

# NOTICES

## DELAWARE RIVER BASIN COMMISSION

### Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Wednesday, September 27, 2006. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held at the Commission's office building, located at 25 State Police Drive in West Trenton, NJ.

The conference among the Commissioners and staff will begin at 10:15 a.m. Topics of discussion will include a presentation on proposed revisions to the State of New Jersey's Flood Plain Regulations; general discussion of Basin-wide flood mitigation and flood loss reduction planning; a presentation on preliminary findings of a United States Fish and Wildlife Service dwarf wedgemussel habitat study; a presentation by the Water Management Advisory Committee Chair on a recommended policy for water transfers and a proposed water loss accountability program; and a second-year status report on implementation of the Commission's 2004 *Water Resources Plan for the Delaware River Basin*.

The subjects of the public hearing to be held during the 1:30 p.m. business meeting include the dockets listed below:

1. *Matamoras Municipal Authority D-81-78 CP-5*. An application to replace the withdrawal of water from Well No. 8 in the applicant's public water supply distribution system with a withdrawal from Well No. 8A, because Well No. 8 has become an unreliable source of supply. The applicant requests that the maximum total withdrawal from all wells remain unchanged, at 11.7 million gallons per 30 days (mg/30 days). The replacement well is located in the Pleistocene Outwash Formation in the Delaware River Watershed in Matamoras Borough, Pike County, PA.

2. *Joseph Jackewicz, Sr. D-91-53-2*. An application for the renewal of a ground and surface water withdrawal project to continue withdrawal of 219.8 mg/30 days to supply the applicant's agricultural irrigation system from replacement Well No. Townsend 3, eight existing wells and one existing surface water intake. The project is located in the Tidbury Creek, Cypress Branch and Double Run watersheds in the Town of Magnolia, Kent County, DE.

3. *Maidencreek Township Authority D-91-58 CP-4*. An application for approval of a groundwater withdrawal project to supply up to 14.39 mg/30 days of water to the applicant's public water supply distribution system from new Well No. 5 in the Allentown Formation, and to retain the existing withdrawal from all wells of 22.7 mg/30 days. Well No. 5 is proposed as a redundant source to provide flexibility and reliability in operation of the applicant's public water supply distribution system. The project is located in the Maiden Creek Watershed in Maidencreek Township, Berks County, PA.

4. *Solvay Solexis D-69-84-2*. An application for the approval of a groundwater withdrawal project to increase the allocation of water from 2 mg/30 days to 60 mg/30

days to the docket holder's industrial supply distribution system through two existing wells (Wells Nos. 417 and 418) and to supply up to 14.91 mg/30 days of water to the docket holder's groundwater remediation program through four new wells (Wells Nos. RW1—RW4). The project is located in the Delaware River Watershed in West Deptford Township, Gloucester County, NJ.

5. *Reading Regional Airport Authority D-86-38 CP-2*. An application to upgrade and expand an existing 0.175 million gallon per day (mgd) secondary wastewater treatment plant (WWTP) to 0.42 mgd. The project is located at the western end of the existing WWTP site off Leiscz's Bridge Road between Reading Regional Airport and the Schuylkill River in Bern Township, Berks County PA. The project service area includes the Reading Regional Airport and associated development, the West Shore area, the Water District area and the Saint Joseph Medical Center area, all in Bern Township. Much of the existing plant will be replaced by new treatment facilities which includes Sequencing Batch Reactors biological processing, aerobic sludge digesters and gas chlorination prior to discharge to the Schuylkill River at the existing discharge point. Please note the docket number change. A Notice of Application Received was issued for this application on April 2, 2004 under D-2004-16.

6. *Antietam Valley Municipal Authority D-87-45 CP-2*. An application to modify a 1.225 mgd WWTP to more effectively process hydraulic surges due to wet weather-related infiltration and inflow (I & I) to the collection system. The WWTP will continue to serve predominantly residential portions of St. Lawrence Borough, Mount Penn Borough, and Exeter and Lower Alsace Townships, all within Berks County, PA. The WWTP is located on Butter Lane in St. Lawrence Borough just east of the intersection of SR 562 and US Route 422. The WWTP will continue to discharge to Antietam Creek in the Schuylkill River Watershed through the existing outfall. No increase in treatment capacity is proposed, as the docket holder will continue its efforts to control I & I.

7. *Waste Management Disposal Services of Pennsylvania, Inc. D-88-54-3*. An application to modify a landfill leachate treatment plant (LTP) discharge to the tidal Delaware River via a constructed discharge cove in DRBC Water Quality Zone 2. The 0.1 mgd LTP serves the GROWS and Tullytown Sanitary Landfills and is located off Bordentown Road in Falls Township, Bucks County, PA. The LTP utilizes best available treatment technology to remove organic and inorganic contaminants, with the exception of total dissolved solids (TDS). The docket holder has requested that its docket be modified to allow an interim average concentration of up to 15,000 milligrams per liter (mg/l) of TDS in the plant's discharge, an increase from the current limit of 10,000 mg/l as an average. Approximately 3,000 mg/l of TDS is added to the leachate treatment process to facilitate ammonia stripping, metals prescription and sludge conditioning. The proposed LTP discharge is expected to increase background TDS in the estuary by less than 0.5%. An environmental study will be conducted to demonstrate that no adverse impact will occur to aquatic life in the discharge cove before an application to increase the LTP effluent TDS concentration to 19,100 mg/l is considered. The project involves no expansion of the treatment facilities or treatment capacity.

8. *Mount Airy #1, LLC D-89-37-2*. An application for approval of a groundwater withdrawal project to supply

up to 9.5 mg/30 days of water to the applicant's distribution system from new Wells Nos. 1 and 2. The project is located in the Long Run Member of the Catskill Formation in the Forest Hills Run Watershed in Paradise Township, Monroe County, PA.

9. *Town of Smyrna D-93-72 CP-2*. An application to replace the withdrawal of water from Well No. 1A in the applicant's water supply system because it has become an unreliable source of supply. The applicant requests that the withdrawal from replacement Well No. 3 and existing Wells Nos. 1 and 2A be increased from 33.99 mg/30 days to 34 mg/30 days. The project is located in the Columbia/Chesold Formation in the Smyrna River Watershed in the Town of Smyrna, Kent County, DE.

10. *Degussa Corporation D-96-11-2*. An application to expand the industrial waste treatment plant's (IWTP) existing discharge to the Delaware River from 0.95 mgd to 1.15 mgd. In conjunction with the expanded discharge, the applicant also has requested a new determination of the IWTP's allowable Total Dissolved Solids limit. The facility, which will continue to serve only the applicant's silica production operations, is located in the City of Chester, Delaware County, PA.

11. *Moyer Packing, Rendering and Beef Facility D-96-21-2*. An application to re-establish the Commission's IWTP effluent Total Dissolved Solids (TDS) determination of 3,100 mg/l, issued to Moyer Packing Company (MOPAC) in 1985. The TDS determination was later replaced by an osmotic pressure limit contained in the facility's NPDES Permit. The Commission's staff has determined that the effluent TDS limit of 3,100 mg/l is not protective of a downstream agricultural use and is recommending that the Commission rescind the TDS limit currently in effect and impose the Commission's basinwide TDS standard of 1,000 mg/l, unless the applicant provides the downstream irrigation user with an alternate water source. No increase of MOPAC's 0.75 mgd IWTP capacity is proposed. The IWTP will continue to serve only the MOPAC meat packing and rendering facility, which is located in Franconia Township, Montgomery County, PA. IWTP effluent will continue to discharge to Skippack Creek in the Schuylkill River Watershed through the existing outfall.

12. *Green-Waltz Water Company/Nestle Waters North America Inc. D-98-55-3*. An application for approval of a groundwater withdrawal project to supply up to 4.8 mg/30 days of water for bulk water supply to the applicant's bottling plant from new Spring Water Borehole B-2, in the Martinsburg Formation. The applicant has requested an increase in total allocation from 11.7 mg/30 days to 16.5 mg/30 days. The project is located in the Waltz Creek Watershed in Washington Township, Northampton County, PA.

13. *City of Easton D-99-62 CP*. An application to increase the applicant's surface water withdrawal allocation from 10 mgd to 12 mgd (360 mg/month) by means of its intake on the Delaware River at the northeast corner of the City of Easton, Northampton County, PA. The proposed expansion is needed to serve increased population in the applicant's existing service area which includes the City of Easton; Wilson, Glendon and West Easton Boroughs; Palmer and Forks Townships; and portions of Williams, Bethlehem and Lower Nazareth Townships; all in Northampton County, PA. No additional treatment or storage facilities are proposed.

14. *Upper Saucon Township D-2000-51 CP-2*. An application for approval of a groundwater withdrawal project

to supply up to 32.16 mg/30 days of water to the docket holder's public supply distribution system through one new well (Well No. CC2) and two existing wells (Wells Nos. CC1 and Abandoned Mine Shaft). The individual allocation for the Abandoned Mine Shaft Well is a reduction from the previous allocation of 30 mg/30 days to 3 mg/30 days; however, the proposed total allocation for all sources is an increase from the previous total allocation for all sources of 30 mg/30 days. The project is located in the Brunswick Formation in the Saucon Creek Watershed in Upper Saucon Township, Lehigh County, PA.

15. *Little Washington Wastewater Co. D-2002-42-2*. An application for expansion of the White Haven Borough WWTP from 0.45 mgd to 0.6 mgd. The expansion is proposed to accommodate wastewater flows from areas formerly served by the aging Hickory Hills and Ag-Mar WWTPs, in accordance with a Consent Order and Agreement between the Department of Environmental Protection and Foster Township. The WWTP will continue to discharge to the Lehigh River, which is tributary to the Lower Delaware River Special Protection Waters. The facility is located in White Haven Borough, Luzerne County, PA.

16. *Great Wolf Lodge D-2003-25-2*. An application for the approval of the addition of a 60,000 gallon equalization tank and associated modifications to the existing 90,000 gpd WWTP. The WWTP will continue to discharge to Scot Run, a tributary of the Pocono Creek, which is a tributary of the Brodhead Creek. The Brodhead Creek is a tributary to the Middle Delaware River Special Protection Waters. The facility is located in Pocono Township, Monroe County, PA.

17. *Alsace Township D-2006-5 CP-1*. An application to construct a 0.071 mgd WWTP to process domestic wastewater from 201 homes in Alsace Township that are currently served by onlot septic systems. The extended aeration plant will be constructed at the intersection of Alsace Avenue and Kegerise Drive in Alsace Township, Berks County, PA. WWTP effluent will be discharged to an unnamed tributary of Little Manatawny Creek in the Schuylkill River Watershed.

18. *Delaware River Joint Toll Bridge Commission D-2006-7 CP-1*. An application for approval of a bridge modification project, located in a recreational area which is included in the Commission's Comprehensive Plan. The US Route 1 Toll Bridge connects the Borough of Morrisville, Bucks County, PA with the City of Trenton, Mercer County, NJ and is located at the base of Commission's Water Quality Zone 1E. The bridge will be widened at a point where it passes over the Delaware Canal, formerly known as Roosevelt State Park.

19. *Green Walk Trout Hatchery D-2006-8-1*. An application for approval of a groundwater withdrawal project to supply up to 12.96 mg/30 days of water to the applicant's commercial trout hatchery from existing Wells Nos. W-2, W-5 and W-6. The total allocation will be limited to 12.96 mg/30 days. Groundwater withdrawals will be used to augment the flow of Greenwalk Creek and provide cold, oxygenated water to the applicant's trout stocking facility. The project is located in the Waltz Creek Watershed in Washington Township, Northampton County, PA.

20. *Ingersoll-Rand Company D-2006-14-1*. An application for the approval of an existing groundwater remediation discharge project located at the Ingersoll-Rand facility in Phillipsburg, NJ. The existing remediation system discharges approximately 0.090 mgd by means of Outfall

002 to Lopatcong Creek, which converges with the Delaware River at River Mile 182, within a reach classified as "Significant Resource Waters." The facility is located in the Town of Phillipsburg and Lopatcong Township, Warren County, NJ.

21. *Clement Pappas & Co., Inc. D-2006-15-1.* An application for the approval of an existing 2.0 mgd cooling water discharge that serves the applicant's food processing facility. The food processing operation consists of bottling fruit juices and cranberry sauces. The cooling water is discharged to Foster Run, which is a tributary to the Cohansey River. The facility is located in Upper Deerfield Township, Cumberland County, NJ.

22. *Cove Haven Inc., d/b/a Caesars Brookdale on the Lake Resort D-2006-19-1.* An application for the approval of the existing Caesars Brookdale on the Lake Resort's WWTP discharge of 0.084 mgd. The WWTP will continue to discharge to Brookdale Lake, which discharges to Scot Run. Scot Run is a tributary to the Pocono Creek, which is tributary to the Brodhead Creek. The Brodhead Creek is a tributary to the Middle Delaware River Special Protection Waters. The facility is located in Pocono Township, Monroe County, PA.

23. *Cove Haven Inc., d/b/a Caesars Paradise Stream Resort D-2006-20-1.* An application for approval of an existing 0.1 mgd discharge from the WWTP that serves the Caesars Paradise Stream Resort. The WWTP will continue to discharge to Paradise Creek, which is a tributary to the Brodhead Creek. The Brodhead Creek is a tributary to the Middle Delaware River Special Protection Waters. The facility is located in Paradise Township, Monroe County, PA.

24. *White Pines Partners, L.P. D-2006-22-1.* An application for approval of a groundwater withdrawal project to supply up to 4.968 mg/30 days of water to the applicant's Island Green golf course irrigation system from new Well PW-1. The project is located in the Wissahickon Schist Formation in the Pennypack Creek Watershed in the City of Philadelphia, PA.

25. *Council Rock School District D-2006-24 CP-1.* An application for approval of a groundwater withdrawal project to supply up to 2.722 mg/30 days of water to the applicant's athletic field irrigation system from new Wells Nos. 1 and 2. The project is located in the Stockton

Formation in the Neshaminy Creek Watershed in Northampton Township, Bucks County, PA and within the Southeastern Pennsylvania Ground Water Protected Area.

In addition to the public hearing on the dockets listed previously, the Commission's 1:30 p.m. business meeting will include: a public hearing and consideration of a resolution to extend the Special Protection Waters designation for the Lower Delaware River; a public hearing and consideration of a resolution approving the Commission's Water Resources Program for Fiscal Years (FY) 2007-12; a resolution authorizing the Executive Director to enter into an agreement with the National Oceanic and Atmospheric Administration for the purpose of installing snow pack gauges in the Upper Basin; a resolution authorizing the Executive Director to enter into an agreement for consulting services in connection with the acquisition of a data management system; and a public hearing and consideration of a resolution approving the Commission's FY 2007-08 Budget and Work Plan.

The meeting will also include: adoption of the Minutes of the Commission's July 19, 2006, business meeting; announcements of upcoming advisory committee meetings and other events; a report by the Executive Director; a report by the Commission's General Counsel; and an opportunity for public dialogue.

Draft dockets scheduled for public hearing on September 27, 2006, will be posted on the Commission's www.drbc.net, when they can be accessed through the Notice of Commission Meeting and Public Hearing. Additional documents relating to the dockets and other items may be examined at the Commission's offices. Please contact William Muszynski at (609) 883-9500, Ext. 221, with any docket-related questions.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act who wish to attend the informational meeting, conference session or hearings should contact the Commission Secretary directly at (609) 883-9500 Ext. 203 or through the Telecommunications Relay Services (TRS) at 711, to discuss how the Commission can accommodate their needs.

PAMELA M. BUSH,  
Secretary

[Pa.B. Doc. No. 06-1806. Filed for public inspection September 15, 2006, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending September 5, 2006.

### BANKING INSTITUTIONS

#### New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-1-06	Colonial American Bank West Conshohocken Montgomery County	West Conshohocken	Approved

**Interim Charter Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-31-06	Unity Bank Pennsylvania Forks Township Northampton County	Forks Township	Approved

Interim bank being chartered solely to facilitate the ability of Unity Bank, Clinton, NJ, a New Jersey-chartered bank, to establish a branch office in Pennsylvania.

**Mutual Holding Company Reorganization**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-29-06	Greater Delaware Valley Savings Bank Broomall Delaware County	Broomall	Filed

Greater Delaware Valley Savings Bank (Bank), which is currently organized in mutual holding company structure under Greater Delaware Valley Holdings, a Mutual Holding Company (MHC), is proposing to reorganize by inserting an interim Federal thrift holding company into its structure and converting the MHC to a Federal thrift holding company through a multi-step transaction involving the establishment of an interim bank (Alliance Interim Savings Bank), subsequent merger of the interim into the Bank and the acquisition of the bank by the newly established Federal thrift holding company.

**Holding Company Acquisitions**

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
8-31-06	Unity Bancorp, Inc., Clinton, NJ, to acquire 100% of Unity Bank Pennsylvania, Forks Township, PA, which will be merged with and into Unity Bank, Clinton, NJ, the wholly owned subsidiary of Unity Bank, Inc.	Clinton, NJ	Approved

**Bank Holding Company Reorganizations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-1-06	Berkshire Bank, Wyomissing and Berkshire Interim Bank, Wyomissing Surviving Institution— Bershire Bank, Wyomissing	Wyomissing	Effective

The merger is being effected solely to facilitate the acquisition of Berkshire Bank, Wyomissing, by BERKSHIRE BANCORP, INC., Wyomissing, a newly formed bank holding company.

**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-28-06	Reliance Savings Bank Altoona Blair County	Altoona	Filed

Purchase of assets/assumption of liabilities of two branch offices of Susquehanna Bank, Hagerstown, MD. Located at:

1254 Old Route 220 North  
Duncansville  
Blair County

3119 Pleasant Valley Boulevard  
Altoona  
Blair County

9-1-06	Fulton Bank Lancaster Lancaster County	Lancaster	Filed
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Purchase of assets/assumption of liabilities of Premier Bank, Doylestown. Both institutions are wholly owned subsidiaries of Fulton Financial Corporation, Lancaster.

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-29-06	First Cornerstone Bank King of Prussia Montgomery County	368 Schuylkill Road Phoenixville Chester County	Opened
8-26-06	Community First Bank Reynoldsville Jefferson County	135 East Mahoning Street Punxsutawney Jefferson County (Temporary Location)	Opened

## NOTICES

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-28-06	Lafayette Ambassador Bank Easton Northampton County	North Third Street Coopersburg Lehigh County	Filed
8-31-06	Northwest Savings Bank Warren Warren County	West 4th Street (SR 22/522) Granville Township Mifflin County	Filed
9-1-06	Farmers and Merchants Trust Company of Chambersburg Chambersburg Franklin County	Carlisle Crossing Shopping Center Carlisle Cumberland County	Filed

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-31-06	First Commonwealth Bank Indiana Indiana County	799 Castle Shannon Boulevard Pittsburgh Allegheny County	Approved

**Articles of Amendment**

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
9-1-06	Public Savings Bank Willow Grove Montgomery County	Amendment to Article 1 of the Articles of Incorporation to change the principal place of business from 2300 Computer Avenue, Suite H42, Willow Grove, Montgomery County, PA, to 1265 Industrial Boulevard, Southampton, Bucks County, PA.	Approved and Effective

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
9-1-06	Freedom Credit Union, Philadelphia, and Church of the Redeemer Federal Credit Union, Philadelphia Surviving Institution— Freedom Credit Union, Philadelphia	Philadelphia	Effective
9-1-06	Freedom Credit Union, Philadelphia, and FBC Federal Credit Union, Philadelphia Surviving Institution— Freedom Credit Union, Philadelphia	Philadelphia	Effective

**Branch Applications**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
9-5-06	Belco Community Credit Union Harrisburg Dauphin County	1758 Oregon Pike Lancaster Lancaster County	Filed

The Department's website at [www.banking.state.pa.us](http://www.banking.state.pa.us) includes public notices for more recently filed applications.

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 06-1807. Filed for public inspection September 15, 2006, 9:00 a.m.]

# DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

## Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, September 27, 2006, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

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

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

MICHAEL F. DIBERARDINIS,  
*Chairperson*

[Pa.B. Doc. No. 06-1808. Filed for public inspection September 15, 2006, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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

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

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

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

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

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

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

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

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

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

### I. NPDES Renewal Applications

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

<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>
PA0064131	Raceway Truckstop, Inc. P. O. Box 239 Harford, PA 18823-0239	Tremont Township Schuylkill County	Swatara Creek 7D	Y
PA0061115	Cove Haven, Inc. d/b/a Paradise Stream Resort P. O. Box 400 Scot Run, PA 18355	Paradise Township Monroe County	Paradise Creek 1E	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0021245 (SEW)	Duncannon Borough Municipal Authority 428 North High Street Duncannon, PA 17020	Perry County Duncannon Borough	Susquehanna River 7-A	Y
PA0030171 (SEW) w/transfer	Llewellyn's Manufactured Home Community, Inc. 4550 Bull Road Dover, PA 17315	York County Conewago Township	UNT Little Conewago Creek 7-F	Y
PA0082023 (IW)	Upper Leacock Township 115 Newport Road Leola, PA 17540-0325	Lancaster County Upper Leacock Township	UNT Conestoga Creek 7-J	Y
PA0035653 (SEW)	Department of Transportation— Safety Rest Area Site No. 3 Bureau of Design P. O. Box 3060 Harrisburg, PA 17105-3060	Fulton County Brush Creek Township	UNT Brush Creek 13-B	Y
PA0083020 (SEW)	Forbes Road School District 159 Red Bird Drive Waterfall, PA 16689-9734	Fulton County Taylor Township	UNT Elders Branch of Wooden Bridge Creek 13-B	Y
PA0081795 (Sew)	Williams Grove Associates 20 Erford Road Lemoyne, PA 17043	Cumberland County Monroe Township	Yellow Breeches 7-E	Y
PA0081922 (Sew)	Lewisberry Area Joint Authority P. O. Box 363 Lewisberry, PA 17339	York County Lewisberry Borough	Bennett Run 7-F	Y
PA0087017 (Sew)	Lower Paxton Township Authority 425 Prince Street Suite 139 Harrisburg, PA 17109	Dauphin County Lower Paxton Township	Nyes Run 7-D	Y

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

<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>
PA0209406	Eutaw Centre SFTF, Inc. 150 Old Fort Road Spring Mills, PA 16875	Centre County Potter Township	UNT to Potter Run	Y
PA0115304 Sewerage	Litchfield Township Supervisors R. R. 1 Box 144 J Sayre, PA 18840-9335	Litchfield Township Bradford County	Satterlee Creek 4B	Y
PA0209350 Sewerage	Delmar Township 610 N. Lawton Road Wellsboro, PA 16901	Delmar Township Tioga County	Heise Run 9A	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>
PA0222038	Robert B. Pangallo 3111 Trails End Lane Sigel, PA 15860	Barnett Township Jefferson County	UNT to Cathers Run 17-B	Y

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

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

**PA0065129**, Sewage, **David Holbert**, 125 Rocky Riff Farms Road, Lackawaxen, PA 18435. This proposed facility is located in Lackawaxen Township, **Pike County**.

