification are not yet ready for proposal but are expected to be submitted in the near future. We request that the EQB coordinate these regulatory initiatives and put them in place at the same time. The other regulatory packages should be proposed before this regulation is submitted in final-form. Unless these provisions are all implemented contemporaneously, the result will be redundant, confusing and conflicting requirements.

## **Subchapter A. GENERAL PROVISIONS**

### **4. Section 252.1. Definitions.—Consistency with statute and setting lesser standards for individuals or small businesses.**

#### *Laboratory supervisor*

The definition in the regulation does not include the term "analytical" used in 27 Pa.C.S. § 4102. The regulation should read, "... and reporting of analytical data."

### **5. Section 252.3. Scope.—Clarity.**

Commentators seek clarification concerning the applicability of this regulation to laboratory work performed to meet requirements that are not listed in this section. These include programs run by the Environmental Protection Agency, the federal Clean Water Act, the Clean Air Act and Pennsylvania's Air Pollution Control Act. The regulation should include a clear understanding of what laboratory work falls within the scope of this regulation.

### **6. Section 252.5. NELAP equivalency.—Reasonableness.**

In addition to NELAP accreditation programs, the Act (27 Pa.C.S. § 4104(1)) also states; "The program may also include any other specific broad-based Federal or State accreditation program for certification." How does the Department plan to evaluate other accreditation programs which meet the statutory criteria?

### **7. Section 252.6. Accreditation-by-rule.—Need; Reasonableness; setting lesser standards for individuals or small businesses and clarity.**

#### *In-house laboratories and small laboratories*

There was a wide range of public comment on accreditation-by-rule. Commentators:

- Question the need for in-house laboratories to be accredited-by-rule for internal procedures. They cite quality assurance and other testing that is not done with the purpose of complying with environmental regulations.
- Believe this section does not include testing that should qualify for accreditation-by-rule, such as testing to maintain NPDES discharge permits.
- Express concern that small laboratories may be overly burdened by fees and should qualify for accreditation-by-rule.
- Question why the regulation grants accreditation-by-rule broadly to drinking water laboratories meeting the requirements specified in 25 Pa. Code Chapter 109.704, but in contrast grants accreditation-by-rule to a limited number of wastewater laboratories.

In development of the final-form regulation, the EQB should explain how the parameters selected for accreditation-by-rule are appropriate.

*Subsection (a) Purpose.*

Paragraph (1) requires conformance with “promulgated methods and guidelines established by the Department.” Paragraph (2) requires handling “in accordance with guidelines governing quality control established by the Department.” What are these guidelines and where can they be found? The regulation should include these guidelines or provide a specific reference to them.

*Subsection (d) Industrial wastewater treatment facility laboratory.*

This subsection, by referencing Subsection (a), cross references Section 252.707 which addresses a written plan for record maintenance or transfer if a laboratory transfers ownership or terminates operations. The statute specifies: “Records required under this chapter shall be maintained for five years unless otherwise specified in regulation.” (See 27 Pa.C.S. § 4111) Commentators request that accredited-by-rule laboratories and in-house laboratories only be required to maintain records in accordance with applicable permits, some of which may only require retention for three years. We agree that records should only be retained as long as they are needed or required by statute. The EQB should review this requirement and allow shorter record retention where feasible.

Also, commentators questioned whether this should apply to a laboratory that was accredited-by-rule or for a support facility at a power plant that is subsequently closed. Is it necessary to retain records under these circumstances?

*Subsection (d) Industrial wastewater treatment facility laboratory.*

*Subsection (e) Wastewater facility laboratory.*

Subsection (d) states environmental laboratories operated by an industrial wastewater facility “will be deemed to be accredited under this chapter to perform testing or analysis *not mandated by the Department* and those tests identified in subsection (f).” (Emphasis added.) Similar language is used in Subsection (e) for wastewater facility laboratories. Commentators are concerned that these provisions would encompass testing and analysis that does not fall under the category of an environmental laboratory. We agree that these provisions are written broadly. Why does the Department need to accredit-by-rule testing and analysis “not mandated by the Department”?

*Subsection (f) Other testing and analysis.*

This subsection lists 25 tests and analyses that will be deemed accredited under this chapter. Commentators have noted additional items that should also be included in this list, such as “BOD,” “COD,” “TDS,” “TSS,” “TKN,” “nitrite” and “phosphate detection.” The EQB should review this list and consider these tests and analyses.

**Subchapter B. APPLICATION, FEES AND SUPPORTING DOCUMENTS**

**8. Section 252.201. Application and supporting documents.—Consistency with statute; Need and reasonableness.**

*Time of application*

Under 27 Pa.C.S. § 4107(b) of the statute, “All environmental laboratories shall apply for accreditation within

six months after the Environmental Quality Board establishes an accreditation requirement by regulation for a type of laboratory.” Why wasn’t this statutory provision included in the regulation? How will laboratories be notified of this requirement?

*Subsection (d)*

The EQB should explain the need to accredit mobile laboratories separately. If one entity owns several mobile laboratories that perform the same testing, will the EQB consider mobile laboratories to be accredited as a group? Additionally, must mobile laboratories maintain a laboratory supervisor for each mobile laboratory?

**9. Section 252.204. Fees.—Consistency with statute and setting lesser standards for individuals or small businesses.**

Subsection (a) of the regulation assigns the same fee regardless of the size of a laboratory. The proportional impact of the fee may be more onerous on a small laboratory compared to a larger laboratory. Does the EQB anticipate its costs relating to applications will be similar regardless of the laboratory size? Also, the EQB should consider whether the fees should be amended to correspond to various sized laboratories.

The regulation also imposes the same \$700 fee for “Application fee—initial and renewal” of accreditation. Why are these fees the same? It would appear that the Department would incur more costs reviewing an initial application compared to a renewal.

**10. Section 252.206. Out-of-state onsite reimbursement.—Costs to the private sector and clarity.**

Paragraph (3) of this section establishes a reimbursement of “Travel time for each assessor at a rate of \$50/hour.” It is not clear what specific hours this reimbursement is intended to cover. The regulation should specify to what aspects of travel this rate applies.

**Subchapter C. GENERAL STANDARDS FOR ACCREDITATION**

**11. Section 252.301. Laboratory supervisor.—Reasonableness and clarity.**

*Subsection (a)*

This subsection requires that testing, analysis and reporting of data “shall be under the direct supervision of a laboratory supervisor.” What constitutes “direct supervision” in this subsection? Also, how does the direct supervision requirement apply to environmental laboratories maintained on separate premises as specified in Section 252.201(c)?

*Subsection (f)*

This subsection triggers temporary measures when a laboratory supervisor is absent for 15 calendar days. We agree with commentators that the 15-day trigger point would unnecessarily include a typical two week vacation (i.e., 16 days if weekends are included). This provision should be amended to a time period longer than 15 days.

**12. Section 252.304. Personnel requirements.—Economic impact; Need and clarity.**

*Subsection (a) General requirements for technical staff.*

Paragraph (1) states, “An environmental laboratory shall have sufficient personnel with the necessary education, training, technical knowledge and experience for their assigned functions.” How will a laboratory know when it has satisfied this requirement? How will the requirement be enforced?