Description of Proposed Activity: Issuance of an NPDES Permit.

The receiving stream, UNT to Delaware River, is in the State Water Plan Watershed No. 1D and classified for HQ-CWF. The nearest downstream public water supply intake for East Stroudsburg Borough Intake located on the Delaware River.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0015 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31) (11-1 to 4-30)	10 20		20 40
Total Suspended Solids	20		40
NH <sub>3</sub> -N (5-1 to 10-31) (11-1 to 4-30)	3 9		6 18
Dissolved Oxygen	A minimum of 3.0 mg/l at all times.		
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric mean 2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	Ultraviolet Disinfection/Non Detect		

**PAS802225**, Industrial Stormwater, **Student Transportation of America**, 230 East Main Street, Suite 100, Carnegie, PA 15106. This proposed facility is located in Washington Township, **Northampton County**.

Description of Proposed Activity: Issuance of a new Industrial Stormwater Permit.

The receiving stream, UNT to Martin's Creek, is in the State Water Plan Watershed No. 1F and is classified for TSF. The nearest downstream public water supply intake for City of Easton is located on the Delaware River and is over 10 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are as follows:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>
CBOD <sub>5</sub>				Report
Chemical Oxygen Demand				Report
Oil and Grease				Report
pH				Report



## NOTICES

Parameter	Mass (lb/day)		Concentration (mg/l)	
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily
Total Suspended Solids (TSS)				Report
Total Kjeldahl Nitrogen (TKN)				Report
Total Phosphorus				Report
Iron (dissolved)				Report

In addition to the effluent limits, the permit contains the following major special conditions: Requirements applicable to stormwater outfalls along with identified best management practices.

**PAS#802224**, Industrial Stormwater, 1121 Bordentown Road, Morrisville, PA 19067. This proposed facility is located in Berlin Township, **Wayne County**.

Description of Proposed Activity: Issuance of a new Industrial Stormwater Permit.

The receiving stream, UNT to Beach Lake Creek, is in the State Water Plan Watershed No. 1A and classified for HQ-CWF. The nearest downstream public water supply intake for Stroudsburg Water Company located on the Delaware River and is over 25 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are as follows:

Parameter	Mass (lb/day)		Concentration (mg/l)	
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily
CBOD <sub>5</sub>				Report
Chemical Oxygen Demand				Report
Oil and Grease				Report
pH				Report
Total Suspended Solids (TSS)				Report
Total Kjeldahl Nitrogen (TKN)				Report
Total Phosphorus				Report
Iron (dissolved)				Report

In addition to the effluent limits, the permit contains the following major special conditions: Requirements applicable to stormwater outfalls along with identified best management practices.

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

**Application No. PA 0248568**, Sewage, **James and Barbara Angelo**, P. O. Box 49, Huntingdon, PA 16652. This facility is located in Walker Township, **Huntingdon County**.

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

The receiving stream, UNT to Crooked Creek, is in Watershed No. 11-B and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Dauphin Consolidated is located in the Susquehanna Township, Dauphin County, approximately 100 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0004 mgd are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
NH <sub>3</sub> -N		Monitor	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform		200/100 ml as a geometric average	
(5-1 to 9-30)		2,000/100 ml as a geometric average	
(10-1 to 4-30)			

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

The EPA waiver is in effect.

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

**PA0229016**, Sewage 4952, **Glenn D. Poust**, 767 N. Shaffer Hill Road, Cogan Station, PA, 17728. This proposed facility is located in Lycoming Township, **Lycoming County**.

Description of Proposed Activity: The applicant has requested an individual discharge permit to serve a single residence sewage treatment plant.

The receiving stream, UNT to Hoagland Run is in the State Water Plan Watershed 10A and classified for HQ-CWF, HQ-CWF. The nearest downstream public water supply intake for PA American Water Company is located on West Branch Susquehanna River and is 42 miles below the point of discharge.

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

Parameter	Concentration mg/l				Mass lbs	
	Monthly Average	Weekly Average	Daily Maximum	Instantaneous Maximum	Monthly Load	Annual Load
pH	within the range of 6.0 to 9.0					
CBOD <sub>5</sub>	10			20		
TSS	20			40		
Fecal Coliforms:			200 colonies/100 ml			

The EPA waiver is in effect.

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

**PA0218871**, Industrial Waste, SIC, 4941, **Ernest Borough Water Treatment Plant**, P. O. Box 119, Ernest, PA 15739. This application is for issuance of an NPDES permit to discharge backwash water from Ernest Water Treatment Plant in Ernest, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, McKee Run classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Buffalo Township Municipal Authority, located at Freeport on Allegheny River, more than 50 miles below the discharge point.

*Outfall 001: new discharge, design flow of 0.0073 mgd.*

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Suspended Solids			30		60
Total Iron			2		4
Aluminum (T)			4		8
Manganese (T)			1		2
Total Residual Chlorine			0.5		1
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

**PA0044431**, Sewage, **Fairfield Manor, Inc.**, P. O. Box 17039, Pittsburgh PA 15235. This application is for renewal of an NPDES permit to discharge treated sewage from Fairfield Manor STP in Fairfield Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Hendricks Creek, which are classified as a TSF with existing and/or potential uses for aquatic life, water supply, and recreation. The first downstream potable water supply intake from this facility is the Municipal Water Authority of Buffalo Township.

*Outfall 001: existing discharge, design flow of 0.03 mgd.*

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	4.5			9.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.2			0.5
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0204510**, Sewage, **Carlton Motel & Restaurant**, 594 Carlton Drive, Bentleyville, PA 15314. This application is for renewal of an NPDES permit to discharge treated sewage from Carlton Motel & Restaurant STP in Somerset Township, **Washington County**.

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

*Outfall 001:* existing discharge, design flow of 0.0013 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0218774**, Sewage, **Beka House, Inc.**, 5977 Somerset Pike, Boswell, PA 15531. This application is for renewal of an NPDES permit to discharge treated sewage from Beka House STP in Jenner Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Bens Creek which are classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Municipal Authority of Buffalo Township.

*Outfall 001:* existing discharge, design flow of 0.00106 mgd.

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

The EPA waiver is in effect.

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

**PA0000183**, Industrial Waste. **General Electric—Erie**, 2901 East Lake Road, Erie, PA 16351. This proposed facility is located in Lawrence Park Township, **Erie County**.

Description of Proposed Activity: discharge of treated industrial waste, noncontact cooling water and stormwater.

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 Wrightsville Water Supply Company and the New York State border located approximately 17.5 miles below point of discharge.

The receiving stream, UNT to Lake Erie is in watershed 15 and classified for WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 1.225 mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX	XX	
Oil and Grease	15	30	30
Dissolved Iron		7	7
Total Suspended Solids	30	60	60
Total Residual Chlorine			0.2
Phosphorus	2		
pH	6.0 to 9.0 standard units at all times		

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Mercury	XX	XX	XX
Phenanthrene	XX	XX	XX

The proposed effluent limits for Outfall 101 based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX		XX
Oil and Grease	26	52	52
Total Suspended Solids	31	60	60
Copper	2.07	3.38	3.38
Total Chromium	1.71	2.77	2.77
Zinc	1.48	2.61	2.61
Cadmium	0.26	0.69	0.69
Lead	0.43	0.69	0.69
Nickel	2.38	3.98	3.98
Silver	0.24	0.43	0.43
Total Toxic Organics		2.13	2.13
Total Cyanide	0.65	1.2	1.2
pH		6.0 to 9.0 standard units at all times	

The proposed effluent limits for Outfall 201 (Interim) based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		XX
Total Suspended Solids		50	
Oil and Grease	15	30	30
pH		6.0 to 9.0 standard units at all times	
Mercury	XX		

The proposed effluent limits for Outfall 201 (Final) based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		XX
Oil and Grease	15	30	30
pH		6.0 to 9.0 standard units at all times	

The proposed effluent limits for Outfall 002 based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		XX
Dissolved Iron		7	7
pH		6.0 to 9.0 standard units at all times	

The proposed effluent limits for Outfall 003 based on a design flow of n/a mgd.

The proposed effluent limits for Outfall 004 based on a design flow of n/a mgd.

The proposed effluent limits for Outfall 006 based on a design flow of n/a mgd.

The proposed effluent limits for Outfall 007 based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
	This discharge shall consist of stormwater runoff only and shall be controlled in accordance with the latest Preparedness, Prevention and Contingency Plan.		

XX—Monitor and report on monthly DMRs.

The EPA waiver is not in effect.

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

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

**WQM Permit No. WQG02070601**, Sewerage, **Frankstown Township Supervisors**, 1775 Frankstown Road, Hollidaysburg, PA 16648. This proposed facility is located in Frankstown Township, **Blair County**.

Description of Proposed Action/Activity: Application for construction/operation of a sewer extension and pump station to serve the Villages of Frankstown and Geeseytown.

**WQM Permit No. 0106402**, Sewerage, **Borough of Bonneauville**, 46 East Hanover Street, Gettysburg, PA 17325. This proposed facility is located in Bonneauville Borough, **Adams County**.

Description of Proposed Action/Activity: Application for construction/operation of a wastewater treatment plant expansion and sanitary sewer collection system.

**WQM Permit No. 3606405**, Sewerage, **West Earl Sewer Authority**, 157 West Metzler Road, P. O. Box 725, Brownstown, PA 17508. This proposed facility is located in West Earl Township, **Lancaster County**.

Description of Proposed Action/Activity: Application for expansion/operation of the Chuch Street Pumping Station.

**WQM Permit No. 0506404**, Sewerage, **Bedford Township Municipal Authority**, P. O. Box 371, Bedford, PA 15522. This proposed facility is located in Bedford Township, **Bedford County**.

Description of Proposed Action/Activity: Application for the construction/operation of the Leach Sewage Pump Station and Force Main relocation project.

**WQM Permit No. 2106409**, Sewerage, **Silver Spring Township Authority**, P. O. Box 1001, New Kingstown, PA 17072-1001. This proposed facility is located in Silver Spring Township, **Cumberland County**.

Description of Proposed Action/Activity: Application for the construction/operation of sanitary sewer collection and conveyance facilities to serve proposed Cumberland Chase development consisting of 302 EDUs.

**WQM Permit No. 2206404**, Sewerage, **Susquehanna Township Authority**, 1900 Linglestown Road, Harrisburg, PA 17110. This proposed facility is located in Susquehanna Township, **Dauphin County**.

Description of Proposed Action/Activity: Application for the replacement/operation of the Wayne Avenue Pump Station.

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

**WQM Permit No. 4706401**, Sewerage, SIC 4952, **William and Connie Knauer**, 20 Keefer Mill Lane, Danville, PA 17821. This proposed facility will be located in Liberty Township, **Montour County**.

Description of Proposed Action/Activity: Applicant applying for permit to authorize the construction of a small flow treatment facility to serve a residence.

**WQM Permit No. 5706401**, Sewage 4952, **Dushore Sewer Authority**, P. O. Box 248, Dushore, PA 18614-0248. This proposed facility is located in Dushore Borough, **Sullivan County**.

Description of Proposed Action/Activity: The applicant proposes to renovate their existing sewage plant with new influent pump station, influent screening and fine bubble aeration.

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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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011503065-A1	Lincoln University 1570 Baltimore Pike Lincoln University, PA 19352	Chester	Lower Oxford Township	McDonald Run to Big Elk Creek HQ-TSF-MF
PAI011506062	Bentley by Design, LP 1595 Paoli Pike West Chester, PA 19380	Chester	Tredyffrin Township	Valley Creek EV
PAI011506063	Wawa, Inc. 260 West Baltimore Pike Wawa, PA 19063	Chester	Uwchlan Township	Shamona Creek HQ-TSF-MF

*Northeast Region: Watershed 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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023906022	Rick Koze 5930 Hamilton Blvd. Wescosville, PA 18106	Lehigh	Upper Macungie Township	Little Lehigh Creek HQ-CWF
PAI023906023	Chuck Hagen First Star Bank 418 West Broad St. Bethlehem, PA 18018	Lehigh	Heidelberg Township	Tributary to Jordan Creek HQ-CWF, MF
PAI023906024	James Gentile Polaris Corner, LP 7562 Penn Drive Suite 100 Allentown, PA 18106	Lehigh	South Whitehall Township	Little Lehigh Creek HQ-CWF

*Pike County Conservation District: HC 6, Box 6770, Hawley, PA 18428, (570) 226-8220.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025206010	Nikles Realty, Inc. 104 Bennett Plaza Milford, PA 18337	Pike	Dingman Township	Raymondskill Creek HQ-CWF

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

*Centre County Conservation District: 414 Holmes Ave., Suite 4, Bellefonte, PA 16823, (814) 355-6817*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10F079R-3	Department of Transportation, District 2-0 1924-30 Daisy Street Clearfield, PA 16830	Centre	Worth Township	Bald Eagle Creek TSF
PAI041406016	Traditions of America Steve Dell/Liberty Hill 5000 Ritter Road, Suite 202 Mechanicsburg, PA 17055	Centre	Harris Township	Spring Creek HQ-CWF

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

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

**PUBLIC WATER SUPPLY (PWS) PERMIT**

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

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department

of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

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

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

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

### SAFE DRINKING WATER

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

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

**Permit No. 1506506**, Public Water Supply  
 Applicant **Maplewood Mobile Home Park**  
 Township West Brandywine  
 County **Chester**  
 Responsible Official Patricia DioBilda  
 Type of Facility PWS  
 Consulting Engineer CSC Technology, Inc  
 Application Received Date April 21, 2006  
 Description of Action Implement pH control and the addition of phosphate corrosion inhibitor.

**Permit No. 0906508**, Public Water Supply  
 Applicant **Palisades School District**  
 Township Nockamixon  
 County **Bucks**  
 Responsible Official Dr. Francis V. Barnes  
 Type of Facility PWS  
 Consulting Engineer Mercuri and Associates, Inc.  
 Application Received Date August 28, 2006  
 Description of Action Installation of an arsenic removal system using ion exchange resin at Durham Nockamixon-Elementary School water system.

**Permit No. 0906509**, Public Water Supply  
 Applicant **Palisades School District**  
 Township Nockamixon

County **Bucks**  
 Responsible Official Dr. Francis V. Barnes  
 Type of Facility PWS  
 Consulting Engineer Mercuri and Associates, Inc.  
 Application Received Date August 28, 2006  
 Description of Action Installation of an arsenic removal system using ion exchange resin at Palisade High School water system.

**Permit No. 0906510**, Public Water Supply  
 Applicant **Palisades School District**  
 Township Nockamixon  
 County **Bucks**  
 Responsible Official Dr. Francis V. Barnes  
 Type of Facility PWS  
 Consulting Engineer Mercuri and Associates, Inc.  
 Application Received Date August 28, 2006  
 Description of Action Installation of an arsenic removal system using ion exchange resin at Palisade Middle School water system.

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

**Application No. 5205503**, Public Water Supply  
 Applicant **S & S Construction Group**  
 Dingman Township  
**Pike County**  
 Responsible Official Xui Quan Shi, President  
 S & S Construction Group  
 P. O. Box 1126  
 Montague, NJ 07827  
 (973) 293-3546  
 Type of Facility Community Water System  
 Consulting Engineer Brian D. Swanson, P. E.  
 Swanson Engineering, PC  
 201 West Harford Street  
 Milford, PA (570) 558-2727  
 Application Received Date August 21, 2006  
 Description of Action Application for construction of a new well, storage tank, treatment facilities and distribution system to serve both the existing seven apartment units at Maple Park Garden Apartments and the proposed 14 additional units.

### MINOR AMENDMENT

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

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

**Application No. 0906511**, Minor Amendment.

Applicant **Newtown Artesian Water Company**  
 Township Newtown  
 Responsible Official George A. Forsyth, Jr.  
 201 North Lincoln Ave.  
 Newtown, PA 18940  
 Type of Facility PWS  
 Consulting Engineer Gannett Fleming, Inc.  
 P. O. Box 80794  
 Valley Forge, PA 19484  
 Application Received Date August 29, 2006  
 Description of Action Repainting of Linton Hill Storage Tank interior and exterior and installation of a Solar Bee equipment to enhance circulation.

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

**Application No. Minor Amendment**, Public Water Supply.

Applicant **Pennsylvania American Water Company (PAWC)**  
 Coolbaugh Township  
**Monroe County**  
 Responsible Official Paul A. Zielinski, Director  
 Environmental Management & Compliance  
 PAWC  
 800 West Hersheypark Dr.  
 Hershey, PA 17033  
 Type of Facility PWS  
 Consulting Engineer William J. Malos, P. E.  
 PAWC  
 100 Pennsylvania Avenue  
 Wilkes-Barre, PA 18701  
 Application Received Date August 18, 2006  
 Description of Action Applicant requests transfer of PWS permits 2450043 issued 11/12/99, 4594506 issued 8/11/95 and Minor Amendment issued 7/11/06.

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

**Application No. 2470501-MA5**, Minor Amendment

Applicant **Saint Marys Borough Water Authority**  
 Township or Borough Saint Marys Borough  
**Elk County**  
 Responsible Official Dwight Hoare  
 Authority Manager  
 Type of Facility Public Water Supply  
 Application Received Date 8/30/2006  
 Description of Action Upgrade of Filter Underdrain System to incorporate air scour.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

UNDER ACT 2, 1995

**PREAMBLE 1****Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

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

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

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

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

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



**Former ACCO Site, York City, York County. BL Companies,** 213 Market Street, Harrisburg, PA 17101, on behalf of Eastco Enterprises, Inc., 454 East Princess Street, York, PA 17403, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with inorganics and trichloroethene. The property was a manufacturing plant and is currently used as a recycling facility. The applicant seeks to remediate to the Statewide Health and Site-Specific Standards.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

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

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

Copies of the applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment. Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

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

## PLAN APPROVALS

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

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

**54-308-024: Alcoa Engineered Products** (53 Pottsville Street, Cressona, PA 17929) for construction of an aluminum scrap delacquering system and associated air cleaning devices in Cressona Borough, **Schuylkill County**.

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

**01-03032: Carma Industrial Coatings, Inc.** (710 Berlin Road, New Oxford, PA 17350) for installation of a surface coating system in Berwick Township, **Adams County**.

**36-05028A: CNH America LLC** (500 Diller Avenue, New Holland, PA 17557) for installation of a replacement paint system in New Holland Borough, **Lancaster County**.

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

**10-345B: Allegheny Mineral Corp.** (P. O. Box 1022 One Glade Park East, Kittanning, PA 16201) for modification of plan approval 10-345A to increase the production from 1 million tons per year to 2.5 million tons per year for their limestone processing facility at their Mur-rinsville Quarry in Marion Township, **Butler County**. The facility currently has a State-only Operating Permit. The facility is subject to the New Source Performance Standards for Non Metallic Mineral Processing Plants—40 CFR 60 Subpart 000.

**25-090C: Zurn Industries—Cast Metals Division** (1301 Raspberry Street Erie, PA 16502) for construction of a paint dip operation in the City of Erie, **Erie County**.

In accordance with 25 Pa. Code §§ 127.44(d) and 127.424(d), the Department of Environmental Protection (Department) intends to issue a plan approval to construct a paint dip operation in the City of Erie, Erie County. The plan approval will include emission restrictions for the new engines. The VOC emissions from the dip coat operation are restricted to 20.0 TPY. The hours of operation at the facility are limited to 2550 hours of operation. The source was previously located at the Pittsburgh Avenue facility. The permittee shall be required to comply with the surface coating regulations in 25 Pa. Code § 129.52. The facility will be required to monitor and keep records of the hours of operation, daily paint consumption and the emissions from the source. The plan approval will also include additional monitoring, reporting and record keeping conditions and other requirements to ensure the source is operated in compliance with the Department's regulations contained in 25 Pa. Code Chapters 121—143 and the requirements of the Federal Clean Air Act. 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.

**10-281J: II-VI, Inc.** (375 Saxonburg Boulevard, Saxonburg, Butler, PA 16056-9499) for construction of two additional zinc selenide furnaces and associated air pollution control devices at their Saxonburg facility in Clinton Township, **Butler County**.

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**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.**

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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.*

**09-0031: Eureka Stone Quarry, Inc.** (911 Swamp Road, Rushland, PA 18956) for installation of a counter-flow drum mix asphalt plant at Eureka Stone Quarry's Rush Valley I facility, Wrightstown Township, **Bucks County**. This installation of the source may result in the emissions of 5.25 tons per year of total PM, 1.5 tons per year of PM10 emissions, 9.95 tons per year of NOx, 1.28 tons per year of SOx, 18.04 tons per year of VOC and 48.75 tons per year of CO. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

**36-03116A: Wilbur Chocolate Co., Inc.** (48 North Broad Street, Lititz, PA 17543) for installation of a new roasting system at their chocolate manufacturing facility in Mount Joy Borough, **Lancaster County**. The additional equipment required for the roasting system involves increasing the facility annual VOC emissions to approximately 11.8 tons. The plan approval will include monitoring, recordkeeping, reporting and work practice requirements designed to keep the source operating within all applicable air quality requirements.

**36-05142A: Masterfoods USA—Division of Mars, Inc.** (295 Brown Street, Elizabethtown, PA 17022) for installation of a new roasting system controlled by a venturi scrubber at their candy manufacturing facility in Elizabethtown Borough, **Lancaster County**. The construction will result in approximately 24.6 tons of VOC emissions and 19.5 tons of particulate emissions per year. The plant is a major facility and subject to the operating permit requirements of Title V of the Federal Clean Air Act and 25 Pa. Code, Chapter 127, Subchapters F and G (relating to operating permit requirements; and Title V operating permit requirements). The plan approval contains work practice standards and recordkeeping requirements designed to keep the facility operating within all applicable air quality regulations.

**38-05035: PPL Distributed Generation, LLC** (Two North Ninth Street, GENPL8, Allentown, PA 18101) for a landfill gas to energy facility with Greater Lebanon Refuse Authority to install two engine generators (Caterpillar model G3520C, 1,600 kilowatts each) in North Annville Township, **Lebanon County**. The facility's primary emissions will be NOx. These sources will operate in place of existing on site engine generators.

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

**53-00003C: National Fuel Gas Supply Corp.** (1100 State Street, Erie, PA 16501) for modification of a 4445 brake horsepower natural gas-fired reciprocating internal combustion compressor engine (Engine 1A) at the Ellisburg Compressor Station in Allegany Township, **Potter County**.

The proposed modification is an increase in the engine's emission limitation for formaldehyde (HAP) from the previously-approved rate of .991 pound per hour to a rate of 1.67 pounds per hour as well as an increase in the emission limitation for total combined HAPs from the previously-approved rate of 1.59 pounds per hour to a rate of 2.269 pounds per hour. The formaldehyde emissions from the engine could consequently increase from a maximum of 4.34 tons per year to a maximum of 7.315 tons per year and the emission of total combined HAPs could consequently increase from a maximum of 6.96 tons per year to a maximum of 9.94 tons per year.

The Ellisburg Compressor Station is a major facility for NOx, VOCs, HAPs and CO and one for which a Title V Operating Permit (53-00003) has been issued.

The Department of Environmental Protection (Department) proposes to issue plan approval for the modification of the respective engine. Additionally, the Department proposes to subsequently incorporate the conditions of the plan approval into Title V Operating Permit 53-00003 via administrative amendment in accordance with 25 Pa. Code § 127.450.

The following is a summary of the conditions the Department proposes to place in the plan approval to be issued:

1. The formaldehyde emissions from Engine 1A shall not exceed 1.67 pounds per hour and 7.315 tons in any 12-consecutive month period.
2. The total combined emission of all HAPs from Engine 1A shall not exceed 2.269 pounds per hour and 9.94 tons in any 12-consecutive month period.
3. Following the issuance of this plan approval, formaldehyde stack testing shall be performed on Engine 1A every 5 years with the first the occurrence of testing to be performed by no later than June 30, 2008.
4. Conditions of Plan Approval OP-53-0009D remain in effect unless superseded or amended by a condition contained in this plan approval. If there is a conflict between a condition contained in Plan Approval OP-53-0009D and a condition or requirement contained in this plan approval, the permittee shall comply with the condition or requirement contained in this plan approval rather than with the conflicting condition or requirement contained in Plan Approval OP-53-0009D.

#### OPERATING PERMITS

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

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

**43-00314: VEC Technology, LLC** (639 Keystone Road, Greenville, PA 16125) for modification of their Title V Operating Permit in Greenville Borough, **Mercer County**. The initial permit was originally issued on

February 11, 2003. VEC is a boat building and repairing facility and it carried out an open and closed mold operation. As a result of potential emissions of VOC, the facility is major for VOC. The facility is subject to Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. No sources at the facility are subject to Compliance Assurance Monitoring under 40 CFR Part 64. The proposed Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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

**40-00018: Exopack, LLC** (3 Mapelwood Drive, Hazelton, PA 18201) for operation of multicolor flexographic printing presses and patch printers in Hazle Township, **Luzerne County**. This action is a renewal of the State-only (Synthetic Minor) Operating Permit for this facility. This Operating Permit shall include emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

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

**36-03013: US Boiler Co.** (1135 Dillerville Road, Lancaster, PA 17603) for a natural minor permit renewal for coating operations and commercial boilers at their Dillerville Road Boiler Plant, in the City of Lancaster, **Lancaster County**. Facilities sources of emissions include the dip tank and boilers, which primarily emit VOC and NO<sub>x</sub> respectively. The natural minor operating permit will contain monitoring and recordkeeping requirements designed to keep the facility operating within all applicable requirements.

**36-03014: Lancaster Metal Manufacturing, Inc.** (1237 Harrisburg Pike, Lancaster, PA 17603-2500) for a natural minor permit renewal for coating operations and commercial boilers at their Fruitville Pike Plant, in Manheim Township, **Lancaster County**. Facilities sources of emissions include the dip tank and boilers, which primarily emit VOC and NO<sub>x</sub> respectively. The natural minor operating permit will contain monitoring and recordkeeping requirements designed to keep the facility operating within all applicable requirements.

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

**61-187C: SMS Millcraft** (671 Colbert Avenue, Oil City, PA 16301) for modification of an existing air contamination source by no longer venting the copper plating tank to the fume scrubber in the Oil City Industrial Park in Oil City, **Venango 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 modify an existing air contamination source by no longer venting the copper plating tank to the fume scrubber in the Oil City Industrial Park located in Oil City, Venango 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.

**16-010B: Owens Illinois—Clarion Plant** (151 Grand Avenue, Clarion, PA 16214-1708) for modification of the Hot End Surface Treatment system in Clarion Borough, **Clarion County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology for the source:

- The source is subject to 25 Pa. Code § 123.13 for PM.
- The source shall not emit more than 250 ppm ammonia slip.
- The source shall be stack tested for particulate, VOC and ammonia slip.
- The permittee shall maintain a record of the following from the operational inspections:
  - Pressure drop across the control device
  - Mono-butyltin trichloride (MBTT) addition rate.
  - Ammonia injection rate.
- The permittee shall perform a daily operational inspection of the source and control device when in operation.
- A magnehelic gauge or equivalent shall be permanently installed and maintained at a convenient location to indicate the pressure drop across the control device.
- All gauges employed (pressure drop across the control device, MBTT addition rate, and ammonia injection rate) shall have a scale so that the expected normal reading shall be no less than 20% of full scale and be accurate within ±2% of full scale reading.
- The permittee shall operate the control device at all times that the source is in operation. Ammonia shall be supplied at a rate slightly above stoichiometry to ensure a complete reaction (where the MBTT goes from a VOC to a solid for PM removal in the baghouse).
- The permittee shall maintain and operate the source and control device in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

**25-025J: General Electric Transportation Systems—Erie Plant** (2901 East Lake Road, Room. 9-201, Erie, PA 16531) for construction of two natural gas-fired package boilers rated at 88.5 mmBtu/hr and approving of ERCs for the shutdown of Boiler No. 1 in Lawrence Park Township, **Erie County**. The new boilers will be subject to 40 CFR 60 Subpart Dc. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval

terms and conditions) and will demonstrate Best Available Technology for the source:

- The Department of Environmental Protection hereby certifies the emission reduction credits (ERCs) as described as follow.
  - This ERC Approval is for the following source:
 

Shut Down Source	Shutdown Date
Babcock & Wilcox	(Source 031) 6/6/2005
Coal Fired Boiler No.1	
- The ERC approval is subject to the special conditions listed as follows.
  - These ERCs are subject to the requirements of 25 Pa. Code Chapter 127, Subpart E.
  - The facility shall notify the person below when the ERCs are transferred so that the proper ERC registry changes can be made.
- The facility has created and generated the following ERCs from the shutdown of the source listed in condition (a)(1):
  - NOx: 197.2 tons expiring 6-6-15
  - SOx: 943.2 tons expiring 6-6-15
  - VOC: 1.1 tons expiring 6-6-15
  - The facility as of plan approval issuance has the following ERCs at their disposal:
    - NOx: 280.9 tons expiring 12-31-10
    - 197.2 tons expiring 6-6-15
    - SOx: 2,006.7 tons expiring 12-31-10
    - 943.2 tons expiring 6-6-15
    - VOC: 1.8 tons expiring 12-31-06
    - 1.7 tons expiring 12-31-10
    - 1.1 tons expiring 6-6-15
    - PM: 29.5 tons expiring 12-31-10
    - CO: 111.9 tons expiring 12-31-10
  - The facility and any subsequent user of these credits shall comply with the requirements of 25 Pa. Code §§ 127.206—127.208 regarding ERC use and transfer requirements.
  - Any future NOx and VOC emissions from this facility must comply with the New Source Review regulations under 25 Pa. Code § 127, Subchapter E.
  - These ERCs may be used, traded or sold after the approved entry of the ERCs by the Department into the Pennsylvania ERC Registry System.
  - The source listed in condition (a)(1) shall remain permanently shutdown. If the company plans to bring the shutdown sources back into production, the company shall submit an appropriate plan approval application. Any subsequent emissions from the shutdown source shall comply with New Source Review (NSR) regulations in 25 Pa. Code 127, Subchapter E.
  - The ERCs generated from this source will expire for use as offsets after 10 years. The use of these ERCs in applicability determinations for netting purposes is limited to the period specified in Pa Code § 127.211.
  - Pursuant to the provisions of 25 Pa. Code § 127.207(7), if the ERC generating source has not

been dismantled or removed, the company must submit to the Department on an annual basis the verification of the continuance of the shutdown.

- Boilers are subject to 25 Pa. Code 123.11 and 123.22 for Particulate Matter and Sulfur Compounds.
- This source is subject to 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive, odor and visible emissions, respectively.
- The source shall be capable of reducing NOx and CO emissions to or below:
  - For NOx: 80 ppmv at 3% O<sub>2</sub>
  - For NOx: 0.1 #/mmBtu based on a 30-day rolling average
  - For CO: 300 ppmv at 3% O<sub>2</sub>
- VOC emissions from each boiler shall not exceed 0.006 lbs/mmBtu based on a 30-day rolling average.
- Subject to 40 CFR 60 Subpart Dc and 40 CFR 63 Subpart DDDDD
- The hours of operation for each boiler shall not exceed 4,320 hours per year based on a consecutive 12-month period and appropriate records maintained to show compliance.
- Stack test for CO and NOx

### **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 num-

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

#### *Coal Applications Received*

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

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

\* The parameter is applicable at all times.

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

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

**32061303 and NPDES Permit NA, Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). To operate the Heilwood Mine in Pine and Cherryhill Townships, **Indiana County** a new underground mine and related NPDES permit. Surface Acres Proposed 51.7, Underground Acres Proposed 4,454.0, SCP Acres Proposed 2,802.0. Receiving stream: Yellow Creek, classified for the following use: CWF. Application received: April 4, 2006.

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

**56860101. PA0597546, Croner, Inc.**, (P. O. Box 260, Friedens, PA 15541). Permit renewal for the continued operation and restoration of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 156.8 acres. Receiving streams: UNT to Buffalo Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: August 24, 2006.

**56060108 and NPDES No. PA0249921. Future Industries, Inc.** (P. O. Box 157, Meyersdale, PA 15552). Commencement, operation and restoration of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 98.3 acres. Receiving streams: Millers Run and UNTs to Millers Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received August 24, 2006.

**11960102 and NPDES No. PA0213322. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA

15650). Permit renewal for reclamation only of a bituminous surface mine in Adams Township and South Fork Borough, **Cambria County**, affecting 225.1 acres. Receiving stream: South Fork Branch Little Conemaugh River classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: August 7, 2006.

**Permit No. 4173SM6 and NPDES Permit No. PA0249980. Shade Mining Company** (P. O. Box 130, Friedens, PA 15541). Renewal of NPDES Permit, Paint Township, **Somerset County**, Receiving streams: UNT to Shade Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: August 31, 2006.

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

**General Permit GP12-65030102. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Operation of an existing bituminous surface mine is authorized under General Permit BAQ-GPA/GP12 and is required to meet all applicable limitations, terms and conditions of authorization GP12-65030102. Application received: August 25, 2006.

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

**16060107 and NPDES Permit No. PA0258199. Ancient Sun, Inc.** (P. O. Box 129, Shippenville, PA 16254). Commencement, operation and restoration of a bituminous surface strip operation in Ashland Township, **Clarion County** affecting 62.0 acres. Receiving streams: one UNT to Little East Sandy Creek and Little East Sandy Creek, classified for the following use: CWF; one UNT to Canoe Creek, classified for the following use: HQ-CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: August 24, 2006.

**10860105 and NPDES Permit No. PA0107051. Mahoning Mining, Inc.** (P. O. Box 44, New Bethlehem,

PA 16242-044). Renewal of an existing bituminous surface strip operation in Slippery Rock and Worth Townships, **Butler County** affecting 251.0 acres. Receiving streams: Wolf Creek, UNTs to Slippery Rock Creek and Slippery Rock Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received: August 29, 2006.

**37010102 and NPDES Permit No. PA0241911. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Renewal of an existing bituminous surface strip and auger operation in Wayne Township, **Lawrence County** affecting 114.8 acres. Receiving streams UNT to Beaver River, classified for the following use: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received: August 31, 2006.

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

**17060108 and NPDES No. PA0256404. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849), commencement, operation and restoration of a bituminous surface mine in Morris Township, **Clearfield County**, affecting 67.8 acres. Receiving streams: UNT to Emigh Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received August 17, 2006.

**17060109 and NPDES No. PA0256412. Hepburnia Coal Company** (P. O. Box I, Grampian, PA 16838), commencement, operation and restoration of a bituminous coal surface mine with auger mining in Jordan Township, **Clearfield County**, affecting 322.4 acres. Receiving streams: Stony Run; Green Run, classified for the following use: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received August 21, 2006.

**17030115 and NPDES No. PA0243612. Hilltop Coal Company** (12 Dutchtown Road, Houtzdale, PA 16651). Revision of an existing bituminous surface auger mine to add 13.6 acres in Bigler Township, **Clearfield County**, affecting 199.0 acres. Receiving streams: Japling Run, UNT to Japling Run; UNT to Muddy Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: August 28, 2006.

*Coal Applications Withdrawn*

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

**13010202. Northampton Fuel Supply Co., Inc.** (1 Horwith Drive, Northampton, PA 18067), commencement, operation and restoration of an anthracite coal refuse reprocessing operation in Banks Township, **Carbon County** affecting 111.85 acres, receiving stream: none. Application received November 20, 2001. Application withdrawn August 28, 2006.

*Coal Applications Returned*

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

**40870101R3 and 40870101T. Great Valley Construction Services, LLC**, (100 Baltimore Drive, 4th Floor, East Mountain Corporate Center, Wilkes-Barre, PA 18702). Renewal and transfer of an existing anthracite surface mine operation in Jenkins Township, **Luzerne County** affecting 76.6 acres, receiving stream: none. Applications received April 26, 2004 and January 31, 2005. Applications returned: August 29, 2006.

*Noncoal Applications Received*

*Effluent Limits*

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

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity <sup>1</sup>		greater than 6.0; less than 9.0	
pH <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 surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

**Permit No. 56060801. Ramblin Hills** (1504 Hillside Avenue, Windber, PA 15963). Commencement, operation and restoration of a small noncoal (industrial minerals) operation in Paint Township, **Somerset County**, affecting 3.0 acres. Receiving streams: UNT to Seese Run. Application received: August 24, 2006.

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

**40060301. Pioneer Aggregates, Inc.** (202 Main Street, Laflin, PA 18702). Commencement, operation and

restoration of a quarry operation in Plains Township, **Luzerne County** affecting 190.5 acres, receiving stream: none. Application received August 18, 2006.

**5276SM5C8 and NPDES Permit No. PA0595217. Eureka Stone Quarry, Inc.** (800 Lower State Road, Chalfont, PA 18914). Renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Dingman Township, **Pike County**. Receiving stream: Sawkill Creek, classified for the following use: exceptional value. Application received August 18, 2006.

**5975SM3A1C3 and NPDES Permit No. PA0223344. Eureka Stone Quarry, Inc.**, (800 Lower State Road, Chalfont, PA 18914). Renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Covington Township, **Lackawanna County**, receiving stream: Spring Brook, classified for the following use: CWF. Application received: August 18, 2006.

**7976SM2C7 and NPDES Permit No. PA0122351. Eureka Stone Quarry, Inc.** (800 Lower State Road,

Chalfont, PA 18914). Renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Warrington Township, **Bucks County**. Receiving stream: UNT to Neshaminy Creek, classified for the following use: TSF and MF. Application received: August 18, 2006.

**7973SM5C6 and NPDES Permit No. PA0223352. Eureka Stone Quarry, Inc.** (800 Lower State Road, Chalfont, PA 18914), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Wrightstown Township, **Bucks County**, receiving stream: Neshaminy Creek, classified for the following use: TSF and MF. Application received: August 18, 2006.

**6075SM3C6 and NPDES Permit No. PA0069744. Eastern Industries, Inc.** (4401 Camp Meeting Road, Center Valley, PA 18034-9454). Renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Union Township, **Union County**, receiving stream: Winfield Creek, classified for the following use: WWF. Application received: August 21, 2006.

**60840401C10 and NPDES Permit No. PA0614181. Eastern Industries, Inc.** (4401 Camp Meeting Road, Center Valley, PA 18034-9454). Renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Buffalo Township, **Union County**, receiving stream: Buffalo Creek, classified for the following use: CWF. Application received: August 21, 2006.

**36900302C5 and NPDES Permit No. PA0594784. Haines & Kibblehouse, Inc.** (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474). Renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Fulton Township, **Lancaster County**, receiving stream: UNT to Octoraaro, classified for the following use: TSF and MF. Application received: August 24, 2006.

### FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are

available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E14-495. Department of Transportation, Engineering District 2-0**, 1924-30 Daisy Street Ext, P. O. Box 342, Clearfield, PA 16830. Engineered Rock Placement Area, in Worth Township, **Centre County**, ACOE Baltimore District (Port Matilda, PA Quadrangle N: 11.5 inches; W: 4.5 inches).

To place, operate and maintain an encapsulated Engineered Rock Placement Area, for waste pyretic rock mixed with baghouse lime, that encroaches on 0.62 acre of wetland and 4,852 linear feet of waterways with drainage areas less than 100 acres that will be mitigated on and off site. This site is located south of the railroad tracks next to Bald Eagle Creek, 1.7 miles northeast of the intersection of SR 322 and SR 220 in Port Matilda. This project proposes to impact 0.62 acre of wetland and 4,852 linear feet of waterways that are tributary to Bald Eagle Creek, which is classified as a WWF.

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

**E02-1548. Lindy Paving, Inc.** 586 North Gate Circle, New Castle, PA 16105. To operate and maintain a barge mooring facility in Neville Township, **Allegheny County**, Pittsburgh ACOE District. (Ambridge, PA Quadrangle N: 1.3 inches; W: 0.1 inch and Latitude: 40° 30' 26"—Longitude: 80° 07' 33"). To operate and maintain the existing barge mooring facility 690 feet in length by 120 feet wide (as measured from the normal pool elevation) in the channel and along the right back of the Ohio River back channel for the purpose of loading and unloading barges. The project is located approximately 3,000 feet upstream from the I-79 bridge and will impact 690 linear feet of stream channel.

**E11-321. Johnstown Redevelopment Authority**, Public Safety Building, Fourth Floor, 401 Washington Street, Johnstown, PA 15901. To construct and maintain a sewer line crossing in City of Johnstown, **Cambria County**, Pittsburgh ACOE District. (Johnstown, PA Quadrangle N: 10.04", W: 5.89" and Latitude 40° 18' 19", Longitude 78° 55' 02"). The applicant proposes to construct and maintain an aerial sanitary sewer line crossing over Cherry Run (WWF), with an 18-inch diameter C.I.P. or PVC pipe, for the purpose of conveying excess flows and to supplement an existing 8-inch diameter sanitary sewer line. The project is located adjacent to the brick arch bridge that carries Osborne Street over this watercourse.

**E63-587. The Foundry at South Strabane, LLC**, 5252 East 82nd Street, Suite 300, Indianapolis, Indiana 46250. To fill wetlands in South Strabane Township, **Washington County**, Pittsburgh ACOE District. (Washington East, PA Quadrangle N: 12.11", W: 13.31" and Latitude 40° 11' 30", Longitude 80° 13' 13"). The applicant proposes to place and maintain fill in 0.935 acre of wetlands, to place and maintain fill in three UNTs to Chartiers Creek, (WWF) each having a drainage area of less than 100 acres; tributary 1 = 180' of impact, tributary 2 = 1,480 feet of impact and tributary three = 840 feet of impact, for a total impact of 2,500 feet; to remove coal refuse, restore and maintain grade with stable fill along the southwest bank of a UNT to Chartiers Creek. (WWF) To compensate for these impacts, the applicant proposes to enhance approximately 4,600 linear feet of UNTs to Chartiers Creek (WWF) through stabilization of eroded stream bank and the establishment of riparian buffer zones, and to construct and maintain 1.1 acres of replacement wetlands. The proposed impacts are for the purpose of constructing a multiple structure, retail and service complex known as the Foundry at South Strabane. The project is located at the

south corner of the intersection of Manifold Road and US Route 19.

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

**E10-421, Buffalo and Pittsburgh Railroad, Inc.**, 201 North Penn Street, P. O. Box 477, Punxsutawney, PA 15767. Chicora Bridge Replacement, in Donegal Township, **Butler County**, ACOE Pittsburgh District (East Butler, PA Quadrangle N: 40°, 56', 23"; W: 79°, 46', 06").

To operate and maintain an approximately 200-foot long, 72-inch diameter reinforced concrete pipe stream enclosure a tributary to Buffalo Creek and rock fill placed in a total of 0.47 acre of adjoining wetlands under DEP Emergency Permit No. EP1006602, as amended, associated with reconstruction of the existing Buffalo & Pittsburgh Railroad line south of SR 68 approximately 1.25 miles southwest of Chicora. Project proposes creation of 0.8 acre of replacement wetland immediately southwest of the structure and stream restoration activities along approximately 235 feet of a tributary adjacent to the railroad embankment.