*Subsection (b) Laboratory management responsibilities.*

Paragraph (3)(vii) requires "A demonstration of continued proficiency by at least one of the following every 12 months for each method that relates to the employee's job responsibilities: . . ." Commentators believe this will be costly and was not properly reflected in the projected costs of this regulation. One commentator cites an example where seven employees run more than seven tests on a regular basis. Another commentator believes this provision is unnecessary unless there is a change in method or instrumentation, or the laboratory performs unsatisfactorily. The EQB should explain the need for a requirement this stringent and costly.

Paragraphs (4) and (8) are vague requirements for documentation. Both should be expanded to describe what documentation is required.

**13. Section 252.306. Equipment, supplies and reference materials.—Need; Reasonableness and clarity.***Calibration requirements*

Commentators have suggested that the constant calibration and measurement of laboratory equipment required in this section is unmanageable and excessive. Are these detailed equipment requirements needed in regulation? How does the Department intend to enforce them? Also, will this section allow for advancement in technology?

*Subsection (f)*

Paragraph (4)(vii) requires a "qualified person" to service and calibrate analytical balances. Who is considered a "qualified person"?

Paragraph (11) uses the term "visual comparison devices." This term should be defined.

**14. Section 252.307. Methodology.—Clarity.***Analytical method*

Numerous provisions in this section and Subchapter D refer to "the method." These provisions should reference the "analytical method" developed to meet the requirements of this section.

*Subsection (c)*

Under this subsection, a laboratory may apply to the Department for permission to use an alternative or experimental procedure. How will a laboratory apply to or appeal a decision by the Department under this subsection? What process will the Department use to establish criteria for validating the method in Paragraph (4)? Finally, how will laboratories be notified of the Department's decision?

**Subchapter D. QUALITY ASSURANCE AND QUALITY CONTROL REQUIREMENTS****15. Section 252.401. Basic requirements.—Clarity.**

Subsection (i)(4) includes the phrase, "out-of-control situations." What constitutes an "out-of-control" situation?

**16. Section 252.403. Essential quality control requirements—toxicity testing.—Clarity.***Subsection (c)*

This subsection states, "An environmental laboratory that measures toxicity or bioaccumulation of contaminants shall comply with guidance issued by the Department regarding counting of neonates, algae cells and weighing of fish for selected endpoints." The regulation should cross reference the guidance document.

*Subsection (m)*

Paragraph (1) references "refrigerator-sized incubators." To improve clarity, the incubators size requirements should be clearer, such as a measurement in cubic feet.

**17. Section 252.405. Essential quality control requirement—radiochemistry.—Clarity.**

Subsection (d)(8) states, "Acceptance criteria for instrument suitability verification standards *in the method or regulation shall be followed.*" (Emphasis added.) Are there any situations where the method or regulation would differ?

**Subchapter E. PROFICIENCY TEST STUDY REQUIREMENTS****18. Section 252.501. Proficiency test study requirements.—Clarity.***Subsection (a)*

This subsection states the Department will publish a list of fields of accreditation for which proficiency test studies are available. Where and how often will these lists be published? The regulation should state where an environmental laboratory can find an updated list of proficiency test studies for fields of accreditation.

*Subsection (k)*

This subsection sets the standard of "if an environmental laboratory *fails* to successfully analyze a proficiency test study . . ." (Emphasis added.) What constitutes a failure? For example, if a laboratory successfully completes several analyses, but fails on one, is this considered an overall failure?

**Subchapter G. MISCELLANEOUS PROVISIONS****19. Section 252.707. Recordkeeping.—Consistency with statute and clarity.**

Subsection (c) requires that record be retained "for a minimum of 5 years *unless otherwise specified.*" (Emphasis added.) However, 27 Pa.C.S. § 4111 states, "Records required under this chapter shall be maintained for five years *unless otherwise specified in regulation.*" (Emphasis added.) The law contemplates that the Department will specify in this proposal another timeframe that records must be kept. Therefore, the phrase "unless otherwise specified" should be deleted, unless other timeframes are specified in the regulation.

**20. Section 252.709. Reporting and notification requirements.—Reasonableness and clarity.**

Subsection (b) requires the following:

An environmental laboratory shall notify the Department, in writing, within 30 calendar days of changes in laboratory supervisors, analysts, supervisor or analyst assignments, testing or analysis equipment and facilities which affect accredited fields of accreditation.

Commentators believe this provision may produce more reporting than intended. For example, this provision could be interpreted to require reporting of every change in personnel or even the use of a new thermometer. The EQB should clarify these reporting requirements.

**21. Miscellaneous clarity issues.**

- The term "confirmation" is defined in Section 252.1. However, we could not find this term used within the regulation. Is this definition needed?

- The terms "MCL," "Matrix spike," "Mobile laboratory" and "Relative standard deviation" are defined in Section

252.1, but each term is used only once in the body of the regulation. The EQB should review these definitions to determine whether it may be clearer to define them in the portions of the regulation where they are used, rather in the definitions section.

- As printed in the *Pennsylvania Bulletin*, Paragraph (4) of Section 252.206 refers to "the fee imposed under subsection (c)." Was the intent to reference the fee in Paragraph (3) rather than Subsection (c)?

- The word "are" should be inserted between "areas" and "as" in Section 252.404(d).

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 05-663. Filed for public inspection April 8, 2005, 9:00 a.m.]

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations on the dates indicated. To obtain the date and time of the meeting at which the Commission will consider these regulations, contact the Commission at (717) 783-5417 or visit its website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). To obtain a copy of a regulation, contact the promulgating agency.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
16-33	Department of State Fees for Notary Services	3/29/05
16A-528	State Board of Optometry General Revisions	3/24/05
57-234	Pennsylvania Public Utility Commission Public Utility Security Planning and Readiness	3/24/05

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 05-664. Filed for public inspection April 8, 2005, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Agency Contract Termination of Balmer Insurance Agency, Inc. under Act 143; Penn National Insurance; Doc. No. AT05-02-002

A review shall occur on May 18, 2005, at 10 a.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA.

On or before May 4, 2005, each party shall file with the Administrative Hearings Office a prereview statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-665. Filed for public inspection April 8, 2005, 9:00 a.m.]

### Altoona Hospital; Prehearing

#### Appeal of Altoona Hospital under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM05-03-004

On or before March 30, 2005, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's February 8, 2005, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for April 20, 2005. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before April 14, 2005. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at the hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before April 4, 2005, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before April 11, 2005.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-666. Filed for public inspection April 8, 2005, 9:00 a.m.]

### Randy Aikens Citgo; Hearing

#### Appeal of Randy Aikens Citgo under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 03-065(F); Doc. No. UT05-01-038

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant procedure provisions of law.

A hearing shall occur on May 3, 2005, in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously referenced administrative hearing and require

an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-667. Filed for public inspection April 8, 2005, 9:00 a.m.]

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### Reynelle Davidson; Hearing

#### **Appeal of Reynelle Davidson under 40 P. S. §§ 991.2101—991.2193; Keystone Health Plan; Doc. No. HC05-03-015**

Under 40 P. S. §§ 991.2101—991.2193, notice is hereby given that the appellant in this action has requested a hearing in connection with the appellant's managed health care plan. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant procedure provisions of law.

A prehearing telephone conference initiated by the Administrative Hearings Office shall be conducted on April 13, 2005. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before April 7, 2005. The hearing shall occur on April 28, 2005, in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

Motions preliminary to those at the hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before March 30, 2005, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene shall be filed on or before April 6, 2005.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-668. Filed for public inspection April 8, 2005, 9:00 a.m.]

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### Thomas Gore, M.D.; Prehearing

#### **Appeal of Thomas Gore, M.D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM05-03-005**

On or before March 30, 2005, the appellant shall file a concise statement setting forth the factual and/or legal basis for his disagreement with MCARE's February 8, 2005, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for April 20, 2005. Each party shall provide a telephone number to be used for the telephone conference to the Hearings

Administrator on or before April 14, 2005. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at the hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before April 4, 2005, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before April 11, 2005.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-669. Filed for public inspection April 8, 2005, 9:00 a.m.]

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### HealthAmerica—Eastern Pennsylvania Service Area; Medical Base Rates; Rate Filing

On March 25, 2005, the Insurance Department (Department) received a filing from HealthAmerica Pennsylvania, Inc. to increase the current approved base medical rates by 15.2% for the Eastern Pennsylvania rating area. The proposed effective date is July 1, 2005. This filing will impact approximately 52,000 contracts and generate additional revenue of \$21 million.

Unless formal administrative action is taken prior to June 23, 2005, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [csandersjo@state.pa.us](mailto:csandersjo@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-670. Filed for public inspection April 8, 2005, 9:00 a.m.]

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### HealthAmerica—Western Pennsylvania Service Area; Medical Base Rates; Rate Filing

On March 25, 2005, the Insurance Department (Department) received a filing from HealthAmerica Pennsylvania, Inc. to increase the current approved base medical rates by 13.9% for the Western Pennsylvania rating area. The proposed effective date is July 1, 2005. This filing will impact approximately 67,000 members and generate additional revenue of \$25 million.

Unless formal administrative action is taken prior to June 23, 2005, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [csandersjo@state.pa.us](mailto:csandersjo@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-671. Filed for public inspection April 8, 2005, 9:00 a.m.]

### Thomas W. and Elaine S. Maurer; Hearing

#### Appeal of Thomas W. and Elaine S. Maurer under 40 P. S. §§ 3401—3409; Doc. No. P05-03-020

A hearing shall occur on April 25, 2005, in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-672. Filed for public inspection April 8, 2005, 9:00 a.m.]

#### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insureds' policies. The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Guy and Betty Lombardo; file no. 05-188-01229; Erie Insurance Group; doc. no. P05-03-019; May 11, 2005, 10 a.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer

documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-673. Filed for public inspection April 8, 2005, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

Chester County, Wine & Spirits Shoppe #1509, Twin Borough Shopping Center, 51 East Bridge Street, Spring City, PA 19475.

*Lease Expiration Date:* 90-day status since March 1, 1997  
Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,000 net useable square feet of new or existing retail commercial space within a 1/2-mile radius of the intersection of Bridge and Main Streets, Spring City.

*Proposals due:* April 29, 2005, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128  
**Contact:** Robert Jolly, (215) 482-9671

Delaware County, Wine & Spirits Shoppe #2314, 42 Alpha Drive, Newtown Square, PA 19073.

*Lease Expiration Date:* September 30, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 6,000 net useable square feet of new or existing retail commercial space within a 2-mile radius of Routes 3 and 252 in Newtown Square.

*Proposals due:* April 29, 2005, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128  
**Contact:** James M. Bradley, (215) 482-9671

JONATHAN H. NEWMAN,  
*Chairperson*

[Pa.B. Doc. No. 05-674. Filed for public inspection April 8, 2005, 9:00 a.m.]

# PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Clean Water and Drinking Water State Revolving Fund Programs Public Meeting on Federal Fiscal Year 2005 Intended Use Plans

The Pennsylvania Infrastructure Investment Authority (PENNVEST) and the Department of Environmental Protection (Department) have prepared the Federal Fiscal Year (FY) 2005 Intended Use Plans (IUPs). These IUPs include a list of drinking water and pollution abatement projects to be considered for a design and engineering or construction loan from funds the Commonwealth expects to receive from FY 2005 funds approved by Congress to capitalize the Drinking Water State Revolving Fund (DWSRF) and the Clean Water State Revolving Fund (CWSRF) programs.

The Department has scheduled a public meeting for 10 a.m. on May 10, 2005, in the Auditorium, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting is scheduled for the purpose of receiving comments from the public regarding the FY 2005 IUPs. Interested persons are invited to express their views on the narrative portion of the IUPs, the set-aside Work Plan or the priority rating or ranking of projects on the IUPs. Persons wishing to offer comments at the public meeting should contact the Administrative Services Section at the following address or telephone number or [amaisano@state.pa.us](mailto:amaisano@state.pa.us) by 4 p.m. on May 9, 2005. When written statements are prepared and will be submitted at the meeting, speakers will be asked to restrict the oral portion of the statement to a summary of the written comments.

The projects to be considered for a loan from the State Revolving Fund (SRF) programs must meet the Federal requirements for funding in accordance with the Federal Safe Drinking Water Act and Clean Water Act. Accordingly, the projects included in the IUPs are expected to meet the requirements applicable to use of the DWSRF and CWSRF loan funds. Projects listed in the FY 2005 IUPs are on the Commonwealth's FY 2004/2005 Project Priority Lists and are expected to proceed with design and engineering or to construction in the near future.

The DWSRF will be capitalized with approximately \$26.3 million of Federal FY 2005 funds and approximately \$5.3 million of State funds. Some \$8.1 million of the Federal funds will be set aside for program administration costs, technical assistance to small systems, operator training and certification and source water assessment and protection, as authorized under the Safe Drinking Water Act. The DWSRF IUP also includes a narrative Work Plan that describes how these set-aside funds will be used.

The CWSRF will be capitalized with approximately \$42.7 million of Federal funds and approximately \$8.5

million of State funds. Some \$2.0 million of the Federal funds will be set aside for program administration costs.

A public meeting will be held. After the public meeting and assessment of comments received, the Final FY 2005 IUPs will be completed, and potentially, they may include other projects from the Project Priority Lists. A project must appear on a PENNVEST approved IUP before it can receive a loan from the SRF programs. A project's readiness to proceed and the reasonable availability of alternative funds also have a bearing on project selection for the IUPs. Consequently, the rank ordered list of projects on the Project Priority Lists does not solely dictate the order in which projects will be chosen for inclusion in an IUP.

Federal guidance on development of the IUPs requires that they be subject to public review and comment before being submitted to the United States Environmental Protection Agency.

It is not necessary to appear at the public meeting to present comments on the narrative portion of the IUPs, the set-aside Work Plan or the IUP list of projects. Interested persons may submit written comments to the Department at the following address. Written comments will be considered equivalent to oral statements presented at the meeting. To be considered by the Department and PENNVEST, the written comments must be received by the Administrative Services Section on or before the date of the meeting.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Tony Maisano at [amaisano@state.pa.us](mailto:amaisano@state.pa.us) or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

A copy of the IUP lists, as well as the FY 2004/2005 Project Priority Lists and the narrative portion of the IUPs and set-aside Work Plan may be requested from or are available for public review in the offices listed at the end of this notice and are accessible electronically through the Department's website: [www.dep.state.pa.us/dep/deputate/watermgt/wsm/WSM\\_TAO/Finan\\_Tech\\_Asst.htm](http://www.dep.state.pa.us/dep/deputate/watermgt/wsm/WSM_TAO/Finan_Tech_Asst.htm).