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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

*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>
PA0008150 (IW)	Norman Smeltzer MH Technologies, LLC One Mountain Street Mount Holly Springs, PA 17065-1406	Cumberland County Mount Holly Springs Borough	Mountain Creek 7-E	Y
PA0248223 (SEW)	Douglas Elsasser P. O. Box 1 Cocolamus, PA 17014	Juniata County Fayette Township	UNT Cocolamus Creek 12-B	Y
PA0085707 (IW)	Cocalico Valley Poultry Farms 1095 Mt. Airy Road Stevens, PA 17578-9791	Lancaster County West Cocalico Township	UNT Indian Run 7-J	Y
PA0008281 (IW & SEW)	Patrick Renshaw PPL Brunner Island, LLC Two North Ninth Street GENPL-6 Allentown, PA 18101-1179	York County East Manchester Township	Susquehanna River Hartman Run and Conewago Creek 7-F & 7-H	Y

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

<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>
PA0228249 Nonmunicipal	Eagle Creek Partnership Eagle Creek Mobile Home Park 1901 East College Ave State College, PA 16801	Union Township Centre County	Bald Eagle Creek 9C	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>
PA0026522 Sewage	West Mifflin Sanitary Sewer Municipal Authority 1302 Lower Bull Run Road West Mifflin, PA 15122-2902	Allegheny County West Mifflin Borough	UNT of Monongahela River	Y
PA0034258 Sewage	Hopewell Area School District 2354 Broadhead Road Aliquippa, PA 15001-4501	Beaver County Independence Township	Raccoon Creek	Y
PA0037940 Sewage	Center Township Sewer Authority 224 Center Grange Road Aliquippa, PA 15001	Beaver County Center Township	Elkhorn Run	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>
PA0092185	Peter Rabbit Campground STP 153 Lilac Lane Slippery Rock, PA 16057	Brady Township Butler County	Big Run 20-C	Y
PA0238562	John Ditrich Subdivision Property Owners' Association, Inc. SFTF 5795 Peck Road Erie, PA 16510-5748	Harborcreek Township Erie County	UNT to Sixmile Creek 15-6M	Y

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

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

**NPDES Permit No. PA0247910**, Sewage, **Bethel Township Municipal Authority**, P. O. Box 24, Bethel, PA 19507. This proposed facility is located in Bethel Township, **Berks County**.

Description of Proposed Action/Activity: Approval for the construction/operation of the Village of Frystown Wastewater Treatment Plant with discharge to Watershed 7-D.

**NPDES Permit No. PA0044261**, Sewage, **Department of Conservation and Natural Resources**, Canoe Creek State Park, R. R. 2, Box 560, Hollidaysburg, PA 16648. This proposed facility is located in Franklin Township, **Blair County**.

Description of Proposed Action/Activity: Authorization to discharge to New Creek in Watershed 11-A.

**NPDES Permit No. PA0032034**, Sewage, **Frank Perano, GPS Management Co.**, Shamrock Mobile Home Park, 2846 Main Street, Morgantown, PA 19543-9486. This proposed facility is located in Juniata Township, **Blair County**.

Description of Proposed Action/Activity: Authorization to discharge to Blair Gap Run in Watershed 11-A.

**NPDES Permit No. PA0088421**, Sewage, **Patrick J. Gibson**, 2887 Chaneyville Road, Clearville, PA 15535. This proposed facility is located in Southampton Township, **Bedford County**.

Description of Proposed Action/Activity: Authorization to discharge to a tributary to Town Creek in Watershed 13-A.

**NPDES Permit No. PA0041220**, Sewage, **Hershey Conewago Recreacampground, LLC**, P. O. Box 449, Hershey, PA 17033. This proposed facility is located in Conewago Township, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to a UNT of Conewago Creek in Watershed 7-G.

**NPDES Permit No. PA0247481**, CAFO, **Tom Beachler, Kreider Farms**, 1462 Lancaster Road, Manheim, PA 17545. This proposed facility is located in South Annville Township, **Lebanon County**.

Description of Proposed Action/Activity: Authorization to operate a 7,781-AEU poultry operation located in Watershed 7-D

**NPDES Permit No. PA0247863**, CAFO, **Mike Brubaker, Brubaker Farms Partnership**, 493 Musser Road, Mount Joy, PA 17552. This proposed facility is located in East Donegal Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 1,208-AEU dairy and poultry operation located in Watershed 7-G.

**NPDES Permit No. PA0247588**, CAFO, **Bill Achor, Wenger's Feed Mill, Inc.**, 101 West Harrisburg Avenue, Rheems, PA 17570. This proposed facility is located in Bethel Township, **Lebanon County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 1,729-AEU poultry operation in Watershed 7-D.

**NPDES Permit No. PA0087980**, CAFO, **Allen Rice, Dream Farms**, 13689 Dream Highway, Newburg, PA 17240. This proposed facility is located in Lurgan Township, **Franklin County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 2,295-AEU heifer operation in Watershed 7-B.

**NPDES Permit No. PA0247456**, CAFO, **Jim Hall, Hillandale Gettysburg, LP**, 370 Spicer Road, Gettysburg, PA 17325.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 4,205-AEU poultry operation in Watershed 7-F.

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

**NPDES Permit No. PA022531-A1**. Sewage. **Independence-Cross Creek Joint Sewer Authority**, P. O. Box 156, 16 Campbell Street, Avella, PA 15312. This proposed facility is located in Independence Township, **Washington County**.

Description of Proposed Action/Activity: Permit issuance for the relocation of the proposed sewage treatment plant discharge.

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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. 4806404**, Sewerage, **Nazareth Borough Municipal Authority**, 872 Tatamy Road, P. O. Box A, Nazareth, PA 18064. This proposed facility is located in Lower Nazareth Township, **Northampton County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit. The project consists of construction of two sewage pump stations and a sanitary sewer extension to serve the Trio Farms subdivision.

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

**WQM Permit No. 0606402**, Sewerage, **Bethel Township Municipal Authority**, P. O. Box 24, Bethel, PA 19507. This proposed facility is located in Bethel Township, **Berks County**.

Description of Proposed Action/Activity: Approval for the construction/operation of the Village of Frystown Wastewater Treatment Plant consisting of a 0.0724 mgd extended aeration sewage treatment plant with Nitrogen reduction technology, an influent pump (lift) station, approximately 3,600 feet of 10-inch gravity sewer and approximately 6,366 feet of 8-inch gravity sewer associated with appurtenances.

**WQM Permit No. 6703406, Amendment 06-1, Sewerage, West Manheim Township**, 31 Fairview Drive, Hanover, PA 17331-1210. This proposed facility is located in West Manheim Township, **York County**.

Description of Proposed Action/Activity: Approval for the construction/modifications consisting of the upgrading the DGM Interceptor with 15-inch pipe from the DGM pump station to Manhole No. 9, extension of the Area 3 Interceptor. This permit does not approve any new connections in the Reservoir Heights Development or the Smith Partnership Tract.

**WQM Permit No. 0106202, CAFO, Hillandale Gettysburg, LP**, 370 Spicer Road, Gettysburg, PA 17325. This proposed facility is located in Tyrone Township, **Adams County**.

Description of Proposed Action/Activity: Approval for the construction of egg washwater storage facilities at Hillandale Site 3 Farm.

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

**WQM Permit No. 1406407-T1, Sewerage 4952, Dan and Tara Shapich**, 327 Bennett Road, Julian, PA 16844. This proposed facility is located in Union Township, **Centre County**.

Description of Proposed Action/Activity: Applicant is has been granted a transfer of a Water Quality Management permit for a small flow treatment facility to serve a single residence.

**WQM Permit No. 4906401, Sewerage 4952, Milton Regional Sewerage Authority**, P. O. Box 433, 5585 South PA Route 405, Milton, PA 17847. This facility is located in Milton Borough, **Northumberland County**.

Description of Action/Activity: The applicant is approved for improvements to their existing wastewater treatment plant. The upgrades include the installation of a new centrifuge and polymer feed system and the addition of diffused aeration in the aeration tanks from new rotary positive displacement blowers and diffusers. The improvements will increase the organic capacity at the facility to 23,870 lbs/day. The existing belt filter press will be demolished as part of this project.

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

**WQM Permit No. 0205415, Sewerage, Coraopolis Water and Sewer Authority**. This proposed facility is located in Coraopolis Borough, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for the construction, operation and repair of sewers.

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

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

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAS10Q125-2R	Jaindl Land Co. 3150 Coffeetown Rd. Orefield, PA 18069	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI033605016	Donald Kilby 1143 Osceola Road Drumore, PA 17518	Lancaster	Fulton Township	UNT Conowingo Creek HQ

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

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823 (814) 355-6817.*

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI041406012	Geisinger Medical Clinic, Phase I 200 North Academy Avenue Danville, PA 17822	Centre	Patton Township	UNT to Buffalo Run HQ-CWF

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

*Washington County Conservation District, 602 Courthouse Square, Washington, PA 15301, (724) 228-6774.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056306002	Tri County Joint Municipal Authority P. O. Box 758 26 Monongahela Avenue Fredericktown, PA 15333	Washington	Amwell, South Strabane and North Bethlehem Townships	UNT Little Chartiers Creek and Daniels Run (WWF)

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

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

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

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

#### General Permit Type—PAG-2

<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>
West Goshen Township Chester County	PAG2001506026	1301 Phoenix LP 1014 Agnew Drive Drexel Hill, PA 19026	East Branch Chester Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Marlborough Township Chester County	PAG2001506040	Kennett Square Golf and Country Club 100 East Locust Lane Kennett Square, PA 19348	East Branch Red Clay Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
London Grove Township Chester County	PAG2001506011	E. Richard Hoopes, Jr. 112 Chambers Road West Grove, PA 19390	UNT White Clay Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Aston Township Delaware County	PAG2002306047	M3 Builders, Inc. 5 Elm Avenue Aston, PA 19014	West Branch Chester Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Norristown Borough Montgomery County	PAG2004606107	Norristown Borough 235 East Airy Street Norristown, PA 19401	Stoney Creek (TSF)	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>
City of Scranton Lackawanna County	PAG2003506021	David Wilson The University of Scranton 800 Linden St. Scranton, PA 18510	Roaring Brook CWF	Lackawanna Co. Cons. Dist. (570) 281-9495
Moosic Borough Lackawanna County	PAG2003506015	Harry Lindsay SLPS Realty 3505 Lawrence Ave. Moosic, PA 18507	Lackawanna River CWF	Lackawanna Co. Cons. Dist. (570) 281-9495
Mahoning Township Carbon County	PAG2001306007	Rick Bjorkman 909 Iron St. Lehighton, PA 18235	Mahoning Creek CWF	Carbon Co. Cons. Dist. (610) 377-4894
Mahoning Township Carbon County	PAG2001306005	Carbon Dock Assoc., LLC 1308 Society Drive Claymont, DE 19703	Mahoning Creek CWF	Carbon Co. Cons. Dist. (610) 377-4894
City of Scranton Lackawanna County	PAG2003506020	Patrick Fricchione 1404 Spyglass Lane Clarks Summit, PA 18411	Lackawanna River CWF	Lackawanna Co. Cons. Dist. (570) 281-9495
Centre County Ferguson Township	PAG2001406015	Walker Land Development Ed Walker/Greenwich Hill 1008 Statford Court State College, PA 16801	UNT to Slab Cabin Run CWF	Centre County Conservation District 414 Holmes Ave, Suite 4 Bellefonte, PA 16823 (814) 355-6817
Centre County Ferguson Township	PAG2001406016	Sunrise Homes, Inc. Cobblecreek Manor Two 2790 W. College Ave, Suite 900 State College, PA 16801	UNT to Slab Cabin Run CWF	Centre County Conservation District 414 Holmes Ave, Suite 4 Bellefonte, PA 16823 (814) 355-6817
Clearfield County Burnside Township	PAG2001706006	Clearfield County Commissioners 230 E. Market St. Clearfield, PA 16830	West Branch of Susquehanna River WWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Clearfield County Morris Township	PAG2001706010	Len Martin 197 Old Tyrone Pike Philipsburg, PA 16866	Emich Run CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Tioga County Lawrence & Tioga Townships Lawrenceville Borough	PAG20059040033	Department of Transportation District 3-0 715 Jordan Avenue P. O. Box 218 Montoursville, PA 17754	Tioga River Cowanesque River WWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801 X 3
Tioga County Tioga Township	PAG20059050021	Department of Transportation District 3-0 715 Jordan Avenue P. O. Box 218 Montoursville, PA 17754	Tioga River WWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801 X 3
Armstrong County East Franklin Township	PAR10B044R	Gary Weleski Weleski Transfer, Inc. P. O. Box 428 Tarentum, PA 15084-0428	Glade Run (TSF)	Armstrong County (724) 548-3425

<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>
Beaver County Harmony Township	PAG2000406019	Timothy Hannon The Hannon Companys 1605 Waynesburg Drive, S. E. Canton, OH 44707	Beaver River (WWF)	Beaver County CD (724) 378-1701
Fayette County Georges Township	PAR10L074R	Kenneth Klein Threshold Housing Development 55 North Beeson Avenue Uniontown, PA 15401	Muddy Run (WWF)	Fayette County CD (724) 438-4497
Fayette County Washington Township Fayette City and Belle Vernon Boroughs	PAG2002606014	Municipal Authority of the Township of Washington 1390 Fayette Avenue Belle Vernon, PA 15012	Downers Run and Tributaries UNTs to Speers Run (WWF)	Fayette County CD (724) 438-4497
Fayette County Georges Township	PAG2002606016	Fox Chase Holdings LLC P. O. Box 2031 Uniontown, PA 15401	Redstone Creek (WWF)	Fayette County CD (724) 438-4497
Fayette County Georges Township	PAG2002606017	Kelly Piatti P. O. Box 606 Smithfield, PA 15478	Georges Creek (WWF)	Fayette County CD (724) 438-4497
Irwin Township Venango County	PAG2106106004	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476	Williams Run to South Sandy Creek (CWF)	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476 (717) 783-1311
Reilly Township Schuylkill County	PAG2115406004	Department of Environmental Protection Bureau of Abandoned Mine Reclamation 2 Public Square, Fifth Floor Wilkes-Barre, PA 18711-0790	Swatara Creek (CWF)	Department of Environmental Protection Bureau of Abandoned Mine Reclamation 2 Public Square Fifth Floor Wilkes-Barre, PA 18711-0790 (570) 826-2371

*General Permit Type—PAG-3*

<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>
Cumberland County Camp Hill Borough	PAR213510	Atlas Roofing Corporation 2564 Valley Road Meridian, MS 39370	Cedar Run CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Mifflin County Granville Township	PAR113546	D M E Company 977 Loop Road Lewistown, PA 17044	UNT to Juniata River CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County Penn Township	PAR113541	SKF USA, Inc. 20 Industrial Drive Hanover, PA 17331	Gitts Run WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County York City	PAR213543	Hoover-Wilbert Burial Vault Company 216 Gartner Lane York, PA 17347-8634	Kreutz Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

<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>
Curwensville Borough Clearfield County	PAR134804	Clearfield Leather Inc. 120 Cooper Road Curwensville, PA 16833-1542	Storm Drain to West Branch Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Clinton Township Lycoming County	PAR224807	Springs Window Fashions, LLC 8601 PA Route 405 Montgomery, PA 17752	UNT West Branch Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Williamsport Lycoming County	PAR804823	Lycoming Engines 652 Oliver Street Williamsport, PA 17701-6441	Lycoming Creek CWF Cemetery Run WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
<i>General Permit Type—PAG-4</i>				
<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>
Union Township Centre County	PAG045223	Dan and Tara Shapich 327 Bennett Road Julian, PA 16844	UNT to Brower Hollow/ CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Allegheny County Fawn Township	PAG046247	Keith A. Svitek 3074 Ridge Road Natrona Heights, PA 15065	Little Bull Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
<i>General Permit Type—PAG-5</i>				
<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>
Dauphin County West Hanover Township	PAG053559	Pilot Travel Centers, LLC 5508 Lonsa Road Knoxville, TN 37939-0146	Manada Creek/ WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
<i>General Permit Type—PAG-6</i>				
<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>
Pitcairn Borough Allegheny County	PAG066101	Borough of Pitcairn 582 Sixth Street	Turtle Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-9*

<i>Facility Location &amp; County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Ralph Newton Farm Terry Township Bradford County	PAG094827	Crawford's Septic Cleaning Lewis Crawford, Jr. R. R. 1 Box 49 Sugar Run, PA 18846	Ralph Newton R. R. 2, Box 50-A Wyalusing, PA 18853 Terry Township Bradford County	Water Management Program 208 West Third Street Williamsport, PA 17701 (570) 327-3664

**PUBLIC WATER SUPPLY (PWS) PERMITS**

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

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

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

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

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act**

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

**Permit No. 4605506**, Public Water Supply.

Applicant	<b>Hancock Realty</b> 602 East Broad Street Souderton, PA 18964
Township	Marlborough
County	<b>Montgomery</b>
Type of Facility	PWS
Consulting Engineer	Synergy Environmental, Inc. 607 Washington Street Reading, PA 19601
Permit to Construct Issued	August 29, 2006

**Permit No. 4606505**, Public Water Supply.

Applicant	<b>Audubon Water Company</b> 2650 Eisenhower Drive, Suite 104A Norristown, PA 19403
Township	Lower Providence
County	<b>Montgomery</b>
Type of Facility	PWS
Consulting Engineer	Evans Mill environmental, Inc. P. O. Box 735 Uwchland, PA 19480
Permit to Construct Issued	August 30, 2006

**Operations Permit** issued to **Buckingham Township**, P. O. Box 413, Buckingham, PA 18912, (PWSID #1090137) Buckingham Township, **Bucks County** on August 25, 2006 for the operation of facilities approved under Construction Permit No. 0904503. This Operation Permit is being issued to replace Permit No. 0904503 issued on March 23, 2006.

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

**Operations Permit** issued to **Southern Cumberland Water Association**, 7210053, Southampton Township, **Cumberland County** on 8/29/2006 for the operation of facilities approved under Construction Permit No. 2105505 MA.

**Operations Permit** issued to **The York Water Company**, 7670100, Lower Windsor Township, **York County** on 8/30/2006 for the operation of facilities approved under Construction Permit No. 6706502 MA.

**Operations Permit** issued to **The York Water Company**, 7670100, York Township, **York County** on 8/30/2006 for the operation of facilities approved under Construction Permit No. 6706503 MA.

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

**Permit No. 6306501MA**, Minor Amendment. Public Water Supply.

Applicant	<b>Authority of the Borough of Charleroi</b> 3 McKean Avenue P. O. Box 211 Charleroi, PA 15022
Borough or Township	Borough of Speers
County	<b>Washington</b>
Type of Facility	Speers Tank



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

Permit to Construct   August 1, 2006  
 Issued

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

**Operations Permit** issued to **Mount Jewett Borough Water Authority**, P. O. Box 441, Mount Jewett, PA 16740-0441, PWS ID 6240018, Mount Jewett Borough, **McKean County**. Permit Number 8444W-T1-MA1, issued August 29, 2006, for the operation of the Small Tank Standpipe following repainting, as permitted under construction permit issued June 19, 2006.

**Operations Permit** issued to **Bradford City Water Authority**, 28 Kennedy Street, Bradford PA 16701, PWS ID 6420014, Bradford Borough, **McKean County**. Permit Number 4287502-MA4, issued August 31, 2006, for the operation of the 200,000 gallon steel storage tank located on Bon Aire Road, following repainting, as permitted under construction permit issued October 18, 2005.

**Permit No. 3706501**, Public Water Supply

Applicant               **Bessemer Borough**

Township or Borough   Bessemer Borough

County                   **Lawrence**

Type of Facility        Public Water Supply

Permit to Construct    08/31/2006  
 Issued

**WATER ALLOCATIONS**

**Actions taken on applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of this Commonwealth**

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

<i>Facility Location County &amp; Municipality</i>	<i>PERMIT #</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Stream Body of Water or Site Name &amp; Address</i>	<i>Contact Office &amp; Phone #</i>
Synagro-WWT, Inc. 3501 Asiatic Avenue Baltimore, MD 21226	PAG079909	Synagro-WWT, Inc. 3501 Asiatic Avenue Baltimore, MD 21226	N/A	BWSFR RCSOB 400 Market Street Harrisburg, PA 17105 (717) 787-8184

**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

**WA 06-1011A, Water Allocations. Pennsylvania-American Water, Berks County.** Service area expansion to include Douglassville system. Douglassville and Glen Alsace districts are becoming one system. Consulting Engineer: Steven E Riley, P. E., Entech Engineering, Inc. Permit Issued: 8/28/2006.

**BIOSOLIDS INDIVIDUAL PERMITS (PABIG, SSN AND PABIS)**

The Department of Environmental Protection (Department) has taken the following actions on the previously received individual permit applications for the land application of treated sewage sludge (biosolids).

Any person aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P. S. § 7514 and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, 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 may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing 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 to 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 decisional 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.

Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the

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

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

The Department has received the following plans and reports:

*Northeast Regional Field Office, Ronald S. Brezinski, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Liberty High School**, City of Bethlehem, **Northampton County**. MEA Inc., 1365 Ackermanville Road, Bangor, PA 18013 has submitted a Final Report (on behalf of their client, Bethlehem Area School District, 250 East Fairview Street, Bethlehem, PA 18018) concerning the remediation of soils impacted by the historic release of #2 fuel oil. The report demonstrated attainment of the residential Statewide health standard and was approved on July 20, 2006.

**Walmart Distribution Center** (100 Veterans Drive), Coolbaugh Township, **Monroe County**. David Miller, Apex Companies, LLC, 269 Great Valley Parkway, Malvern, PA 19355 submitted a Final Report (on behalf of his client, David DiPipi, Wal-Mart Stores, Inc., Tobyhanna, PA) concerning the remediation of soils found to have been contaminated with diesel fuel due to an accidental release. The report demonstrated attainment of the residential Statewide health standard and was approved on July 20, 2006.

**848 East Blakeslee Boulevard**, Mahoning Township, **Carbon County**. Toby Kessler, P. G., Gilmore & Associates, 350 East Butler Avenue, New Britain, PA has submitted a Final Report (on behalf of his clients, Norman Frantz and Grace Rudelich, East Blakeslee Boulevard, Lehigh, PA 18235) concerning the remediation of a small quantity of soils found to have been impacted by lead and arsenic. The report demonstrated attainment of the residential Statewide health standard and was approved on July 18, 2006.

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

**McCleary Oil Company**, Hamilton Township, **Franklin County**. BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109, on behalf of McCleary Oil Company, 19 West King Street, Chambersburg, PA 17201, submitted a combined remedial investigation and final report concerning remediation of site groundwater contaminated with No. 2 fuel oil. The combined report demonstrated attainment of the site-specific and residential statewide health standards, and was approved by the Department on August 30, 2006.

#### MUNICIPAL WASTE GENERAL PERMITS

**Permits Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and municipal waste regulations for a general permit to operate municipal waste processing facilities and the beneficial use of municipal waste.**

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

**General Permit Application No. WMGM036. Kyler Environmental Services, Ltd.**, 1269 Piedmont Road, Somerset, PA 15501.

General Permit No. WMGM036 is for the processing of sewage sludge, generated by municipal sewage collection and treatment systems or treatment works, by lime-stabilization for land application for mine reclamation purposes. The general permit was issued by Central Office on September 1, 2006.

Persons interested in reviewing the general permit may contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, 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.

#### 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.**

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

**General Permit Registration No. WMGR096SE002. Westrum Byberry, LP**, 370 Commerce Drive, Fort Washington, PA 19034. Registration to operate under General Permit No. WMGR096 for beneficial use of regulated fill at the former Byberry State Hospital site in the City of Philadelphia. The registration was approved by the Southeast Regional Office on August 23, 2006.

**OPERATE WASTE PROCESSING OR DISPOSAL  
AREA OR SITE**

**Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.**

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

**Permit No. 100148. Waste Mgmt Dspl Svc of Pa Inc,** 1121 Bordentown Rd, Morrisville Pa 19067, Falls Township, **Bucks County.** 0.58 acre increase in permit area to accommodate installation of an additional backup area and blower system for the GROWS Landfill. The permit was issued by the Southeast Regional Office on July 17, 2006.

**Permit No. 101413. Republic Services Group of Pennsylvania, Inc.,** 4145 E Baltimore Pike, Media, PA 19063, City of Chester, **Delaware County.** The McCusker Paper and Salvage solid waste transfer facility has ceased operation and has been clean closed by the operator as a precursor to the sale of the property for other uses. The permit was revoked by the Southeast Regional Office on August 30, 2006.

**AIR QUALITY**

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

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

**23-312-222GP: Baker Petrolite Corp.** (12645 West Airport Boulevard, Sugar Land, TX 77478) on September 1, 2006, to operate a storage tank in Eddystone Borough, **Delaware County.**

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

**54-310-040GP3: Pennsy Supply, Inc.** (1001 Paxton Street, Harrisburg, PA 17104) on August 30, 2006, to construct and operate a portable stone crushing plant and associated air cleaning device at their Summit Station Quarry in Wayne Township, **Schuylkill County.**

**45-301-030GP14: Bolock Funeral Home, Inc.** (P. O. Box 763, Mount Pocono, PA 18344) to construct and operate a crematory and associated air cleaning device in Paradise Township, **Monroe County.**

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

**GP3-41-04: Simonds Excavating, Inc.** (301 Shepard Road, Sayre, PA 18840) on August 7, 2006, to construct and operate a portable nonmetallic mineral processing plant under the General Plan Approval and General Operating Permit for Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at the Hagerman's Run Quarry site in Armstrong Township, **Lycoming County.**

**GP9-41-01: Simonds Excavating, Inc.** (301 Shepard Road, Sayre, PA 18840) on August 7, 2006, to construct and operate a 438 horsepower, 275 horsepower and two 110 horsepower diesel engines under the General Plan Approval and General Operating Permit for Diesel-Fired Internal Combustion Engines (BAQ-GPA/GP-9) at the Hagerman's Run Quarry site in Armstrong Township, **Lycoming County.**

**GP3-60-02: Eastern Industries, Inc.** (220 Park Road, Winfield, PA 17889) on August 28, 2006, to construct and operate a portable nonmetallic mineral processing plant under the General Plan Approval and General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at the Silver Moon/Wal-Mart construction site in Kelly Township, **Union County.**

**GP11-60-01: Eastern Industries, Inc.** (220 Park Road, Winfield, PA 17889) on August 28, 2006, to construct and operate a 300 horsepower diesel engine under the General Plan Approval and General Operating Permit for Nonroad Engines (BAQ-GPA/GP-11) at the Silver Moon/Wal-Mart construction site in Kelly Township, **Union County.**

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

**GP5-63-00923A: Great Lakes Energy Partners, LLC** (P. O. Box 235, 150 North Avenue, Yatesboro, PA 16263) on August 29, 2006, to install and operate one 1,340 bhp Caterpillar lean burn, natural gas-fired compressor engine, model No. G3516TALE and one 375,000 Btu Natco dehydrator, model No. TEJAS, at their Renz Compressor Station in Mount Pleasant Township, **Washington County.**

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

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

**23-0108: FPI Food Processing International, Inc.** (903 Industrial Highway, Eddystone, PA 19022) on August 29, 2006, to operate a cocoa bean processor in Eddystone Borough, **Delaware County.**

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

**48-313-098: Elementis Pigments, Inc.** (1525 Wood Avenue, Easton, PA 18042) on August 31, 2006, to construct an iron oxide repack system and associated air cleaning device in Easton, **Northampton County.**

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

**ER-01-05023: Carmeuse Lime, Inc.** (P. O. Box 37, Saginaw, AL 35137) on August 31, 2006, for an Emission

Reduction Credit approval from closure of their Hanover dolomitic lime production facility in Oxford Township, **Adams County**.

**67-03033D: The Sheridan Press** (450 Fame Avenue, Hanover, PA 17331-0465) on August 25, 2006, to construct a one-unit single web heat-set offset lithographic printing press at their printing facility in Penn Township, **York County**.

**67-05030C: C-P Converters, Inc.** (15 Grumbacher Road, York, PA 17402-9417) on August 24, 2006, to install a Flexographic Press controlled by permanent total enclosure and catalytic oxidizer at Manchester Township, **York County**.

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

**55-399-007A: Kerrico Corp.** (R. R. 1, Box 131H, Selinsgrove, PA 17870) on August 1, 2006, to modify a cast polymer bathroom and kitchen vanity manufacturing facility by increasing the facility's allowable methylene chloride and acetone emissions to 1.43 and 10.0 tons, respectively, in any 12 consecutive month period and to authorize the use of pigmented gelcoats in Penn Township, **Snyder County**.

**14-00014C: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on August 8, 2006, to construct two aggregate bins and two conveyors in an asphalt plant, the construction of a dust silo, telescopic loadout spout and pug mill in a secondary stone crushing operation, to construct a railcar aggregate unloading operation, to construct a liquid asphalt and recycled/reprocessed oil storage operation, to construct a portable stone crushing and screening operation and associated 400 horsepower diesel engine, to construct a portable stone screening operation and associated 101 horsepower diesel engine and the establishment of more stringent emission limitations for an asphalt plant and two secondary stone crushing operation fabric collectors, as requested by the applicant, at the Pleasant Gap facility in Spring Township, **Centre County**.

**53-399-008: PA Pellets, LLC** (705 South Main Street, Coudersport, PA 16915) on August 15, 2006, to construct a wood pellet manufacturing facility incorporating a hammermill, pellet cooler and 19 ton per hour wood-fired rotary sawdust/wood chip dryer in Ulysses Borough, **Potter County**.

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

**10-305A: Recmix of PA, Inc.** (359 North Pike Road, Sarver, PA 16055) on August 29, 2006, to install an aggregate drying system and blending station to produce a cement additive in the Township of Winfield, **Butler 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.*

**09-0124F: Fairless Energy, LLC** (5000 Dominion Boulevard, Glen Allen, VA 23060) on August 29, 2006, to operate an auxiliary boiler retrofit in Falls Township, **Bucks County**.

**46-0029A: Glasgow, Inc.** (P. O. Box 1089, Glenside, PA 19038) on August 29, 2006, to modify an additional duct work at an existing batch asphalt facility in Montgomery 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.*

**61-185C: Heath Oil Co.** (State Route 8, Barkeyville, PA 16038) on July 31, 2006, for the post construction approval of the bulk storage terminal, tank wagon loading rack, and vapor balancing and burn off system in Barkeyville Borough, **Venango County**. This is a State-only facility.

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

**28-05022: Signature Companies** (5171 Innovation Way, Building 7, Chambersburg, PA 17201-4187) on August 28, 2006, to operate their wood furniture manufacturing facility in Greene Township, **Franklin County**. This is a renewal of the State-only Operating Permit.

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

**32-00203: Sharp Paving, Inc.** (P. O. Box 156, Shelocta, PA 15774) on August 25, 2006, to operate a Batch Process, Hot Mix Asphalt Concrete plant in Armstrong Township, **Indiana County**.

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

**10-00312: Purvis Brothers, Inc.—Mars Facility** (321 Mars-Valencia Road, Mars, PA 16046) on August 22, 2006, to operate a Petroleum Bulk Station in Adams Township, **Butler County**.

**62-00035: IA Construction Corp.—Warren Asphalt Plant** (240 River Road, Warren PA 16365) on August 24, 2006, for an administrative amendment to the facilities State-only Operating Permit to operate a batch asphalt plant in Conewango Township, **Warren County**. This amendment includes all requirements and conditions from Plan Approval 62-035C, which was issued on June 1, 2006. This notice corrects a previous entry, which listed the issue date as August 16, 2006.

**43-00280: Chevron Inc.** (7230 West Market Street, Mercer, PA 16137) on August 17, 2006, to issue a natural minor operating permit in Lackawannock Township, **Mercer County**. The emission sources include a surface coating operation, assembly cleaning, and miscellaneous natural gas usage. All appropriate conditions from previous plan approvals and operating permits have been incorporated into this permit.

**25-01000: Advanced Mold Tech Inc.—Erie City** (2011 East 30th Street, Erie, PA 16510) on August 22, 2006, to operate their Plating and Polishing Plant in Erie City, **Erie County**.

**33-00038: Brookville Wood Products, Inc.** (12942 Route 322, Brookville, PA 15825) on August 31, 2006, to operate a sawmill, wood processing facility in Brookville Borough, **Jefferson County**. The facility's major emission sources include steam boilers, silo, molders and saw, dowel machine and saw, drying kiln and degreaser units.

**37-00317: Ellwood Mill Products** (712 Moravia Street, New Castle, Pa. 16101) on August 31, 2006, for a Natural Minor operating permit for their Ellwood Mill Products heat-treating facility in New Castle, **Lawrence County**.

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**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.**

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

**06-05003: Stone Pointe Management Corp.** (2424 North 12th Street, Reading, PA 19605-2749) on August 30, 2006, to operate a convention center including four boilers and two emergency generators in Muhlenberg Township, **Berks County**. This operating permit was administratively amended due to a change of ownership.

**31-03001: The Walter McIlvain Co.** (901 Muirfield Road, Bryn Mawr, PA 19010-1920) on August 30, 2006, to operate a wood fired boiler at their wood drying operation in Porter Township, **Huntingdon County**. This operating permit was administratively amended due to a change of ownership.

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

**24-00009: Weyerhaeuser Company—Johnsonburg Mill** (100 Center Street, Johnsonburg, PA 15845) on August 7, 2006, for an administrative amendment to the facilities Title V Operating Permit to operate a paper mill in Johnsonburg Borough, **Elk County**. This amendment was for a change of responsible official.

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**Plan Approvals Denied, Terminated, Modified, Suspended or Revoked under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and the provisions of 25 Pa. Code §§ 127.13b and 127.13c.**

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

**18-315-001A: First Quality Tissue, LLC** (904 Woods Avenue, Lock Haven, PA 17745) on August 3, 2006, to return an application for plan approval to install a selective catalytic reduction system on eight 11,817,080 Btu per hour natural gas-fired boilers due to the applicant's failure to publish the newspaper notice required by 25 Pa. Code § 127.44 in Castanea Township, **Clinton County**.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

### Coal Permits Actions

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

**32841602 and NPDES Permit No. PA0092631. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650). To renew the permit and related NPDES permit and to revise the permit for the Clymer Tipple in Cherryhill Township, **Indiana County** to add surface acreage to add four slurry injection boreholes. Surface Acres Proposed 0.7. No additional discharges. Application received August 17, 2005. Permit issued: August 29, 2005.

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

**56900113 and NPDES No. PA0598992. Fieg Brothers** (3070 Stoystown Road, Stoystown, PA 15563). Permit renewal for reclamation only of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 99.5 acres. Receiving streams: Hays Run and UNTs to Hays Run; unnamed tributaries to Buffalo Creek classified for the following uses: CWF; CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 6, 2006. Permit issued: August 28, 2006.

**56000106 and NPDES No. PA0248819. Tomcat Coal** (309 Coalyard Road, Rockwood, PA 15557). Permit renewal for reclamation only of a bituminous surface mine in Milford Township, **Somerset County**, affecting 10.8 acres. Receiving streams: UNTs to Coxes Creek classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received July 17, 2006. Permit issued August: 28, 2006.

**11010101 and NPDES No. PA0248941. E. P. Bender Coal Company, Inc.** (P. O. Box 594, Carrolltown, PA 15722). Permit renewal for reclamation only of a bituminous surface and auger mine in Reade Township, **Cambria County**, affecting 71.0 acres. Receiving streams: Fallentimber Run and Clearfield Creek classified for the following uses: CWF; WWF. There are no potable water supply intakes within 10 miles downstream. Application received July 12, 2006. Permit issued: August 28, 2006.

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

**37010103. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Renewal of an existing bituminous strip operation in New Beaver Borough & Little Beaver Township, **Lawrence County** affecting 53.9 acres. Receiving streams: None. Application received: July 6, 2006. Permit Issued: August 28, 2006.

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

**17910101 and NPDES No. PA0206504. Waroquier Coal Company** (133 W. Fifth Avenue, Clearfield, PA 16830). Renewal for reclamation only of a bituminous surface mine in Knox Township, **Clearfield County**, affecting 47.1 acres. Receiving streams: Carson Run and unnamed tributary of Potts Run. Application received: August 15, 2006. Permit renewed: August 27, 2006.

**17910121 and NPDES No. PA0206695. Sky Haven Coal, Inc.** (R. D. 1, Box 180, Penfield, PA 15849). Renewal for reclamation only of a bituminous surface mine in Jordan and Beccaria Townships, **Clearfield County**, affecting 195.0 acres. Receiving streams: Buck Run and a UNT of Buck Run to Buck Run; Buck Run to Clearfield Creek; Clearfield Creek to West Branch Susquehanna River. Application received: August 16, 2006. Permit renewed: August 30, 2007.

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

**54060101. Blaschak Coal Corp.** (P. O. Box 12, Mahanoy City, PA 17948-0012). Commencement, operation, and restoration of an anthracite surface mine and coal refuse disposal operation in Mahanoy Township, **Schuylkill County** affecting 1,039.8 acres. Receiving stream: none. Application received March 1, 2006. Permit issued August 24, 2006.

**49803202R4. Reading Anthracite Company** (P. O. Box 1200, Pottsville, PA 17901). Renewal of an existing anthracite coal refuse reprocessing operation in Zerbe Township, **Northumberland County** affecting 45.0 acres. Receiving stream: Zerbe Run. Application received May 31, 2005. Renewal issued: August 28, 2006.

**54000103R. Joe Kuperavage Coal Company** (916 Park Avenue, Port Carbon, PA 17965). Renewal of an existing anthracite surface mine operation in Blythe Township, **Schuylkill County** affecting 250.8 acres. Receiving stream: none. Application received December 19, 2005. Renewal issued: August 28, 2006.

**40663033R4. Jeddo-Highland Coal Company** (46 Public Square, Suite 600, Wilkes-Barre, PA 18702). Renewal of an existing anthracite surface mine operation in Foster and Butler Townships, **Luzerne County** affecting 1,515.0 acres. Receiving stream: none. Application received January 31, 2006. Renewal issued: August 28, 2006.

**54683043R4. Jeddo-Highland Coal Company** (46 Public Square, Suite 600, Wilkes-Barre, PA 18702). Renewal of an existing anthracite surface mine operation in Mahanoy Township, **Schuylkill County** affecting 1,328.0 acres. Receiving stream: none. Application received February 16, 2006. Renewal issued: August 28, 2006.

**40663030R4. Pagnotti Enterprises, Inc.** (46 Public Square, Suite 600, Wilkes-Barre, PA 18702). Renewal of an existing anthracite surface mine operation in Foster Township, **Luzerne County** affecting 225.0 acres. Receiving stream: none. Application received February 22, 2006. Renewal issued: August 28, 2006.

**54851603R4. Pine Creek Coal Company** (P. O. Box 100, Spring Glen, PA 17978). Renewal of an existing

anthracite coal preparation plant operation in Hubley Township, **Schuylkill County** affecting 23.6 acres. Receiving stream: Pine Creek. Application received March 8, 2006. Renewal issued: August 28, 2006.

**49871601R3. Calvin V. Lenig Coal Prep & Sales, Inc.** (R. R. 1 Box 330, Shamokin, PA 17872). Renewal of an existing anthracite coal preparation plant operation in Little Mahanoy Township, **Northumberland County** affecting 3.2 acres. Receiving stream: none. Application received May 17, 2006. Renewal issued: August 28, 2006.

*Government Financed Construction Contract*

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

**17-05-07. Coumo Contracting and Excavating** (R. R. #5, Box 896, Altoona, PA 16601) located in Knox Township, **Clearfield County**. Government Financed Construction Contract application received: July 29, 2005. Application Returned: August 7, 2006.

**17-03-02. Waroquier Coal Co.** (P. O. Box 128, Clearfield, PA 16830) located in Knox Township, **Clearfield County**. Government Financed Construction Contract application received: February 11, 2004. Application Returned: August 7, 2006.

*Noncoal Permits Actions*

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

**Permit No. 05960302 and NPDES Permit No. PA0234214. New Enterprise Stone & Lime Company, Inc.**, (P. O. Box 77, New Enterprise, PA 16664-0077). Renewal of NPDES Permit, Snake Spring Township, **Bedford County**. Receiving stream: Cove Creek classified for the following use: EV. There are no potable water supply intakes within 10 miles downstream. Application received June 21, 2006. Permit issued: August 29, 2006.

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

**43050801. Ron Wagler Excavating** (4572 Greenville-Sandy Lake Road, Stoneboro, PA 16153). Commencement, operation and restoration of a small noncoal shale permit in Lake Township, **Mercer County** affecting 5.5 acres. Receiving streams: Little Shenango River. Application received: November 21, 2005. Permit Issued: August 29, 2006.

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

**14051001. HRI, Inc.** (1750 West College Avenue, Suite No. 1, State College, PA 16801). Noncoal mining operation in Snow Shoe Township, **Centre County**. Restoration of 1.0 acre completed. Application received: August 10, 2006. Final bond release: August 29, 2006.

**53010805. Harriet Winseck** (65 W. Carley Hill Road, Roulette, PA 16746). Revision to change of acreage to 3.0 acres of a small industrial minerals (bluestone) surface mine permit in Clara Township, **Potter County**, affecting 3.0 acres. Receiving stream: UNT to Fishing Creek. Application received: May 8, 2006. Permit revised: August 22, 2006.

*General Permit Actions*

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

**20061003. R. Hunter, Incorporated** (29780 Hickory Corners Road, Guys Mills, PA 16327) Authorization to extract noncoal (industrial minerals) in Randolph Town-

ship, **Crawford County** to provide fill material to the Atlas Well Sites construction mine. Receiving streams: UNT to Woodcock Creek. Application received: June 15, 2006. Permit Issued: August 29, 2006.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 (73 P.S. §§ 151–161) and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

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

**32064003. Great Lakes Geophysical Inc.,** (P. O. Box 127, Williamsburg, MI 49690). Permit issued for seismic exploration project in Conemaugh Township, **Indiana County**. Duration of blasting is 6 months. Permit issued: August 31, 2006.

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

**65064004. Hawk Site Development, Inc.,** (61 Arch Street, Carnegie, PA 15106). Blasting activity permit for construction of Westmoreland Distribution Center, located in East Huntingdon Township, **Westmoreland County**, with an expected duration of 120 days. Permit issued: August 28, 2006.

**65064005. Golden Triangle, Inc.** (40 Patridge Lane, Imperial, PA 15126). Blasting activity permit for highway construction on SR 0022, located in New Alexandria Borough, **Westmoreland County**, with an expected duration of 160 days. Permit issued: August 28, 2006.

**30064001. Mashuda Corporation** (21101 Rt. 19, Cranberry Township, PA 16066). Blasting activity permit for construction of Waynesburg Crossing, located in Franklin Township, **Greene County**, with an expected duration for one year. Permit issued: August 28, 2006.

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

**06064128. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507). Construction blasting for Schuylkill Valley School District in Ontelaunee Township, **Berks County** with an expiration date of September 1, 2007. Permit issued: August 25, 2006.

**09064127. Brubacher Excavating, Inc.** (P. O. Box 528, Bowmansville, PA 17507). Construction blasting for Deep run Creek in Bedminster Township, **Bucks County** with an expiration date of December 31, 2007. Permit issued: August 25, 2006.

**09064128. Rock Work, Inc.** (1257 DeKalb Pike, Blue Bell, PA 19422). Construction blasting for Delancey Court of Newtown in Newtown Township, **Bucks County** with an expiration date of September 1, 2007. Permit issued: August 25, 2006.