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KATHLEEN A. MCGINTY,  
*Secretary*  
*Department of Environmental Protection*  
*Vice Chairperson*  
*Pennsylvania Infrastructure Investment Authority*  
*and*

PAUL K. MARCHETTI,  
*Executive Director*  
*Pennsylvania Infrastructure Investment Authority*

[Pa.B. Doc. No. 05-675. Filed for public inspection April 8, 2005, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Implementation of the Alternative Energy Portfolio Standards Act of 2004

Public Meeting held  
March 23, 2005

*Commissioners Present:* Wendell F. Holland, Chairperson;  
Robert K. Bloom, Vice Chairperson; Kim Pizzingrilli

*Implementation of the Alternative Energy Portfolio  
Standards Act of 2004; Doc. No. M-00051865*

### Implementation Order

*By the Commission:*

The Commission has been charged by the Pennsylvania General Assembly ("General Assembly") with carrying out the provisions of the Alternative Energy Portfolio Standards Act of 2004 ("Act 213" or the "Act"). In order to fulfill this obligation, the Commission has commenced a stakeholder process with interested parties to address relevant issues. This Implementation Order will provide guidance on the schedule by which the Commission will meet its obligation to develop the rules and regulations necessary to implement the Act and the schedule for compliance with the Act's mandates for electric distribution companies ("EDCs") and electric generation suppliers ("EGSs").

### Background and History of this Proceeding

Governor Edward Rendell signed Act 213 of 2004 into law on November 30, 2004. Act 213, which took effect on February 28, 2005, established an alternative energy portfolio standard for Pennsylvania. Generally, the Act requires that an annually increasing percentage of electricity sold to retail customers in Pennsylvania by EDCs and EGSs be derived from alternative energy resources. The Commission has been charged with using its general powers to carry out, execute and enforce the provisions of the Act. The Pennsylvania Department of Environmental Protection ("DEP") has been specifically charged with ensuring compliance with all environmental, health and safety laws and standards relevant to the Act's implementation. The Commission and the DEP are to jointly monitor compliance with the Act, the development of the alternative energy market, the costs of alternative energy and to conduct an ongoing alternative energy planning assessment. The Commission and the DEP are to report their findings and any recommendations for changes to the Act to the General Assembly on a regular basis.

The Commission, in conjunction with the DEP, hosted a technical conference on January 19, 2005 in order to provide a forum to discuss the implementation of the Act. Interested parties were given the opportunity to file comments and reply comments on various aspects of the Act's implementation at this time.

The Commission then convened the first meeting of the Alternative Energy Portfolio Standards Working Group ("Working Group") on March 3, 2005. The Working Group has been tasked with helping to develop rules for the participation of demand side management and energy efficiency resources in the alternative energy market. The Working Group will also help develop net metering and interconnection rules so that distributed generation resources can participate in this new market. The Working

Group will attempt to develop a consensus and make recommendations to the Commission on the rules and regulations to be adopted.

### Discussion

#### A. Act 213 and the Public Utility Code

Act 213 does not represent an amendment or supplement to the Public Utility Code, 66 Pa.C.S §§ 101—3316. However, the Public Utility Code and the Act both involve the regulation of electric distribution companies, electric generation suppliers and the sale of electric energy to retail customers in the Commonwealth of Pennsylvania. The Commission notes that Act 213 makes repeated reference to various portions of the Public Utility Code, including 66 Pa.C.S. §§ 511, 1307, 2807, 2812, and 3315. The Act also makes express use of certain definitions found at 66 Pa.C.S. § 2803. As such, the Act and the Public Utility Code are in *pari materia* and shall be construed together as one statute. See 1 Pa.C.S. § 1932. Therefore, the provisions of the Public Utility Code and its associated regulations will be applied to the implementation and enforcement of the Act, except where prohibited by the express language of Act 213 or necessary implication thereof. Any new regulations adopted by the Commission as part of the implementation of the Act will be codified at Title 52 (pertaining to Public Utilities) of the *Pennsylvania Code*.

#### B. Act 213 Implementation Schedule

The Act includes a schedule by which the Commission must issue proposed rules and regulations necessary for the Act's implementation. The Act also establishes a timetable by which EDCs and EGSs will comply with its provisions. This section of this Order addresses the compliance schedule for EDCs and EGSs and the schedule for the creation and banking of alternative energy credits during the cost-recovery period.

##### 1. Compliance Schedule for Act 213

The Act establishes a 15 year schedule for complying with its mandates. The percentage of Tier I and Tier II alternative energy resources that must be included in sales to retail customers gradually increases over this period. Compliance is to be monitored for successive twelve month reporting periods that begin on June 1 and conclude on May 31 of the following calendar year. The Act provides for a true-up period, during which EDCs and EGSs may acquire any additional alternative energy credits needed for compliance, at the conclusion of each reporting period. This true-up period runs from the conclusion of each reporting period through September 1 of the same calendar year. After the conclusion of the true-up period, the Commission will verify compliance and impose alternative compliance payments as appropriate after providing notice and opportunities for hearings to affected parties.

Subsection 3(b)(1) provides that "Two years after the effective date of this act, at least 1.5% of the electric energy sold by an electric distribution company or electric generation supplier to retail electric customers in this Commonwealth shall be generated from Tier I alternative energy sources." Pursuant to Section 7, the Act took effect 90 days after it was signed into law. As the Act was signed into law on November 30, 2004, the effective date is February 28, 2005. EDCs and EGSs, to the extent that compliance is not otherwise exempted, must therefore begin to include alternative energy resources from Tier I in their sales to retail customers no later than February 28, 2007.

Though compliance is not required until February 28, 2007, the Act expressly provides for a reporting period that runs from June 1 through May 31 of the following year. February 28, 2007 would fall within a June 1, 2006 through May 31, 2007 reporting year. The Commission will give effect both to the language of Subsection 3(b)(1) and the definition for "reporting period" found in Section 2. See 1 Pa.C.S. § 1933. Accordingly, the Commission finds that while Year One commences on June 1, 2006, compliance will only be calculated during this period on energy sales to Pennsylvania customers for the period from February 28, 2007 through May 31, 2007.