**21064166. John W. Gleim, Jr., Inc.** (625 Hamilton Street, Carlisle, PA 17013). Construction blasting for Logistic Center at Carlisle in North Middleton Township, **Cumberland County** with an expiration date of May 15, 2007. Permit issued: August 25, 2006.

**21064167. John W. Gleim, Jr., Inc.** (625 Hamilton Street, Carlisle, PA 17013). Construction blasting for Keystone Arms Development in North Middleton and

Middlesex Townships, **Cumberland County** with an expiration date of April 15, 2007. Permit issued: August 25, 2006.

**40064130. DC Guelich Explosives, Inc.** (R. R. 3 Box 125A, Clearfield, PA 16830). Construction blasting for Pepsi Gatoraid Plant in Wright Township, **Luzerne County** with an expiration date of August 30, 2007. Permit issued: August 25, 2006.

**45064156. DC Guelich Explosives, Inc.** (R. R. 3 Box 125A, Clearfield, PA 16830). Construction blasting for Hidden Valley Development in Stroud Township, **Monroe County** with an expiration date of August 31, 2007. Permit issued: August 25, 2006.

**58064102. Hayduk Enterprises, Inc.** (257 Riverside Drive, Factoryville, PA 18419). Construction blasting for a single dwelling in Bridgewater Township, **Susquehanna County** with an expiration date of December 31, 2006. Permit issued: August 25, 2006.

**01064119. John W. Gleim, Jr., Inc.** (625 Hamilton Street, Carlisle, PA 17013). Construction blasting for Keystone Petroleum gas station in Cumberland Township, **Adams County** with an expiration date of November 15, 2006. Permit issued: August 28, 2006.

**01064120. Newville Construction Services, Inc.** (408 Mohawk Road, Newville, PA 17241). Construction blasting for Plank Field in Straban Township, **Adams County** with an expiration date of August 27, 2007. Permit issued: August 28, 2006.

**06064129. Geological Technologies, Inc.** (P. O. Box 70, Falling Waters, WV 25419). Construction blasting for Ruby Tuesday in Exeter Township, **Berks County** with an expiration date of August 26, 2007. Permit issued: August 28, 2006.

**06064130. Geological Technologies, Inc.** (P. O. Box 70, Falling Waters, WV 25419). Construction blasting for Farview Development in Exeter Township, **Berks County** with an expiration date of August 28, 2007. Permit issued: August 28, 2006.

**21064168. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507). Construction blasting for Lambs Gap Road in Hampden and Silver Spring Townships, **Cumberland County** with an expiration date of September 1, 2007. Permit issued: August 28, 2006.

**38064125. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543). Construction blasting for the Gabels of Jackson in Jackson Township, **Lebanon County** with an expiration date of December 30, 2007. Permit issued: August 28, 2006.

**38064126. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543). Construction blasting for Marlin Horning Manure Pit in Heidelberg Township, **Lebanon County** with an expiration date of October 30, 2006. Permit issued: August 28, 2006.

**67064132. Hayduk Enterprises, Inc.** (257 Riverside Drive, Factoryville, PA 18419). Construction blasting for Newberry Township Municipal Pump Station in Newberry Township, **York County** with an expiration date of June 30, 2007. Permit issued: August 28, 2006.

**39064002. MF Ronca & Sons** (179 Mikron Road, Bethlehem, PA 18020) and Bernard J. Hasara, (1125 East Mahanoy Avenue, Mahanoy City, PA 17948). Construction blasting at Arcadia West Industrial Park Lot 5 in Weisenberg Township, **Lehigh County** with an expiration date of March 31, 2007. Permit issued: August 29, 2006.



**06064009. MF Ronca & Sons** (179 Mikron Road, Bethlehem, PA 18020) and Bernard J. Hasara, (1125 East Mahanoy Avenue, Mahanoy City, PA 17948). Construction blasting at Ontelaunee Township Water Main Installation Phase II in Ontelaunee Township, **Berks County** with an expiration date of March 28, 2007. Permit issued: August 30, 2006.

**21064171. M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013-0608). Construction blasting at Young Drive in West Pennsboro Township, **Cumberland County** with an expiration date of August 31, 2007. Permit issued: August 30, 2006.

**21064172. Newville Construction Service, Inc.** (408 Mohawk Road, Newville, PA 17241-9424). Construction blasting for Amos Leid Manure Pit in Southampton Township, **Cumberland County** with an expiration date of July 30, 2007. Permit issued: August 30, 2006.

**21064173. Newville Construction Service, Inc.** (408 Mohawk Road, Newville, PA 17214-9424). Construction blasting at ECI Sports Bar in Camp Hill Borough, **Cumberland County** with an expiration date of August 30, 2007. Permit issued August 30, 2006.

**58064003. John Brainard** (R. R. 1, Box 275, Kingsley, PA 18826). Construction blasting at Kilmer/Glenwood Stone/PADOT Line of Site Operation in Lenox Township, **Susquehanna County** with an expiration date of August 31, 2007. Permit issued: August 31, 2006.

**35064001. Northeast Blasting** (403 Middle Creek Road, Honesdale, PA 18431). Construction blasting for Jack Curtis House Foundation in Benton Township, **Lackawanna County** with an expiration date of September 30, 2007. Permit issued: August 31, 2006.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

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**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).**

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

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

**E22-501: S & A Custom Homes**, 2121 Old Gatesburg Road, State College, PA 16803 in Lower Paxton Township, **Dauphin County**, ACOE Baltimore District

To construct and maintain: 1) a 145-foot long 24-inch smoothed-lined corrugated plastic pipe culvert, which will impact 0.014 acre of palustrine emergent wetlands; 2) a 91-foot long 18-inch smoothed-lined corrugated plastic pipe culvert, which will impact 0.095 acre of palustrine emergent wetlands; 3) 79-foot long 18-inch smoothed-lined corrugated plastic pipe culvert, which will impact 0.031 acre of palustrine emergent wetlands; 4) fill a total of 0.154 acre of palustrine emergent wetlands at four locations due to road grading all in an UNT to Paxton Creek (WWF) (Harrisburg East, PA Quadrangle Latitude: 40° 18' 31", Longitude: 76° 48' 39", N: 10.5 inches; W: 8.4 inches) in Lower Paxton Township, Dauphin County. The applicant proposes to mitigate 0.03 acre of wetlands.

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

**E14-489. The Pennsylvania State University Office of Physical Plant**, 113 Physical Plant Building, University Park, PA 16802. Slab Cabin Run, in College Township, **Centre County**, ACOE Baltimore District (State College, PA Quadrangle N: 11.7 inches; W: 11.8 inches).

To construct, operate, and maintain the following encroachments in five locations in the floodway of Slab Cabin Run in College Township, Centre County: Phase 1: Three in-stream log cross vanes immediately downstream of SR 26, combined with two less than 1 foot deep shallow conveyance channel excavations. The construction area is approximately 1.39 acres of total disturbance (State College, PA Quadrangle: Latitude 40° 48' 43.74"; Longitude 77° 49' 51.78"); Phase 2: Three in-stream rock cross vanes at selected locations, combined with 2 less than 1-foot deep shallow conveyance channel excavations. The construction area is approximately 1.20 acres of total disturbance (State College, PA Quadrangle: Latitude 40° 48' 57.0"; Longitude 77° 50' 6.96"); Phase 3a: One in-stream rock cross vane structure at selected location, combined with 2 less than 1-foot deep shallow conveyance channels and one of the channels routed under an existing asphalt bike path by five 4-foot wide by 12-foot long by 1-foot



deep box culverts placed next to each other. The construction area is approximately 1.3 acres of disturbance (State College, PA Quadrangle: Latitude 40° 49' 4.98"; Longitude 77° 49' 59.4"); Phase 3b: One in-stream rock cross vane structure at selected location, combined with minimal floodplain excavation for wetland creation. Construction area is approximately 0.36 acre of disturbance (State College, PA Quadrangle: Latitude 40° 49' 8.04"; Longitude 77° 50' 2.28"); 542 linear feet of 6 foot wide wooden walkway elevated 18-20 inches above the ground on Duckbill, anchored 6-inch by 6-inch wooden piers to cross the wetland in the 100-year floodway of Slab Cabin Run is an extension of an existing multi-path educational/site seeing system within the Mill Brook Marsh Nature Center (State College, PA Quadrangle Latitude 40° 48' 52"; Longitude 77° 50' 9").

**E18-409. Department of Transportation, Engineering District 2-0**, 1924-30 Daisy Street Extension, P. O. Box 342, Clearfield, PA 16830. SR 2004, Section A03, Structure Replacement over Duck Run in Lamar Township, **Clinton County**, ACOE Baltimore District (Mill Hall, PA Quadrangle N: 11.75 inches; W: 12.75 inches).

To 1) remove the existing deteriorated bridge; then to 2) construct and maintain a prestressed concrete spread box beam bridge with a 47-foot 9 1/4-inch clear span, a minimum underclearance of 7.05 feet and on a 70° skew across Duck Run; 3) permanently impact 0.028 acre of wetland and temporarily impact 0.010 acre of wetland, 4) construct and temporarily maintain a causeway made of clean R-4 rock to remove the old center pier, concrete barriers and sandbags to help with constructing the new bridge, all located immediately south of the SR 2004 and T-352 Duck Run Road intersection

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

**E04-314. Ellwood Investors, LLC**, 107 Crystal Springs Drive, Cranberry Township, PA 16066-3929. To fill wetlands in Franklin Township, **Beaver County**, Pittsburgh ACOE District. (Beaver Falls, PA Quadrangle N: 18.01 inches; W: 0.92 inches and Latitude: 40° 50' 58.45"—Longitude: 80° 15' 26.03"). To place and maintain fill in 0.19 acre of wetlands (PEM) and temporarily impact 0.011 acre of wetlands (PEM) as part of a proposed residential patio home development with 18 buildings of four dwelling units each and a multi-use clubhouse. The project is located on the east side of Mercer Road approximately 3,000 feet north of its intersection with Route 288. To compensate for the wetland impact, the applicant had made a contribution to the wetland replacement fund.

**E30-216. Fish and Boat Commission**, 450 Robinson Lane, Bellefonte, PA 16923-9616. To construct a stormwater outfall and dock in Monongahela Township, **Greene County**, Pittsburgh ACOE District. (Masontown, PA Quadrangle N: 8.8 inches; W: 5.1 inches and Latitude: 39° 47' 56"—Longitude: 79° 48' 17"). To construct and maintain a stormwater outfall, a 20' × 104' pre-cast concrete boat launching ramp, a 30' × 15' concrete fishing pier, a 40' × 6' boarding dock attached to a 15' × 8' bulkhead, and bank stabilization using R-6 rip rap. The facility will be located on the west bank of the Monongahela River (WWF) near River Mile 84.

**E26-334. The Redevelopment Authority of the County of Fayette**, 45 East Main Street, 500 Court Plaza Tower, Uniontown, PA 15401. To fill an unnamed tributary and a wetland in South Union Township, **Fayette County**, Pittsburgh ACOE District. (New Salem, PA Quadrangle N: 1.0 inches; W: 0.8 inches and Latitude: 39° 54' 59"—Longitude: 79° 45' 34"). To fill and maintain 480 LF of unnamed tributary to Jennings Run (WWF), fill and maintain 0.42 acre of adjoining PEM wetland; construct and maintain 0.5 acre of replacement PEM wetland on site; and construct and maintain a 48-inch diameter stormwater outfall with riprap outlet. To mitigate for the stream impacts, 355 LF of stream mitigation is to be constructed and maintained in the adjoining Coal Lick Run watershed (New Salem, PA Quadrangle N: 1.0 inches; W: 0.8 inches and Latitude: 39° 52' 49"—Longitude: 79° 45' 20"). This project is associated with the commercial development located adjacent to the south side of SR 40 and is approximately 2 miles northwest of Uniontown.

**E56-333. Conemaugh Township**, 1120 Tire Hill Road, Johnstown, PA 15905. To construct streambank work and access ramp in Conemaugh Township, **Somerset County** and Stonycreek Township, Cambria County, Pittsburgh ACOE District. (Johnstown, PA Quadrangle N: 5.04 inches; W: 6.51 inches and Latitude: 40° 16' 40"—Longitude: 78° 55' 18"). To construct and maintain two channel deflectors, two drop structures, stone riprap streambank protection and an access ramp in and along Stonycreek River (WWF), and to regrade the stream bed, to create a recreational whitewater course. The project will affect approximately 710 feet of watercourse and a de minimus amount of wetland (0.05 acre). The project site is located along Greenhouse Park on SR 403.

**E63-484-A1. Cherry Valley Lake Development Company**, P. O. Box 273, Atlasburg, PA 15004. To amend Permit E63-484 by constructing an arch culvert in Mount Pleasant Township, **Washington County**, Pittsburgh ACOE District. (Midway, PA Quadrangle N: 15.3 inches; W: 11.4 inches and Latitude: 40° 19' 10"—Longitude: 80° 20' 01"). To construct and maintain an arch culvert having a span of 33.0 feet with an underclearance of 12.4 feet across the channel of Racoon Creek (WWF) to provide access to the Cherry Valley Lake Residential Development located just downstream from the Cherry Valley Reservoir (D63-056).

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

**E25-693. Harborcreek Township**, 5601 Buffalo Road, Erie, PA 16421. Shades Beach Boat Launch, in Harborcreek Township, **Erie County**, ACOE Pittsburgh District (Harborcreek, PA Quadrangle N: 12.0 inches; W: 5.1 inches).

Remove the existing boat launch facility and for the purposes of improving boater safety, providing an efficient boat launch, and improving public access to Lake Erie, to construct and maintain a protected boat launch including maintenance dredging in Lake Erie at Shades Beach adjacent to the mouth of Eightmile Creek approximately 0.4 mile N of the intersection of SR 5 and Bartlett Road involving 1) to construct an approximately 530-foot long, 50-foot wide L-shaped, rubble mound, west breakwall with concrete walkway extending approximately 270 feet

into Lake Erie; 2) to construct an approximately 240 foot long, 50-foot wide rubble mound, east breakwall with concrete walkway extending approximately 170 feet into Lake Erie; 3) to construct a four launch lane, reinforced concrete boat launch and armored slope having dimensions of approximately 65 feet by 130 feet and having two 90-foot long steel docks; 4) to construct a 250 foot by 75 foot parking and boat launch entrance area; 5) to install a fillet beach on the west side of the west breakwall; 6) to dredge to 565.0 feet elevation for project construction; 7) to conduct maintenance dredging of the facility and maintenance near-shore sand bar removal, 7) to develop an environmental education program as mitigation to compensate for loss of aquatic habitat; 8) to place 6,400 cubic yards of sand on the shoreline at or just below the Ordinary High Water Mark of 572.8 International Great Lakes Datum 1955 in the area downdrift (to the east) of proposed construction, and 9) to implement the beach nourishment monitoring/action/mitigation plan as described in the application and special conditions of this permit.

#### ENVIRONMENTAL ASSESSMENTS

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

**D21-003EA South Middleton Township**, 520 Park Drive, Boiling Springs, PA 17007, South Middleton Township, **Cumberland County**, ACOE Baltimore District.

Project proposes to breach and remove Wittlinger Dam across Yellow Breeches Creek (HQ-CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 1,400 feet of stream channel. The dam is located approximately 3300 feet south of the intersection of Forge Road (SR2003) and SR174 (Carlisle, PA Quadrangle N: 2.85 inches; W: 0.4 inches).

**EA14-005CO. Mr. and Mrs. Paul Weener**, 1023 Torrey Lane, Boalsburg, PA 16827, Harris Township, **Centre County**, ACOE Baltimore District.

Project proposes to construct, operate and maintain a nonjurisdictional dam across a tributary to Spring Creek (CWF) for recreational and aesthetic purposes. The project will impact approximately 80 feet of stream channel. The dam is located approximately 2,900 feet southeast of the intersection of Torrey Lane (T362) and Loop Road (T357) (State College, PA Quadrangle, N: 3.75", W: 3.8").

**D09-128EA. Rick Dalton, Park Superintendent**, 11 Lodi Hill Road, Upper Black Eddy, PA 18972-9540, Tinicum Township, **Bucks County**, ACOE Philadelphia District.

Project proposes to breach and remove Ralph Stover Dam across Tohickon Creek (HQ-CWF, MF) for the purpose of eliminating a threat to public safety, restoring the stream to a free flowing condition, and providing unobstructed fish passage to resident and migratory fishes. The project will restore approximately 1,750 feet of stream channel. The dam is located approximately 3,800 feet south of the intersection of Stover Park Road and Tory Road (Lumberville, PA-NJ Quadrangle N: 11.2 inches; W: 13.9 inches).

## SPECIAL NOTICES

### HAZARDOUS SITES CLEANUP UNDER THE ACT OF OCTOBER 18, 1988

#### Proposed Consent Order and Agreement

#### Calgon Carbon Corporation, Mays/Hickman Road Site, Robinson Township, Allegheny County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), has entered into a proposed Consent Order and Agreement (CO&A) with Calgon Carbon Corporation (Calgon). The proposed CO&A resolves the HSCA generator liability of Calgon for reimbursement of costs expended by the Department at property located in Robinson Township, Allegheny County (Site).

Calgon is a successor-in-interest to Pittsburgh Activated Carbon (PAC). As such, Calgon inherited HSCA liability incurred by PAC by virtue of PAC's generation of various hazardous substances and its arrangement for the transport of those hazardous substances to the Site and their disposal there, resulting in those hazardous substances' release and threatened release into the environment.

Beginning in the mid-1950s and until at least 1964, Jake Phillips, Sr. hauled to the Site carbon sweepings dross and various industrial waste from the Pittsburgh Coke and Chemical facility (mid-1950s through 1959) and from the Pittsburgh Activated Carbon facility (1960 through 1964), both located on Neville Island. In September 1959, Jake Phillips, Sr. incorporated his hauling business as the Phillips Contracting Company, Inc. (PCC). The hauling from the two facilities conducted by Jake Phillips, Sr. and by PCC resulted in disposal at the Site of about 1,200 tons of carbon sweepings and industrial waste, including eight leaking 55 gallon drums.

A 1993 EPA investigation and 1994 and 2001 investigations by the Department found contamination in the form of various volatile and semi-volatile organics at the Site. In 2003, to address this contamination, the Department conducted an interim response pursuant to section 501(a) of HSCA (35 P. S. § 6020.501(a)). The Department's interim response entailed the removal and proper disposal of all Site waste. As a result of its Site investigation and its interim response, the Department incurred costs in the amount of \$1,385,368.

In September 2003, the Department settled its costs claim against Wilmington Securities, Inc. (Wilmington), for \$420,000. Wilmington inherited HSCA generator liability from its corporate predecessor, Pittsburgh Coke and Chemical. In November 2005, the Department settled its costs claim against Earlin Equipment Company, Inc. (Earlin) for \$125,000. Earlin inherited HSCA transporter liability from its corporate predecessor, PCC.

The Department's proposed CO&A with Calgon calls for payment by Calgon of \$515,000, in three installments over a 1-year period, in exchange for the Department's covenant not to sue.

Under section 1113 of HSCA (35 P. S. § 6020.1113), the Department is publishing notice of the proposed CO&A and will provide a 60-day period for public comment on the CO&A beginning with the date of this publication.

Copies of the CO&A can be reviewed or obtained by contacting Terry Goodwald at the Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222 or by calling Terry Goodwald at (412) 442-4000. Persons may submit comments on the proposed CO&A during the 60-day public comment period only. Comments can be sent to Terry Goodwald at the address noted or may be delivered to him in person at the Department's Pittsburgh office.

The Department has reserved the right to withdraw its consent to the CO&A if comments submitted during the 60-day public comment period disclose facts or considerations which indicate, in the Department's judgment, that the CO&A is inappropriate or not in the public interest.

### **Certification to Perform Radon-Related Activities in this Commonwealth**

In the month of August 2005 the Department of Environmental Protection, under the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the following persons to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Michael Biechler	2466 Roundtop Road Middletown, PA 17057	Testing
Brett Burkett Burkett Building Care	127 West College Avenue Pleasant Gap, PA 16823	Mitigation
Perry Ecksel	626 Jacksonville Road Suite 200 Warminster, PA 18974	Testing
Paul Edwards	215 Kelso Circle Collegeville, PA 19426	Testing
Theresa Edwards	215 Kelso Circle Collegeville, PA 19426	Testing
Samuel Feyka	9080 Iriquois Trail Negley, OH 44441	Testing
James Hughes	747 Jackson Road Stewartsville, NJ 08886	Testing
Douglas Kaup	263 Sewickley Oakmont Road Pittsburgh, PA 15237	Testing
Daniel Keogh Peach Inspections	518 Kimberton Road Suite 311 Phoenixville, PA 19460	Testing
Cornelius McNeil	651 Weigle Hill Road Elizabeth, PA 15037	Testing
Robert L. Meyer	124 Partridge Way Landenberg, PA 19350	Testing
Eric Mills	1341 North Delaware Avenue Suite 205 Philadelphia, PA 19125	Testing
Jeffrey Nicholls	P. O. Box 400 Henryville, PA 18332	Testing
Onega, LLC—AmeriSpec	333 Lindsay Road Zelienople, PA 16063	Testing
Troy Rudy Allied Home Inspections, Inc.	44 West Liberty Street Lancaster, PA 17603	Mitigation
Jeffrey Smith	726 East Walton Avenue Altoona, PA 16602	Testing
John Staz, III	1738 North Third Street Suite A Harrisburg, PA 17102	Testing
Matthew Thomson	3410 Carlisle Road Dover, PA 17315	Testing

**Program Award Information**

Program: Stormwater Planning and Management  
 Amount: \$12,000  
 Recipient: Cumberland County Planning Commission  
 County: Cumberland County  
 Municipalities: Camp Hill Borough, Carlisle Borough, Cook Township, Dickinson Township, East Pennsboro Township, Hampden Township, Hopewell Township, Lemoyne Borough, Lower Allen Township, Lower Frankford Township, Lower Mifflin Township, Mechanicsburg Township, Middlesex Township, Monroe Township, Mt. Holly Spring Borough, New Cumberland Borough, Newburg Borough, Newville Borough, North Middleton Township, North Newton Township, Penn Township, Shippensburg Borough, Shippensburg Township, Shiremanstown Borough, Silverspring Township, South Middleton Township, South Newton Township, Upper Allen Township, Upper Frankford Township, Upper Mifflin Township and Wormleysburg Borough.