This start date will apply to both Tier I and Tier II resources. The Act does not specifically identify a start date for Tier II compliance, and in the absence of express language to the contrary, we conclude that the General

Assembly intended Tier I and Tier II resources to have the same compliance schedules. The Act clearly contemplates that rules for net metering and interconnection, standards for the participation of demand side management and energy efficiency resources, and the parameters of an alternative energy credits program will have to be developed for the Act's successful implementation. Finally, the Commission notes that all EDC service territories are currently exempt from compliance through the end of this year. No purpose can be served by commencing the first reporting year for Tier II resources on June 1, 2005. Therefore, the Commission finds that Tier II compliance will also commence on February 28, 2007. This determination results in the following fifteen year compliance schedule for Tier I and Tier II resources, and the solar photovoltaic share of Tier I:

		<i>Tier I % (incl. Solar)</i>	<i>Tier II%</i>	<i>Solar PV %</i>
Year 1:	June 1, 2006 through May 31, 2007	1.5%	4.2%	.0013%
Year 2:	June 1, 2007 through May 31, 2008	1.5%	4.2%	.0013%
Year 3:	June 1, 2008 through May 31, 2009	2.0%	4.2%	.0013%
Year 4:	June 1, 2009 through May 31, 2010	2.5%	4.2%	.0013%
Year 5:	June 1, 2010 through May 31, 2011	3.0%	6.2%	.0203%
Year 6:	June 1, 2011 through May 31, 2012	3.5%	6.2%	.0203%
Year 7:	June 1, 2012 through May 31, 2013	4.0%	6.2%	.0203%
Year 8:	June 1, 2013 through May 31, 2014	4.5%	6.2%	.0203%
Year 9:	June 1, 2014 through May 31, 2015	5.0%	6.2%	.0203%
Year 10:	June 1, 2015 through May 31, 2016	5.5%	8.2%	.2500%
Year 11:	June 1, 2016 through May 31, 2017	6.0%	8.2%	.2500%
Year 12:	June 1, 2017 through May 31, 2018	6.5%	8.2%	.2500%
Year 13:	June 1, 2018 through May 31, 2019	7.0%	8.2%	.2500%
Year 14:	June 1, 2019 through May 31, 2020	7.5%	8.2%	.2500%
Year 15:	June 1, 2020 through May 31, 2021	8.0%	10.0%	.5000%

Years 16 and thereafter use the Tier I, Tier II and solar photovoltaic compliance thresholds in effect for Year 15 to the extent that these obligations are not later modified by the General Assembly.

## 2. Compliance Exemption Periods

Act 213 provides that compliance with the schedules for Tier I and Tier II utilization is exempted for the duration of the "cost recovery period" in each EDC service territory, as defined in Section 2 of the Act. This is either the period for which competitive or intangible transition charges are being collected within a given territory, or for the duration of a generation rate plan that has been approved by the Commission no later than February 28, 2006, whichever period is longer. The currently approved stranded cost recovery periods and EDC provider of last resort ("POLR") plans are set to expire at various dates between now and December 31, 2010. The current expiration dates for the cost recovery period in each EDC service territory and their compliance start dates for compliance is as follows:

	<i>Exemption expires<sup>1</sup></i>	<i>Compliance begins</i>
Pike County Power and Light	December 31, 2005	February 28, 2007
Citizens Electric of Lewisburg	February 28, 2006	February 28, 2007
Wellsboro Electric Company	February 28, 2006	February 28, 2007
UGI Utilities Inc.—Electric Division	December 31, 2006	February 28, 2007
Pennsylvania Power Company	December 31, 2006	February 28, 2007
Duquesne Light Company	December 31, 2007	January 1, 2008
West Penn Power Company <sup>2</sup>	December 31, 2008	January 1, 2009
PPL Electric Utilities, Inc.	December 31, 2009	January 1, 2010
Pennsylvania Electric Company	December 31, 2010	January 1, 2011
Metropolitan Edison Company	December 31, 2010	January 1, 2011
PECO Energy Company	December 31, 2010	January 1, 2011

<sup>1</sup> The Commission has approved interim POLR plans for a number of EDCs (Pike, Citizens, Wellsboro and UGI) where the currently approved rates expire prior to February 28, 2007. The Commission has also approved POLR rates in the Duquesne territory through December 31, 2007. The Commission will continue to approve interim POLR plans for these companies until final POLR regulations become effective. The Commission's Notice of Proposed Rulemaking for POLR regulations was published in the *Pennsylvania Bulletin* on February 26, 2005. *Rulemaking Re Electric Distribution Companies' Obligation to Serve Retail Customers at the Conclusion of the Transition Period Pursuant to 66 Pa.C.S. § 2807(e)(2)*, Docket No. L-00041069 (Order entered December 16, 2004). Initial public comments are due on April 27, 2005, and comments from the Independent Regulatory Review Commission ("IRRC") will be received in late June. After completing its review of the comments, the Commission will issue a final proposed rulemaking order, which must be approved by IRRC and the Pennsylvania Office of the Attorney General. Accordingly, the effective date of POLR regulations cannot be known with any certainty at this time. The exemption period for some EDC service territories may therefore be extended beyond the dates identified in this Order as a result of approving additional, interim POLR plans.

<sup>2</sup> On September 7, 2004, the Commission was asked to approve a settlement agreement that would extend West Penn Power's stranded cost recovery period through December 31, 2010. *Petition of West Penn Power Company for Issuance of Further Supplement to its Previous Qualified Rate Orders Under Sections 2802 and 2812 of the Public Utility Code*, Docket No. R-00039022; *Joint Petition of the West Penn Power Company's Restructuring Plan and Related Proceeding*; Docket No. R-00973891. The proposed settlement is pending before the Office of Administrative Law Judge for a Recommended Decision on its merits.

The expiration of an exemption period during the middle of a reporting period raises a compliance calculation issue. For example, the Commission approved stranded cost recovery period for the PECO Energy Company does not expire until December 31, 2010. That date falls within Year 5 of the compliance schedule, which is June 1, 2010 through May 31, 2011. Under Subsection 3(d) of the Act, PECO would not be obligated to comply with the schedules of Tier I and Tier II until its cost recovery period expires on January 1, 2011. Accordingly, PECO's compliance for Year 5 would only be calculated on sales of electricity to retail customers made from January 1, 2011 through May 31, 2011. EGSs who sold electricity to retail customers within PECO's service territory would only have to meet the compliance obligation for the January 1 through May 31 portion of Year 5 as well.

Finally, Subsection 3(d) of the Act requires EDCs and EGSs to comply with the Tier I and Tier II thresholds that are in effect at the time that their exemption expires. Using the previous example, at least 9.2% of the energy sold to retail customers by PECO for the period of January 1, 2011, and May 31, 2011 would have to be derived from alternative energy resources (3.0% from Tier I and 6.2% from Tier II).

### 3. Banking of Alternative Energy Credits

Under the schedule previously identified, EDCs and EGSs will not have to comply with the Tier I and Tier II requirements for several more years. However, these parties may bank alternative energy credits for sales of alternative energy made now for use when their exemption period expires. Parties may also bank credits for activities taken after the conclusion of their exemption period for use in later reporting years. This Order will identify the inception and expiration dates for credits created during the cost-recovery period. The actual qualification process for alternative resources and certification of credits will be addressed separately by the Commission at a later date.

Subsection 3(d)(7) specifically addresses banking of credits prior to the conclusion of the compliance exemption period. It provides that credits may be accrued for retail sales of Tier I and Tier II resources made "prior to the end of the cost-recovery period and after the effective date of this act." As noted, the effective date of the Act is February 28, 2005. Accordingly, EDCs and EGSs may begin to bank credits for sales of Tier I and Tier II resources made after February 28, 2005.