CONTACT: Kirk Stoner, Cumberland County Planning Commission, 18 North Hanover Street, Suite 102, Carlisle, PA 17103.  
 DEP: Barry A. Newman, M.S., P. E., (717) 772-5661

PURPOSE: Complete Phase I "Scope of Study" report required for preparation of an Act 167 Storm Water Management Plan for the entire Cumberland County.

**Action on First Application of Nonexceptional Value Sewage Sludge Under General Permit PAG-8 OR PAG-9**

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

The Department of Environmental Protection (Department) has previously approved coverage under General Permit PAG-8. General Permit PAG-08-9908 authorizes the beneficial use of biosolids by land application to a reclamation site. The purpose of this notice is to advise the public that the Department has reviewed the Notice for First Land Application of Sewage Sludge for Kyler Environmental Services, Ltd, 1269 Piedmont Road, Somerset, PA 15501 on the Stoltzfus property (Permit No. 17068001), located in Jordan Township, Clearfield County, and has determined that the site is suitable for land application of biosolids effective August 18, 2006.

The actions of the Department may be appealed to the Environmental Hearing Board (Board), 2nd Floor, Rachel Carson Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 by an aggrieved person under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 PaC.S. & 501—508 and 701—704 (relating to the Administrative Agency Law). Appeals must be filed within 30 days of the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practices and procedure may be obtained from the Board.

**Planning Grant Awards Under Section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101**

The Department of Environmental Protection (Department) announces the following grants to counties under the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101, P. L. 556, section 901 and section 208 of the Waste Tire Recycling Act/Small Business and Household Pollution Prevention Act (Act 190 of 1996).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans as required by Act 101, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101, and the availability of monies in the Recycling Fund. Inquiries regarding the grant offerings should be directed to Sally Lohman, Chief, Waste Planning Section, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472.

**Act 101, Section 901 Planning Grant**

Region	County	Applicant	Project Description	Grant Award
Northwest	Mercer	Mercer County	Recycling Study	\$38,451

[Pa.B. Doc. No. 06-1809. Filed for public inspection September 15, 2006, 9:00 a.m.]

### Availability of Amended General NPDES Permit for Concentrated Animal Feeding Operations (CAFOs) (PAG-12)

The Department of Environmental Protection (Department), by this notice, announces the availability of the amended general NPDES permit for concentrated animal feeding operations (CAFOs) (PAG-12). The Environmental Protection Agency (EPA) has approved the general permit and it will be available for use on October 1, 2006, on which date the current general permit will expire. Operations that are currently under the existing permit will receive a letter explaining the transition to the new permit conditions. The amended permit reflects changes made based upon public comments received on the draft amended permit. Notice requesting public comments on the proposed revisions to PAG-12 was published at 36 Pa.B. 233 (January 14, 2006). A comment and response (C & R) document has also been prepared by Department.

The amended general NPDES permit, notice of intent (NOI), instructions for completing the NOI, NOI checklist and C & R document are being duplicated for distribution and will be posted on Department's website at [www.dep.state.pa.us/dep/deputate/watermgt/wc/Subjects/CDNM/cafo\\_home.htm](http://www.dep.state.pa.us/dep/deputate/watermgt/wc/Subjects/CDNM/cafo_home.htm).

The documents may also be available by writing or calling the Department's Central Office in the Division of Conservation Districts and Nutrient Management, Bureau of Watershed Management at the location as follows, or by contacting one of the six Department regional offices.

Department of Environmental Protection, Bureau of Watershed Management, Division of Conservation Districts and Nutrient Management, Rachel Carson State Office Building, P. O. Box 8465, 10th Floor, Harrisburg, PA 17105-8465, (717) 783-7577.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 06-1810. Filed for public inspection September 15, 2006, 9:00 a.m.]

### Coastal and Estuarine Land Acquisition Conservation Program; Federal Fiscal Year 2008 Grant Solicitation

The Coastal Zone Management (CZM) office of the Department of Environmental Protection (Department) is soliciting land acquisition grant proposals to submit to the National Oceanic and Atmospheric Administration (NOAA) through the Coastal and Estuarine Land Conservation Program (CELCP). This solicitation is for preliminary candidate-proposals and is for funding awards under the Federal Fiscal Year (FFY) 2008 Funding cycle.

Each coastal state may nominate up to three candidate projects to NOAA for this National, competitive process. Only the best, most-competitive proposals will be selected by the Department for submission to NOAA. Following review of candidate proposals by the Department, NOAA and the United States Congress, finalists will be selected and may be asked to submit a more formal application at a later date. Federal funding awards, if appropriated, are expected to be made between the spring of 2008 and December 2010. CELCP places an emphasis on "ecologically valuable" lands. The geographic areas covered by

CELCP are the designated Delaware Estuary Coastal Zone Watershed and the Lake Erie Coastal Zone Watershed.

Grant applications may be made for the purchase of only land acquisitions or interests; these may be in fee-simple title or as conservation easements. A major condition of the CELCP Program is that the title or easement must be held by a governmental/public entity. Further, grant awards must be matched dollar-for-dollar (may include in-kind match but not other Federal funds) and are capped at \$3 million each (Federal share). Land trusts may hold subeasements for management and stewardship on CELCP-funded properties and may assist in the development of proposals but they may not hold title to any property acquired with CELCP funds.

Preliminary candidate-proposals must be submitted no later than October 16, 2006, to James Nagy, Department of Environmental Protection, Water Planning Office, P. O. Box 2063, 400 Market Street, Harrisburg, PA 17105-2063, and must include the following:

1. A project description (refer to Department website)
2. Scope of Work (refer to Department website)
3. Proposed budget (refer to Department website)
4. A project application (refer to Department website) checklist
5. Maps of the site/project location, and

\*6. "Other" materials: (such as, copy of property appraisal, title opinion, evidence of a willing seller, and the like). These may be submitted if available but are not be required at this time.

\*Note: "Other" materials would be required at the time of the formal grant application if the candidate-proposal is selected during the upcoming preliminary review period during the winter of 2006/07.

The Federal Funding Opportunity (FFO) Announcement, Federal Register Notice, Description and Scope of Work Formats and CELCP Checklist are listed on the Department's website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords "Coastal Zone Management Program/Coastal Zones"). These materials contain detailed information about the grant application submission and review process. The FFO Announcement also contains several links to the NOAA CELCP website for further explanations of program requirements and additional guidance.

Persons not already familiar with CELCP should closely review the *Federal Register* notice and FFO to understand eligibility requirements, ranking criteria and the types of acquisition projects the program may fund.

For additional information, contact Chris Linn at the Delaware Valley Regional Planning Commission (DVRPC), (215) 238-2873, [clinn@dvrpc.org](mailto:clinn@dvrpc.org); Robert Wisener at the Erie County Planning Department, (814) 451-6017, [rwisener@eriecountyp Planning.gov](mailto:rwisener@eriecountyp Planning.gov); Jim Nagy at the Department's Water Planning Office, (717) 783-2402, [jnagy@state.pa.us](mailto:jnagy@state.pa.us); or Andy Zemba at the Department's Water Planning Office, (717) 772-4785, [azemba@state.pa.us](mailto:azemba@state.pa.us).

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 06-1811. Filed for public inspection September 15, 2006, 9:00 a.m.]

### Pennsylvania Energy Development Authority Board Meeting

A meeting of the Pennsylvania Energy Development Authority (PEDA) Board is scheduled for Thursday, October 5, 2006, at 10 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

The agenda will be available prior to the meeting on the PEDA website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "PEDA"). Questions concerning the agenda can be directed to Jeanne Dworetzky at (717) 783-8911 or [jdworetzky@state.pa.us](mailto:jdworetzky@state.pa.us).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Amanda Richards at (717) 772-8911 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 06-1812. Filed for public inspection September 15, 2006, 9:00 a.m.]

### Pennsylvania Small Business Advantage Grant Program; Notice of Program Guideline Modifications

The Department of Environmental Protection (Department) announces a minor change to the guidelines for the Small Business Advantage Grant Program. In the first few weeks of this fiscal year, the Small Business Advantage Grant Program received an unusually large number of applications for one specific category of project—anti-idling equipment for PA small trucking businesses. Because of the increased volume of applications, the program had reached the limits of funding for that specific project category by early August. On August 10, 2006, the Small Business Advantage Program announced that it had ceased accepting new applications for anti-idling projects. To fund eligible applications received before the August 10 announcement, the Department has authorized a minor change to the guidelines to increase the proportion of funding that it may apply to this project category from \$250,000 to \$290,000. Although this program modification will enable the Department to fund several additional eligible applications under this specific project category, the maximum amount allowable for any individual grant—\$7,500—will remain unchanged.

Small Business Advantage is still accepting applications for all other types of eligible projects. Applications are available on the Department's website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "SBAdvantage") or by contacting the Department of Environmental Protection, Office of Energy and Technology Deployment, 15th Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8772, Harrisburg, PA 17105-8772, (717) 783-8411.

For questions regarding an existing application, contact Dave Barnes, Office of Energy and Technology

Deployment, Small Business Ombudsman's Office, at (717) 783-8411 or [epadvantagegrant@state.pa.us](mailto:epadvantagegrant@state.pa.us).

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 06-1813. Filed for public inspection September 15, 2006, 9:00 a.m.]

### Stormwater Manual Oversight Committee; Change of Meeting Date

The September 26, 2006, meeting of the Stormwater Manual Oversight Committee (Committee) has been rescheduled. The Committee will now meet at 10 a.m. on October 10, 2006, in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the meeting should be directed to Dennis Stum, Bureau of Watershed Management, at (717) 772-5963 or [dstum@state.pa.us](mailto:dstum@state.pa.us). The agenda and meeting materials for the October 10, 2006, meeting will be available through the Department of Environmental Protection's (Department) website at [www.depweb.state.us](http://www.depweb.state.us) (DEP Keywords: "Public Participation, Participate").

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Dennis Stum at the previously listed telephone number or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 06-1814. Filed for public inspection September 15, 2006, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Approval of Drugs Which May be Used by Certain Optometrists

Under the Optometric Practice and Licensure Act (act) (63 P. S. §§ 244.1—244.12), and specifically as the act was amended by the act of December 16, 2002 (P. L. 1950, No. 225) (Act 225), the Secretary of Health (Secretary) has the authority to approve drugs for use in the practice of optometry as the "practice of optometry" is defined in Act 225. The State Board of Optometry, through the Secretary of State, sent the Secretary a letter on June 21, 2006, and requested that the Secretary approve the use of the following drugs. Act 225 requires that the Secretary, within 90 days of the receipt of the list of drugs, and in consultation with the Physician General, approve or disapprove for good cause each drug. The Secretary has found good cause to approve the use of the following drugs in the practice of optometry:

Nepafenac (Nevenac®) ophthalmic solution

Bromfenac (Xibrom®) ophthalmic solution

The approval of the use of this drug is effective upon publication of this notice in the *Pennsylvania Bulletin*.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape or Braille) should contact Carol Williams, Director, Bureau of Community Program Licensure and Certification, 132 Kline Plaza, Suite A, Harrisburg, PA 17104, (717) 783-8665, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 06-1815. Filed for public inspection September 15, 2006, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Public Utility Realty Tax Act (PURTA) Surcharge Rate Notice for the Tax Year Beginning January 1, 2007

72 P. S. § 8111-A(d) requires the Secretary of Revenue to publish the rate of the Public Utility Realty Tax Act (PURTA) surcharge in the form of a notice in the *Pennsylvania Bulletin* by October 1, 2003, and by each October 1 thereafter. The tax rate established in 72 P. S. § 8111-A(d) shall be imposed upon gross receipts taxes as provided in 72 P. S. § 8111-A(d) for the period beginning the next January 1.

The result of the PURTA surcharge calculation provided in 72 P. S. § 8111-A for the tax year beginning January 1, 2007, is 1.2 mills (0.0012). Therefore, a surcharge pursuant to 72 P. S. § 8111-A(d) will be imposed for the taxable period beginning January 1, 2007. The additional 1.2 mills (0.0012) shall be paid upon each dollar of gross receipts reported and settled in accordance with 72 P. S. § 8101, except gross receipts from providing mobile telecommunication services and telegraph or telephone messages transmitted in interstate commerce.

GREGORY C. FAJT,  
*Secretary*

[Pa.B. Doc. No. 06-1816. Filed for public inspection September 15, 2006, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Finding Allegheny County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Deputy Secretary for Highway Administration makes the following written finding:

The Federal Highway Administration and the Department of Transportation (Department) are planning to replace the McClintock Road Bridge that carries SR 2033 over Jacks Run in White Oak Borough, Allegheny County.

Replacement of the bridge will require the acquisition of 0.46 acre of land from the White Oak Park, which is a Section 4(f)/Section 2002 resource.

Based upon studies, there is no feasible and prudent alternative to the proposed action. Mitigation measures will be taken to minimize harm as stipulated in the Categorical Exclusion Evaluation and the Programmatic Section 4(f) Evaluation including restoration and landscaping of disturbed areas.

The environmental, economic, social and other effects of the proposed project, as enumerated in section 2002 of The Administrative Code of 1929, have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize such effects.

RICHARD H. HOGG, P. E.,  
*Deputy Secretary for Highway Administration*

[Pa.B. Doc. No. 06-1817. Filed for public inspection September 15, 2006, 9:00 a.m.]

### Finding Bedford County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Deputy Secretary for Highway Administration makes the following written finding:

The Federal Highway Administration and the Department of Transportation are planning the roadway and intersection realignment and the construction of turn lanes at certain locations on SR 56 in East Saint Clair Township, Bedford County.

The subject project is considered a Level 2 Categorical Exclusion in accordance with 23 CFR Part 771.117(d), Item 1 as published in the August 28, 1987, *Federal Register*.

The project will require the acquisition of 0.87 acre from the Chestnut Ridge Middle School, a Section 2002/Section 4(f) resource. Acquisition of land from the Chestnut Ridge Middle School property will constitute a use of the Section 2002/Section 4(f) resource.

Based upon studies, there is no prudent and feasible alternative to the proposed action.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize the effects.

RICHARD H. HOGG, P. E.,  
*Deputy Secretary for Highway Administration*

[Pa.B. Doc. No. 06-1818. Filed for public inspection September 15, 2006, 9:00 a.m.]

### Finding Bucks and Lehigh County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Deputy Secretary for Highway Administration (Deputy Secretary) makes the following written finding:

The Department of Transportation (Department) plans to widen existing SR 0309, Section 06S, from the Bucks/

Lehigh County Line to Fairmont Street in the Borough of Coopersburg, Lehigh County. The project will use land from a portion of the National Register-listed Coopersburg Historic District.

Mitigation measures will be taken to minimize harm. Historically sensitive landscaping will be planted to replace the mature trees and shrubbery impacted by the project. Up to four Pennsylvania Historical Markers will be placed at major intersections within the Coopersburg Historic District, and educational materials about the history of the Coopersburg Historic District will be developed. Also, coordination with consulting parties and the public will continue throughout final design and construction of the project.

The Deputy Secretary has considered the environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 and has concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize effects.

No adverse environmental effect is likely to result from this project.

RICHARD H. HOGG, P. E.,  
*Deputy Secretary for Highway Administration*

[Pa.B. Doc. No. 06-1819. Filed for public inspection September 15, 2006, 9:00 a.m.]

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**Finding  
Butler County**

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Deputy Secretary for Highway Administration (Deputy Secretary) makes the following written finding:

The Department of Transportation (Department) plans to replace the existing Wayne Street Bridge, carrying SR 0356 over Connoquenessing Creek in the City of Butler, Butler County. The existing Wayne Street Bridge, as well as the Butler Historic District, the South Butler Historic District and the Butler Industrial Corridor Historic District have been determined eligible for the National Register of Historic Places. The effect of this project on the said historic resources will be mitigated by the following measures to minimize harm to the resources.

1. The Department shall design the details of the new bridge to minimize the visual impact of the project on the historic character of the three historic districts. Design elements could include form liners or applied stone on the face of the abutments and compatible lighting fixtures. The selection of historically compatible design elements will be made by the Federal Highway Administration (FHWA) in consultation with the Department, the public, the Butler County Historical Society (BCHS) and the State Historic Preservation Officer (SHPO).

2. The Department shall erect an interpretive plaque on the site. The Department will consult with BCHS and the SHPO on the text, as well as on the location and appearance of the plaque.

3. The Department shall conduct a regional synthesis of the Connoquenessing Creek Valley (Valley). The study will include a geomorphological survey of the Valley and the development of an archaeological synthesis of precontact sites in the Valley. The Department shall prepare a technical report on the geomorphological survey and precontact archaeological synthesis. The report shall be submitted to the FHWA, the SHPO, interested Tribes and the BCHS for comment prior to distribution. Fifty compact discs will be distributed to the Butler County Historical Society, the City Library, and the Pennsylvania Archaeological Council (PAC). Five paper copies of the report will be provided to the SHPO.

4. The Department shall prepare an historic context report or booklet on the Butler Industrial Corridor and the existing bridge for public consumption. A draft of this report will be provided to the FHWA, SHPO and the BCHS for comment. Two hundred and fifty paper copies and 50 compact discs of this document will be produced and distributed to the BCHS, the City Library and the PAC. A copy will be provided to the SHPO.

The Deputy Secretary has considered the environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929, and has concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize such effect.

No adverse environmental effect is likely to result from the replacement of this bridge.

R. H. HOGG, P. E.,  
*Deputy Secretary for Highway Administration*

[Pa.B. Doc. No. 06-1820. Filed for public inspection September 15, 2006, 9:00 a.m.]

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**Finding  
Lawrence County**

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Deputy Secretary for Highway Administration makes the following written finding:

The Federal Highway Administration and the Department of Transportation (Department) are planning to replace the Van Gorder Mill Road Bridge that carries SR 2005 over Slippery Rock Creek in Wayne Township, Lawrence County.

The bridge is eligible for listing on the National Register of Historic Places and, therefore, qualifies as a Section 4(f)/Section 2002 resource. The State Historic Preservation Officer has concurred in a determination of "Adverse Effect" upon the resource.

Based upon studies, there is no feasible and prudent alternative to the proposed action. Mitigation measures will be taken to minimize harm as stipulated in the Categorical Exclusion Evaluation, the Programmatic Section 4(f) Evaluation and the associated Memorandum of Agreement that includes recordation of the structure in accordance with state level recordation guidelines.



The environmental, economic, social and other effects of the proposed project, as enumerated in section 2002 of The Administrative Code of 1929, have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize the effects.

RICHARD H. HOGG, P. E.,  
*Deputy Secretary for Highway Administration*

[Pa.B. Doc. No. 06-1821. Filed for public inspection September 15, 2006, 9:00 a.m.]

### Sale of Land No Longer Needed for Transportation; Berks County SR 0222, Section 003

The Department of Transportation (Department), under section 2003(e)(7) of The Administrative Code of 1929 (71 P. S. § 513(e)(7)), intends to sell certain land owned by the Department. The parcel is irregularly shaped, located off SR 0222 between West Wyomissing Boulevard and Amherst Court alongside Stanford Avenue between stations 2 + 00 and 4 + 00 in Spring Township, Berks County. The parcel is an uneconomic remnant approximately 34,842 square feet. The sale of the property is in an as is condition. Interested public agencies are invited to express their interest in purchasing the parcel within 30 calendar days from this notice.

ALLEN D. BIEHLER, P. E.,  
*Secretary*

[Pa.B. Doc. No. 06-1822. Filed for public inspection September 15, 2006, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Pennsylvania Electric Company (Penelec) v. DEP; EHB Doc. No. 2006-188-R

Pennsylvania Electric Company (Penelec) has appealed the issuance by the Department of Environmental Protection of an NPDES permit to same for a facility in Harbor Creek Township, Erie County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by interested parties on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

MICHAEL L. KRANCER,  
*Chairperson*

[Pa.B. Doc. No. 06-1823. Filed for public inspection September 15, 2006, 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 Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within two 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>
7-399	Environmental Quality Board Nonattainment New Source Review 36 Pa.B. 1991 (April 29, 2006)	7/31/06	8/30/06
11-225	Insurance Department Property and Casualty Actuarial Opinion 36 Pa.B. 3276 (July 1, 2006)	7/31/06	8/30/06
6-302	State Board of Education Foreign Corporation Standards 36 Pa.B. 3280 (July 1, 2006)	7/31/06	8/30/06
14-505	Department of Public Welfare Child Care 36 Pa.B. 3262 (July 1, 2006)	7/31/06	8/30/06
6-300	Department of Education Keystone Educational Accountability Best Management Practices Standards 36 Pa.B. 3253 (July 1, 2006)	7/31/06	8/30/06

<i>Reg No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
14-504	Department of Public Welfare Licensure/Approval Appeal Procedure 36 Pa.B. 3539 (July 8, 2006)	8/7/06	9/6/06

**Environmental Quality Board  
Regulation #7-399  
(IRRC #2535)**

**Nonattainment New Source Review**

**August 30, 2006**

We submit for your consideration the following comments on the proposed rulemaking published in the April 29, 2006 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Environmental Quality Board (EQB) to respond to all comments received from us or any other source.

**1. Comments of the U. S. Environmental Protection Agency—Protection of public health; Effect on natural resources; Consistency with other regulations; Reasonableness; Implementation procedure; Need; Clarity.**

On July 25, 2006, Judith A. Katz, Director, Air Protection Division, U.S. Environmental Protection Agency Region III (EPA Region III), submitted written comments on this proposed regulation to the EQB. The EPA Region III comments raised several issues directly related to our criteria. One impetus for this proposed regulation was major revisions to the federal regulations for Nonattainment New Source Review (for example, see 67 FR 80186, *Federal Register*, December 31, 2002). EPA Region III conveyed serious concerns in its comments and warned that it may be prohibited from approving portions of this proposed regulation as revisions to the State Implementation Plan (SIP). We share the same comments, questions and concerns expressed by the EPA Region III and incorporate them into the Commission's comments on this proposed regulation.