There is one exception to this rule. Subsection 3(e)(10) provides that credits related to reductions due to DSM and energy efficiency measures may begin to accrue "starting with the passage of this act." The Act was passed on November 30, 2004. In resolving this seeming conflict, the Commission will apply 1 Pa.C.S. § 1933 to give effect to both provisions. Accordingly, the Commission finds that EDCs and EGSs may bank alternative energy credits for DSM and energy efficiency measures taken on November 30, 2004 and later, but for all other activities credits may only be banked for sales of alternative resources made after February 28, 2005.

Subsection 3(e)(7) states that credits may only be accrued to the extent that the sales of these Tier I and Tier II resources exceed the volume of sales from those same resources by an EDC or EGS during the twelve month period preceding the effective date of the Act. For example, if 1% of the energy sold by PECO to its retail customers in the period February 28, 2004 through February 28, 2005 was derived from Tier I resources,

PECO could only earn and bank credits during the exemption period for those Tier I sales in excess of 1% in the period following the effective date of the Act.

Subsection 3(e)(7) also identifies the time period that these banked credits retain their value. Specifically, they are available for compliance "for no more than two reporting years following the conclusion of the cost-recovery period." For example, PECO's cost-recovery period expires on December 31, 2010, during Year 5 of the compliance schedule, which runs from June 1, 2010, through May 31, 2011. The Commission finds that Subsection 3(e)(7) would allow PECO to use credits it banked during its exemption period for Year 5 and Year 6. Year 5 would be the first reporting period following the conclusion of its cost-recovery period on December 31, 2010, and Year 6 would be the second reporting period in which banked credits could be used. In this example, banked credits held by PECO beyond the conclusion of Year 6 on May 31, 2012, would be deemed void for compliance purposes.

## C. Alternative Energy Portfolio Standards Working Group

The Act requires the Commission to utilize a stakeholder process to develop rules for net metering and interconnection. Accordingly, the Commission has convened the previously mentioned Working Group in order to comply with this mandate.<sup>3</sup> The Commission has also referred the development of DSM and energy efficiency rules to the Working Group for consideration. The Commission charges the Working Group to study these issues, to attempt to develop consensus to the degree possible, and to make a recommendation to the Commission on the nature of the rules to be adopted. The Act establishes a schedule by which the Commission must issue these rules for public comment.

### 1. Interconnection and Net Metering

Section 5 of the Act requires the Commission to develop interconnection and net metering rules for distributed generation resources within nine months of the effective date of the Act. This requires that the Commission issue rules by November 30, 2005. The Commission will issue these rules for public comment in the form of proposed rulemaking orders. The proposed rulemaking order on interconnection standards will be issued at the rulemaking docket opened last November on this subject. *Advance Notice of Proposed Rulemaking Regarding Small Generation Interconnection Standards and Procedures*, Docket No. L-00040168 (Order entered November 19, 2004). A new rulemaking docket will be opened at a later date for net metering standards. While net and interconnection will be addressed through separate rulemakings, the Commission acknowledges that these issues are interrelated and will take this into consideration when it issues proposed regulations.

Act 213 intends for distributed resources to play an important role in the alternative energy market. The Act recognizes that standard rules for the interconnection of these resources and net metering for customer-generators are necessary for this to occur. In order to facilitate the participation of these resources in this market, the Act

<sup>3</sup> The Commission has established an electronic distribution list to manage future communications between Commission staff and participants in the Working Group. Interested parties who intend to participate in the Working Group, and who have not already asked to be included in the list, should forward their contact information to Carrie Beale at [cbeale@state.pa.us](mailto:cbeale@state.pa.us).



provides that the Commission will adopt rules that are consistent with those of other states in the region, and in particular those of the PJM Interconnection, LLC ("PJM") control area.

The Commission has been closely following the recent adoption of interconnection and net metering rules in New Jersey, which has a renewable portfolio standard. *Net Metering and Interconnection Standards for Class I Renewable Energy Systems*, N.J.A.C. § 14:4-9. The Commission is also studying the tariff revisions filed by PJM with the Federal Energy Regulatory Commission ("FERC") on January 18, 2005 that will govern the interconnection of small distributed generation resources with the transmission system in the PJM control area. *PJM Interconnection, L.L.C.*, Docket No. ER05-462-000. Finally, the Commission has been actively participating in the Mid-Atlantic Distributed Resources Initiative, ("MADRI") a coalition representing regional state utility commissions, FERC, PJM, the U.S. Department of Energy and the United States Environmental Protection Agency that are working to develop uniform rules for demand response and distributed generation. The Commission was a founding member of MADRI and holds a seat on its steering committee. A common touchstone to all of these processes is the Institute of Electrical and Electronics Engineers Standard for Interconnecting Distributed Resources with Electric Power Systems ("IEEE 1547"). IEEE 1547 is a uniform, technical standard for the interconnection of distributed resources that has served as a basis for the rules adopted by New Jersey and other states, and the proposed rules filed by PJM with FERC.<sup>4</sup> While it is an evolving standard, the Commission intends to base its rules on IEEE 1547, as it represents the best available technical standard for the interconnection of distributed generation resources.<sup>5</sup>

## **2. Energy Efficiency, Demand Side Management and Load Management**

Subsection 3(e)(11) of the Act requires the Commission to propose rules within one hundred and twenty days of the Act's effective date that will enable the participation of demand side management ("DSM"), energy efficiency and load management resources in the alternative energy market. Primarily, the Commission must propose standards for verifying and tracking savings that result from these measures. Additionally, the Commission must develop a depreciation schedule for alternative energy credits created as a result of these activities. Subsection 3(e)(10) requires that these rules eventually be issued in the form of proposed regulations. The Act establishes a 60 day public comment period after these rules are first proposed, and the Commission must then issue final standards within 30 days of the comment period's expiration. Given the complexity of this topic, this matter has been referred to the Working Group for further study and a recommendation to the Commission.

One hundred and twenty days from the Act's effective date is June 28, 2005. Accordingly, the Commission intends to release its initial proposal for these rules on or before June 28, 2005. The Commission will schedule a thirty day comment period that will commence with the publication of this Order. Interested parties will have an additional thirty days to submit reply comments at the conclusion of this period.

Therefore, the Commission will announce its proposed standards in the following manner. The Commission will

<sup>4</sup> These standards may be viewed at the IEEE's public internet domain at [http://grouper.ieee.org/groups/scc21/dr\\_shared/](http://grouper.ieee.org/groups/scc21/dr_shared/).

<sup>5</sup> Act 213, in the definition of "customer-generator" references interconnection rules promulgated by the IEEE.

issue its initial proposal in the form of a tentative order. After the conclusion of the sixty day comment and reply comment period, a final order will be issued establishing these standards. The Commission intends to closely monitor the effectiveness of these DSM, energy efficiency and load control technology rules for a reasonable trial period. At the conclusion of the period, the Commission will propose regulations governing the verification and tracking of these measures, as required under Subsection 3(e)(10) of the Act.

As already noted, the primary issue for consideration is the means of verifying and tracking the reductions or shifting of electricity consumption by retail customers due to DSM, energy efficiency and load management measures. This is a challenging assignment, and it is noteworthy that Pennsylvania is the only state within the PJM region to include these resources within its alternative energy standard. The Working Group must consider the scope of the savings to be tracked and the most efficient means of measuring the reduction or shifting of electricity consumption by retail customers.

A secondary issue is the development of a depreciation schedule for alternative energy credits that are created as a result of using these programs and technologies. The Working Group is to study what was intended by this portion of the Act and the method for implementing this provision without discouraging the development of these resources.

## **3. Other Issues for the Working Group**

The Working Group is intended to serve as a forum for addressing the technical standards, business rules, and regulatory framework necessary for the Act's successful implementation. At this time, the Commission is considering referring the development of the rules for an alternative energy credits trading program to the Working Group. This referral likely will not occur until after the Working Group has submitted its recommendation to the Commission on DSM and energy efficiency standards. Interested parties may suggest additional topics to be considered by the Working Group in the comments filed in response to this Order.

## **D. Request for Comments**

Act 213 presents a number of legal and policy questions that will require resolution by the Commission. Some of these questions were previously addressed by the stakeholders in the comments and reply comments filed in connection with the January 19, 2005 technical conference. The Commission recognizes that, given the relatively short notice afforded in advance of the technical conference, all interested parties may not have had the chance to respond or sufficient time to fully address various questions. The Commission has also identified some additional issues that are in need of resolution since the conclusion of the previous comment period. The Commission will solicit input from interested stakeholders as we continue to implement the Act. Parties may offer comments on the topics addressed in this Order consistent with the instructions in ordering paragraph one.

## **E. The Pennsylvania Sustainable Energy Board**

Four regional sustainable energy funds were established as a result of Commission approved electric restructuring settlements. The Commission later established the Pennsylvania Sustainable Energy Board

("PASEB") to provide guidance and oversight to these regional funds. *Electric Distribution Companies' Sustainable Energy Funds*, Docket Nos. R-00973953, R-00973954, R-00973981, R-00974008, R-00974009 (Order entered July 1, 1999). The role of the PASEB was more fully defined by the Commission in 2003. *Statewide Sustainable Energy Board*, Docket No. M-00031715 (Order entered August 12, 2003). The PASEB worked throughout 2004 to develop proposed drafts of its own governing bylaws and best practices for the regional sustainable energy funds. These drafts were to be eventually submitted to the Commission for its review and approval.

The passage of Act 213 on November 30, 2004 resulted in the PASEB being assigned additional responsibilities. Specifically, the PASEB has been designated the recipient of all alternative compliance payments made pursuant to Subsection 3(g) of the Act. The PASEB is to make these monies available to the four regional funds only for projects that "will increase the amount of electric energy generated from alternative energy resources."

This delegation of responsibility presents a number of questions. This includes the manner of the receipt and custody of alternative compliance payments and the process by which they are disbursed to the regional funds. The Commission directs the PASEB to meet as appropriate and address these issues. The PASEB should consider needed changes to its draft bylaws and best practices for the regional funds. The PASEB should submit revised drafts of its bylaws and best practices, and any other recommendations, to the Commission for approval no later than April 1, 2006.

#### F. Conclusion

The Commission is committed to ensuring the successful implementation of Act 213 and looks forward to working with the DEP and all interested parties in achieving this objective. The Commission encourages all stakeholders in this process to participate in the activities of the Alternative Energy Portfolio Standards Working Group as may be appropriate; *Therefore,*

#### *It Is Ordered That:*

1. An original and 15 copies of any written comments on the issues identified herein be submitted within 60 days of the entry date of this order to the Pennsylvania Public Utility Commission, Attn.: Secretary James J. McNulty, P. O. Box 3265, Harrisburg, PA 17105-3265. Reply comments will be due 30 days from the last date of the comment period. All comments will be posted on the Commission's public internet domain, and accordingly service on other parties is not required. To facilitate posting, all filed comments and reply comments should be forwarded by means of electronic mail to Shane Rooney and Carrie Beale at srooney@state.pa.us and cbeale@state.pa.us. Courtesy copies should be forward to Britte Earp of the DEP at bearp@state.pa.us.

2. Electric distribution companies and electric generation suppliers will adhere to the schedule for compliance with Act 213 identified in this order, to the extent that their obligations are not otherwise modified by the Commission or the Pennsylvania General Assembly.

3. The Pennsylvania Sustainable Energy Board shall meet and examine how Act 213 should be implemented regarding the receipt of alternative compliance payments and their disbursement to the regional sustainable energy funds. Previous deadlines for the submission to the Commission of bylaws for the Pennsylvania Sustainable

Energy Board and best practices for the regional energy funds are waived in light of the impact of Act 213 on the Pennsylvania Sustainable Energy Board's duties and obligations. Bylaws and best practices shall be filed with the Commission for approval by April 1, 2006.

4. This order be published in the *Pennsylvania Bulletin* and a copy of this order served on all jurisdictional electric distribution companies, all licensed electric generation suppliers, the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff and the DEP.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 05-676. Filed for public inspection April 8, 2005, 9:00 a.m.]

#### Merger

**A-310580F0009, et al. Verizon Communications, Inc., MCI, Inc. and MCI, Inc.'s Pennsylvania Jurisdictional Subsidiaries.** Joint application of Verizon Communications, Inc., MCI, Inc. and MCI, Inc.'s Pennsylvania jurisdictional subsidiaries for approval of agreement and plan of merger.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before April 25, 2005. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicants:* Verizon Communications, Inc. and MCI, Inc.

*Through and By Counsel:* Julia A. Conover, Esquire, Vice President and General Counsel, 1717 Arch Street, 32nd Floor, Philadelphia, PA 19103; and Michelle Painter, Esquire, Senior Counsel, 22001 Loudoun County Parkway, Ashburn, VA 20147.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 05-677. Filed for public inspection April 8, 2005, 9:00 a.m.]

#### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by May 2, 2005. Documents

filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.**

**A-00121624. Buffalo Township Emergency Medical Services (EMS), Inc.** (663 Ekastown Road, Sarver, Butler County, PA 16055), a corporation of the Commonwealth—persons in paratransit service, between points in the Counties of Butler, Armstrong and Westmoreland, and from points in said counties and from points in the County of Allegheny, to points in Pennsylvania, and return.

**A-00121571. Cloyd B. Colyer, Jr., t/a C. B. Colyer Transportation** (R. R. 2, Box 2030, McAlisterville, Fayette Township, Juniata County, PA 17049)—persons, upon call or demand, in the County of Juniata.

**A-00121506, Folder 3. Lasting Impressions DeeJay and Limousine Service, Inc.** (P. O. Box 1406, Westminster, MD 21158), a corporation of the State of Maryland—persons, in group and party service, in vehicles seating 11 to 15 passengers, including the driver, between points in the Counties of York, Adams and Franklin, and from points in said territory, to points in Pennsylvania, and return.

**A-00121625. T & S Limousines, Incorporated** (1362 Randy Drive, Pottstown, Montgomery County, PA 19464), a corporation of the Commonwealth—persons, in limousine service, between points in the Counties of Chester, Delaware, Montgomery and Philadelphia, and from points in said counties, to points in Pennsylvania, and return.

**A-00121623. Harold F. Wilson** (13 Mountain Laurel Lane, Milroy, Mifflin County, PA 17063-9470)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the County of Mifflin, and from points in said county, to points in Pennsylvania, and return.

**A-00121626. Rezman Express, Inc.** (800 Cedar Lane, Teaneck, NJ 07666), a corporation of the State of New Jersey—persons, in limousine service, between points in the Counties of Bucks, Chester, Delaware, Lackawanna, Luzerne, Monroe, Montgomery, Northampton, Philadelphia, Pike and Wayne, and from points in said counties to points in Pennsylvania, and return. *Attorney:* Brian R. Koch, 5775 Lower York Road, Lahaska, PA 18931.

**A-00121410. Nancy S. and Cletus E. Ressler, Tenants by Entirety** (81 Hertzog Drive, Leola, Lancaster County, PA 17540-1507)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the County of Lancaster, and points in the Township of Honey Brook, Chester County, and from points in said territory, to points in Pennsylvania, and return.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.**

**A-00121474 (Corrected). Erik Matthew Snyder** (422 Edison Street, West Mifflin, Allegheny County, PA 15122)—household goods in use, between points in the County of Allegheny.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 05-678. Filed for public inspection April 8, 2005, 9:00 a.m.]

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**Telecommunications**

**A-311275F7018. Frontier Communications of Breezewood, LLC and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless.** Joint petition of Frontier Communications of Breezewood, LLC and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless for approval of an interconnection agreement and amendment no. 1 under section 252(e) of the Telecommunications Act of 1996.

Frontier Communications of Breezewood, LLC and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless, by its counsel, filed on March 22, 2005, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement and amendment no. 1 under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Frontier Communications of Breezewood, LLC and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 05-679. Filed for public inspection April 8, 2005, 9:00 a.m.]

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**Telecommunications**

**A-311275F7019. Frontier Communications of Canton, LLC and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless.** Joint petition of Frontier Communications of Canton, LLC and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless for approval of an interconnection agreement and amendment no. 1 under section 252(e) of the Telecommunications Act of 1996.

Frontier Communications of Canton, LLC and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless, by its counsel, filed on March 22, 2005, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement and amendment no. 1 under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg,

PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Frontier Communications of Canton, LLC and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 05-680. Filed for public inspection April 8, 2005, 9:00 a.m.]

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### Telecommunications

**A-311275F7021. Frontier Communications of Lakewood, LLC and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless.** Joint petition of Frontier Communications of Lakewood, LLC and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless for approval of an interconnection agreement and amendment no. 1 under section 252(e) of the Telecommunications Act of 1996.

Frontier Communications of Lakewood, LLC and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless, by its counsel, filed on March 22, 2005, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement and amendment no. 1 under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Frontier Communications of Lakewood, LLC and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 05-681. Filed for public inspection April 8, 2005, 9:00 a.m.]

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### Telecommunications

**A-311275F7020. Frontier Communications of Oswayo River, LLC and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless.** Joint petition of Frontier Communications of Oswayo River, LLC and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless for approval of an interconnection agreement and amendment no. 1 under section 252(e) of the Telecommunications Act of 1996.

Frontier Communications of Oswayo River, LLC and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless, by its counsel, filed on March 22, 2005, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agree-

ment and amendment no. 1 under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Frontier Communications of Oswayo River, LLC and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 05-682. Filed for public inspection April 8, 2005, 9:00 a.m.]

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### Telecommunications

**A-311275, F7007. Frontier Communications of Pennsylvania, LLC and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless.** Joint petition of Frontier Communications of Pennsylvania, LLC and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless for approval of amendment no. 1 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Frontier Communications of Pennsylvania, LLC and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless, by its counsel, filed on February 11, 2005, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Frontier Communications of Pennsylvania, LLC and Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 05-683. Filed for public inspection April 8, 2005, 9:00 a.m.]

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### Transfer of Regulatory Oversight; Doc. No. M-00051868

Under the act of July 16, 2004 (P.L. 758, No. 94) (Act 94), regulatory oversight of the Philadelphia Medallion taxicab industry and various other types of passenger carriers serving Philadelphia was transferred from the Pennsylvania Public Utility Commission (Commission) to the Philadelphia Parking Authority (Authority).

The Commission and the Authority have entered into an agreement to effectuate the transfer, as required by section 22 of Act 94. Transfer of regulatory oversight is effective immediately. Carriers serving Philadelphia should contact the Authority to ensure continued regulatory compliance. The Authority can be contacted at (215) 683-9785 or [www.philapark.org](http://www.philapark.org).

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 05-684. Filed for public inspection April 8, 2005, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #05-025.5, Asbestos Removal & Boiler Demolition, Pier 38 South, until 2 p.m. on Thursday, May 5, 2005. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available April 19, 2005. Additional information and project listings can be found at [www.philaport.com](http://www.philaport.com). The cost of the bid document is \$35 (includes 7% Pennsylvania Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations. Bidders must provide to the Procurement Department, in writing, the names of individuals that will be attending prebid meetings. This information is needed 24 hours prior to the meeting. Fax to (215) 426-6800, ATTN: Procurement Department.

A mandatory prebid job site meeting will be held on April 28, 2005, at 10 a.m. at Pier 38 S., Columbus Blvd. and Christian St., Philadelphia, PA 19147.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 05-685. Filed for public inspection April 8, 2005, 9:00 a.m.]

### Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept sealed proposals for Project #05-027.1, Design/Build a Perimeter Motion Video Motion Detection & Alarm System at Piers 78 through 84 South, until 3 p.m. on Thursday, May 5, 2005. The Request for Proposals (RFP) documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor,

Philadelphia, PA 19134, (215) 426-2600 and will be available April 19, 2005. Additional information and project listings can be found at [www.philaport.com](http://www.philaport.com). The cost of the RFP document is \$35 (includes 7% Pennsylvania Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations. Bidders must provide to the Procurement Department in writing, the names of individuals that will be attending the prebid meeting. This information is needed 24 hours prior to the meeting. Fax to (215) 426-6800, ATTN: Procurement Department.

A mandatory prebid job site meeting will be held on April 28, 2005, at 9 a.m. at the PRPA Office, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 05-686. Filed for public inspection April 8, 2005, 9:00 a.m.]

## SUPREME COURT

### Investment Advisory Board; Request for Information

The Supreme Court of Pennsylvania, through its Investment Advisory Board (IAB), plans to issue a request for information (RFI) for fixed income and equity money management services. The RFI will cover the investment services of three court-appointed boards operating independently of each other, within the purview of the Supreme Court. The Supreme Court has decided to consolidate the investment activity of the boards to maximize overall investment returns, reduce investment costs, and increase operating efficiencies. The IAB is responsible for this consolidation and future investment oversight. The purpose of this notice is to determine your firm's interest in responding to the soon-to-be-released RFI.

The services being sought will be to invest funds in accordance with the IAB's investment policy and asset allocation plan. The expected size of the consolidated portfolio is in the \$20 million range. Source of funds are attorney assessments and fees for service.

If you are interested in receiving a copy of the RFI, please contact by letter the Administrative Office of Pennsylvania Courts, P. O. Box 719, Mechanicsburg, PA 17055, Attention IAB-RFI, or email to [IAB-RFI@pacourts.us](mailto:IAB-RFI@pacourts.us), by April 22, 2005.

MANUEL STAMATAKIS,  
*Chairperson*

[Pa.B. Doc. No. 05-687. Filed for public inspection April 8, 2005, 9:00 a.m.]