**2. Differences between federal and state programs—Protection of public health; Effect on natural resources; Consistency with other regulations and statutes; Reasonableness; Implementation procedure; Need; Clarity.**

In the preamble, the EQB identified several areas of the proposed regulation that are more stringent than the federal regulations. Several commentators, including the Pennsylvania Chamber of Business and Industry (PCBI), Pennsylvania Chemical Industry Council (PCIC) and Electric Power Generation Association (EPGA), expressed significant concerns with these provisions. The following paragraphs summarize examples of these concerns.

*“Look back” provision for calculating baseline emissions*

This provision allows permittees to “look back” in calculating baseline emissions. Federal regulations allow entities to select any two consecutive years in the preceding ten years as their baseline. In the case of utilities, they can use any two consecutive years in the preceding five years as their baseline. The proposed regulation would apply the five-year look back period to all entities, not just utilities.

Both PCIC and PCBI contend that the EQB is not being realistic. The “ten-year” look back is designed to incorporate economic variations in different markets and their impact on plant operations and emissions into the baseline calculation. It allows for the development of a more representative sample of past emissions and provides a better baseline for new sources, modifications and plantwide applicability limits (PALs).

*Best available technology and PALs*

Another difference is in Section 127.218 relating to PALs. Under federal provisions, a plant operator is not required to install emission controls on new emission units under an existing PAL if the facility is able to continue to meet its PAL emissions cap. Concerning the proposed regulation, the preamble states:

Under the Commonwealth's proposed approach in § 127.218, the owners and operators of new emission units added under an existing PAL will need to reduce or control emissions by using the best available technology as required under section 6.6(c) of the APCA [Air Pollution Control Act] (35 P. S. § 4006.6(c)).

This characterization of Section 6.6(c) of the APCA is not completely accurate. This subsection of APCA reads:

The department *is authorized* to require that new sources demonstrate in the plan approval application that the source will reduce or control emissions of air pollutants, including hazardous air pollutants, by using the best available technology. [Emphasis added.]

Hence, the EQB and Department of Environmental Protection (DEP) are authorized to require use of the best available technology (BAT). However, the EQB also has the discretion *not* to require BAT within a PAL and its regulation could mirror the federal approach.

Again, the commentators urge that the EQB adopt the federal approach. The PAL emissions cap provides environmental protection and makes BAT unnecessary as long as the cap is maintained. By adding BAT, the EQB removes a primary incentive for using PALs.

*Five-county southeastern region*

The proposed regulation retains the severe ozone nonattainment standard for facilities that emit or have the potential to emit at least 25 tons per year (tpy) of volatile organic compounds (VOCs) and nitrogen oxides (NOx) in the southeast five-county region (Bucks, Chester, Delaware, Montgomery and Philadelphia). The federal regulations have re-classified this area as “moderate” nonattainment for ozone. Commentators are concerned that the proposed regulation will restrict economic growth in the region. They claim that businesses and industries in the region have already worked very hard to reduce emissions. Further reductions will not be obtainable except at significant expense which will be a disincentive to development and investment in the five-county area.

### Conclusion

These are three examples of areas where the proposed regulation is more stringent than the federal rules. We have two concerns concerning these three examples and all the areas where the proposed regulation exceeds federal regulations adopted under the Clean Air Act.

First, the statutory directive to not exceed the standards of the Clean Air Act is repeated throughout Sections 4.2(a), (b) and (c) of the APCA. They read:

(a) In implementing the requirements of section 109 of the Clean Air Act, the board may adopt, by regulation, *only those control measures or other requirements which are reasonably required*, in accordance with the Clean Air Act deadlines, to achieve and maintain the ambient air quality standards or *to satisfy related Clean Air Act requirements*, unless otherwise specifically authorized or required by this act or specifically required by the Clean Air Act.

(b) Control measures or other requirements adopted under subsection (a) of this section *shall be no more stringent* than those required by the Clean Air Act unless authorized or required by this act or specifically required by the Clean Air Act. This requirement shall not apply if *the board determines that it is reasonably necessary* for a control measure or other requirement to exceed minimum Clean Air Act requirements in order for the Commonwealth:

- (1) To achieve or maintain ambient air quality standards;
- (2) To satisfy related Clean Air Act requirements as they specifically relate to the Commonwealth;
- (3) To prevent an assessment or imposition of Clean Air Act sanctions; or
- (4) To comply with a final decree of a Federal court.

(c) The board *may not* by regulation *adopt* an ambient air quality standard for a specific pollutant which is *more stringent* than the air quality standard which the EPA has adopted for the specific pollutant pursuant to section 109 of the Clean Air Act [42 U.S.C.A. § 74090]. [Emphasis added.]

The statutory directive appears to be clear. The air quality standards, rules and procedures of the Commonwealth should be consistent with the federal standards and regulations.

Second, the discretion afforded to the EQB to exceed federal requirements is limited. Given the precision and primacy of the statutory directive, there is an obligation to explain how and why exceeding the federal regulations was determined to be "reasonably necessary." Therefore, the EQB must justify each exception to the statutory directive. The preamble does not contain sufficient information. For each point in the proposed regulation where a state provision is more stringent than its federal counterpart, the EQB must fully explain and document the evidence and findings for each determination that exceeding federal rules is reasonable and necessary. This information needs to accompany the final-form regulation for each exception that is retained.

### 3. General—Consistency with other regulations; Reasonableness; Implementation procedures; Clarity.

Several commentators noted errors in the proposed regulation, or expressed concerns with format, and language that is confusing, repetitive or unclear in various sections.

For example, EPA Region III noted several differences between definitions of terms in the federal regulations and their counterparts in the proposed regulation.

The Allegheny County Health Department expressed several concerns regarding the structure and language in Sections 127.203a and 127.218.

A specific example of an error is Subsection 127.218(c)(2) which refers to the public participation requirements in Subsection 127.218 (d). The public participation requirement is actually discussed in Subsection 127.218(e).

Another problem is lengthy provisions such as Section 127.218(l)(1)(ii). This is an example of several items in one paragraph that could be re-formatted into a list. This section and other lengthy provisions could be clarified by being reformatted into a "list format" as described in the *Pennsylvania Code and Bulletin Style Manual* (See Section #2.5 (relating to section length) in Chapter 2 and Chapter 7 (relating to enumeration)).

Admittedly, federal regulations are not always clear or precise. However, re-writing and re-interpreting federal rules at the state level is a difficult and laborious task, and should only be done when it genuinely improves the clarity and effectiveness of public policy. Rather than attempt to "reinvent the wheel" or to re-define terms and re-write language from the federal regulations, the EQB should reference the appropriate federal rules wherever possible.

### 4. Sections 121.1 and 127.201a. Definitions.—Reasonableness; Need; Clarity.

#### General

Several commentators questioned the benefit of moving definitions to a new section in a different chapter. It is our understanding that DEP and EQB are reviewing this decision, and the definitions may return to Section 121.1 in the final-form regulation. We support retaining definitions in Section 121.1.

#### Applicability determination

This term is in Section 121.1 as an existing definition. If it and the new Section 127.203a are retained in the final-form regulation, then the existing definition should be amended to reference the new Section 127.203a.

#### Begin actual construction

This term does not appear to be used in the proposed regulation. The similar phrase "beginning actual construction" appears only one time in the proposed regulation. The EQB should either justify the need for this definition or delete it.

#### Major facility

The existing definition for this term in Section 121.1 reads: "A facility which has the potential to emit a pollutant equal to or greater than an applicable annual emissions rate in § 127.203." The proposed definition contains over 15 subparagraphs or clauses containing substantive rules related to the definition. Substantive provisions in a definition are not enforceable. In the final-form regulation, the substantive provisions should be deleted from this definition and moved to another section that describes conditions applicable to a "major facility." Another alternative would be to reference the corresponding item in the federal regulations.

### 5. Section 127.201b. Measurements.—Need; Clarity.

The need for or purpose of this section is unclear. It provides information for acronyms but does not define

any terms. Terms, such as BAT, BACT, ERC, LAER and MACT, are listed but there is no indication of where they are defined. Definitions for these terms can be found in Section 121.1 and elsewhere. Section 127.201b should reference the definitions in Section 121.1 or from other sources as applicable.

Some terms, such as “continuous parametric monitoring system” and “continuous emissions rate monitoring system,” are already defined in Section 127.201a. Similar terms also appear in the federal regulations. It is not necessary to repeat them in this section.

**Insurance Department  
Regulation #11-225  
(IRRC #2545)**

**Property and Casualty Actuarial Opinion**

**August 30, 2006**

We submit for your consideration the following comments on the proposed rulemaking published in the July 1, 2006 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Insurance Department (Department) to respond to all comments received from us or any other source.

**1. Section 118a.4.—General requirements.—Reasonableness; Clarity.**

Subsection (a)(2)(iii) includes the statement: “Other information that the Commissioner in the Commissioner’s discretion may require to determine the individual’s qualifications.” The final-form regulation should state that the Commissioner or Department will give insurers written notice describing the types of “other information” required by the Commissioner and why they are required.

**2. Section 118a.5.—Confidentiality.—Statutory authority; Reasonableness; Clarity.**

Two commentators, the Insurance Federation of Pennsylvania (IFP) and Property Casualty Insurers Association of America (PCI), raised separate confidentiality concerns. IFP questions whether the Department has the statutory authority to provide the confidentiality protections set forth in the proposed regulation while PCI is concerned that the regulation does not provide enough protection.

Subsection (a) states that the “statement of actuarial opinion . . . shall be treated as a public document.” Meanwhile, Section 118a.5(b) reads:

Documents, materials or other information in the possession or control of the Department that are considered an actuarial report, workpapers or actuarial opinion summary provided in support of the statement of actuarial opinion, and any other material provided by the insurer to the Commissioner in connection with the actuarial report, workpapers or actuarial opinion summary, shall be confidential by law and privileged, . . .

The statement in Subsection (a) allows for public inspection of the “statement of actuarial opinion” while the documents in Subsection (b) are not open to the public and will remain protected as confidential. Department staff refer to Section 320(d) of the Insurance Company Law (Law) (40 P. S. § 443(d)) for the authority to maintain the confidentiality of documents listed in Subsection (b). However, Section 320(d) of the Law refers to documents submitted by the National Association of

Insurance Commissioners (NAIC) Regulatory Information System and to “work products developed by the Insurance Department staff” as confidential. It is unclear how “material provided by the insurer” as described in Subsection (b) could be “work products developed” by the Department staff.

Similarly, Section 202-A(a) of the Insurance Department Act (40 P. S. § 65.2-A(a)) provides that the Commissioner shall maintain the confidentiality of documents received from the NAIC or from regulatory or law enforcement officials. There is no provision for the confidentiality of documents received from insurers.

The Department needs to explain the statutory and legal foundations for the confidentiality provided by this proposed regulation. This explanation should accompany the final-form regulation. The Department should also review the language of this section and clarify the provisions describing the extent and limits of the confidentiality afforded by the regulation.

**3. Section 118a.6. Effective date and exemption.—Implementation procedure; Clarity**

Subsection (c) discusses when a foreign insurer could be exempt. The Department has the authority to require that foreign insurers comply with this proposed regulation. However, it is unclear how and when the exemption would apply to a foreign insurer. In the final-form regulation, the Department should clarify the requirements for foreign insurers and identify how it would notify a foreign insurer that it is or is not exempt.

**4. General—Reasonableness; Clarity.**

The proposed regulation refers to a form and instructions issued by the NAIC. For example, Section 118a.4(a)(2)(i) requires an insurer to file “a properly completed biographical affidavit in the form adopted by the NAIC” with its request for approval of a qualified actuary. The final-form regulation should include information, such as an NAIC website, indicating where and how one can obtain the required NAIC document or form.

**State Board of Education  
Regulation #6-302  
(IRRC #2548)**

**Foreign Corporation Standards**

**August 30, 2006**

We submit for your consideration the following comments on the proposed rulemaking published in the July 1, 2006 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the State Board of Education (Board) to respond to all comments received from us or any other source.

**1. General.—Reasonableness; Clarity.**

The Disabilities Law Project asserts that Chapter 36 should provide students with disabilities the same level of protection as Chapter 31. The Board should explain how students with disabilities will be protected under this Chapter.

Also, there are numerous places in the proposed regulation that use the term “Commonwealth enterprise” or “Commonwealth endeavor.” These terms are not defined. The Board has indicated that these terms are different than the defined term “Education enterprise.” The Board should explain the difference between a “Commonwealth

enterprise” and a “Commonwealth endeavor” and define these terms. If there is no difference in meaning, the Board should choose either “Commonwealth enterprise” or “Commonwealth endeavor,” define it and use it consistently throughout this regulation.

## 2. Section 36.2. Corporate Commitment.—Clarity.

This section requires that the operations of a foreign corporation in the Commonwealth “provide adequate support to ensure compliance with the requirements of an accrediting body recognized by the United States Department of Education and acceptable to the Pennsylvania Department of Education . . . .” The phrase “provide adequate support to” is vague and should be deleted.

Also, the Board has indicated that the criteria for determining if an accrediting body is acceptable to the Department is found in Chapter 31. The final-form regulation should include a cross-reference to these criteria. Also, does the Department maintain a list of acceptable accrediting bodies on its website?

## 3. Section 36.4. Curricula.—Clarity.

### *Subsection (d)*

This subsection requires evaluations to be conducted “periodically, and at least once every 5 years.” The term “periodically” is not needed and should be deleted.

Also, this subsection includes the phrase “for compliance with Commonwealth approvals and regulations.” The Board has stated that the Department is responsible for approving educational entities and that the criteria for these approvals are found in Chapters 31, 36 and 42. The final-form regulation should include a cross-reference to the appropriate criteria for “Commonwealth approvals.”

## 4. Section 36.8. Evaluation and approval.—Reasonableness; Clarity.

Subsection (g) sets forth the time period in which the decision of the Secretary will be rendered “if no protest or objection has been timely made to the application.”

First, in what time period must an objection be received for it to be considered “timely”?

Second, this subsection addresses only what occurs if no objections are raised. However, no procedures are established for instances where objections are raised to an institution’s application to operate in Pennsylvania. The Board should also include these procedures in the final-form regulation.

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**Department of Public Welfare  
Regulation #14-505  
(IRRC #2549)**

**Child Care**

**August 30, 2006**

We submit for your consideration the following comments on the proposed rulemaking published in the July 1, 2006 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Department of Public Welfare (Department) to respond to all comments received from us or any other source.

## 1. Section 168.2. Definitions.—Reasonableness; Consistency with other regulations; Clarity.

### *AMR—Agreement of Mutual Responsibility*

This term is defined in detail in existing regulations at 55 Pa. Code § 165.2. This definition should be amended in the final-form regulation to include a reference to Section 165.2.

### *Co-payment*

At the end of this definition, the phrase “child care that is subsidized” should be replaced with “subsidized child care.”

### *Employment Development Plan (EDP)*

Commentators suggested adding the term “EDP” to this section. If it is added in the final-form regulation, it should refer to the definition of EDP in Chapter 165.

### *Household*

The citation to a federal regulation, “7 CFR 273.1(a)(2),” in this definition is too specific. The Department has indicated that it is planning to broaden the reference to include additional paragraphs in 7 CFR 273.1(a), relating to household concept, in the final-form regulation. We agree.

### *Parent*

The proposed regulation adds a new definition of the word “parent” to this section. There are two concerns. Community Legal Services, Inc. (CLS), and Pennsylvania Child Care Campaign (PCCC) suggest including the word “caretaker” and those responsible for “care and control” in the definition. The word “caretaker” is appropriate since the person responsible for the child may not be a biological or adoptive parent. In addition, the word “caretaker” is also used in Chapter 165 (relating to “Road to economic Self-Sufficiency through Employment and Training (RESET) Program”). The phrase “care and control” is used in the existing provisions in Chapter 3041 relating to subsidized child care eligibility. We agree with the use of the words “caretaker” and “care and control” and recommend they be included in the definition in the final-form regulation.

Second, this definition uses the term “TANF [Temporary Assistance for Needy Families] specified relative” in its reference to Section 151.42. The word “TANF” does not appear in Section 151.42 but the term “specified relative” does appear. Department staff indicate that this definition will be amended to state “a specified relative as defined for the TANF program in 55 Pa. Code § 151.42.” We concur with this change in the final-form regulation.

### *Pre-expenditure approval*

This definition and its explanation in the preamble are unclear. It is our understanding that the Department intends to delete this definition and related substantive provisions in the final-form regulation. If it is retained, its wording and intent will need to be reviewed and clarified.

### *Provider Agreement*

What are the contents of the agreement? If it contains requirements that will be binding on child care providers, then the contents or basic requirements need to be set forth in the substantive provisions of the final-form regulation.

## 2. Section 168.11. General requirements.—Statutory authority; Fiscal impact; Reasonableness; Clarity.

This section identifies the type of child care providers that a parent may select when using subsidized child care. There are four concerns.

First, a group of commentators are concerned that the requirements in Subsection (a) may exclude them from the list of eligible providers that parents may select when receiving subsidized care. This group includes the Pennsylvania Catholic Conference, Keystone Christian Education Association, Pennsylvania Family Institute and Reach Alliance. They note a recent ruling by the Commonwealth Court in *St. Elizabeth's Child Care Center v. Department of Public Welfare*, that the Department does not have the statutory authority to license or certify nonprofit, religious child care facilities pursuant to the provisions in 55 Pa. Code Chapters 3270, 3280 or 3290.

We understand that the Commonwealth Court's order has been stayed, as the Department has filed a petition for allowance of appeal to the Supreme Court of Pennsylvania. However, we are required to consider pertinent opinions of Pennsylvania's courts in determining the statutory authority of an agency to promulgate a regulation (see 71 P. S. § 745.5b(1)). In this case, the regulation may also limit parental choice and the availability of care. The Department needs to explain its plans for addressing eligibility for nonprofit providers who are not certified or registered under the existing child care facilities regulations.

Second, Subsections (a)(4) and (5) include the phrase "specifically exempt." The word "specifically" is unnecessary and should be deleted since it is already used in the definitions of the terms in these subsections.

Third, CLS and PCCC expressed concern with the deletion of the phrase "shall have the right" in Subsection (b). The proposed regulation would simply state that a parent "may" choose any type of child care provider who meets the requirement of Chapter 168 rather than stating that a parent "shall have the right" to choose any provider. We agree with the suggestion to replace "may" with "shall have the right" and recommend this change be included in the final-form regulation.

Fourth, Subsection (b) requires that a provider meet the requirements of this chapter and "meet the Department's standards for provider participation." However, the "requirements" and "standards" are not identified. According to the Department, requirements for providers are set forth in Sections 168.19 and 168.41(3) and standards for provider participation are also set forth in the provider agreement. Specific references to these sections and any other applicable requirements in other regulations should be added to Subsection (b) in the final-form regulation. In addition, if providers will be expected to meet other requirements in a written agreement and these requirements are not set forth in regulations in Chapter 168 or elsewhere, then these requirements should be set forth in the final-form regulation.

### **3. Section 168.17. Eligible children.—Clarity.**

In Paragraph (2), the reference to 7 CFR 273.1(b) is incomplete. According to the Department, it should be "7 C.F.R. § 273.1(b)(1)(iii)." The Department should make this correction in the final-form regulation.

Paragraph (4)(iii) is not a component of Paragraph (4) and should be a separate paragraph. The Department should make it into a new and separate Paragraph (5) in the final-form regulation.

### **4. Section 168.18. Need for child care.—Reasonableness; Clarity.**

The proposed regulation simplified Subsection (c) to state that child care will be considered as needed for entry into or during breaks in approved work activities

for "up to 30 days." The Department needs to clarify when the 30 days could begin and end.

CLS, PCCC and other commentators expressed concern with the requirement for a "face-to-face" interview in Subsection (f). Even though Subsection (f) provides for flexibility, CLS and PCCC make recommendations for additional flexibility. For example, the subsection includes this statement: "The Department may substitute a telephone contact for a face-to-face interview if a face-to-face interview cannot be scheduled without the parent having to take time off from work." We have two concerns.

First, this subsection does not identify who will conduct the interview with the parent. This is in contrast to an existing provision at 55 Pa. Code § 3041.126(b) that states a face-to-face interview is with the "eligibility agency." It is our understanding that the Child Care Information Services Agency (CCIS) will conduct the interview with the parent. The final-form regulation should be amended to indicate that the interview is with the CCIS.

Second, what happens if the parent cannot get transportation to the interview or experiences other legitimate problems in completing the interview that are beyond her or his control? What steps could be taken to avoid disruption in child care services?

### **5. Section 168.43. Verification of a child's disability.—Clarity.**

The title of this section refers to a child's disability even though the definition of "disability" in Section 168.2 is limited to parents' impairments. It is our understanding that the Department will replace the word "disability" with "injury or impairment" in the title of this section in the final-form regulation. We agree with this change.

### **6. Section 168.43 and 168.44. Verification of a child's or parent's disability.—Clarity.**

Both sections contain long sentences which end with the phrase "is required." It is unclear who needs to obtain the written statement from the physician or psychologist and to what office the statement should be submitted. It is our understanding that the Department will amend these sections to clarify that a parent is required to provide the written statement mentioned in these two sections to the "Department or its designated agent" in the final-form regulation. We agree that this revision will clarify these sections.

### **7. Section 168.61. Reporting requirements.—Clarity.**

In this section, a parent is required to report changes in child care arrangements. However, it is unclear who should receive the parent's report. Department staff indicated that, as noted above, they plan to amend this provision in the final-form regulation to require parents to report "to the Department or its designated agent." We support this change.

### **9. Section 168.72. Determining monthly child care costs.—Protection of public welfare; Reasonableness; Clarity.**

In Subsection (2), the Department is limiting payments to cover a charge for up to ten consecutive days when the child was not in attendance due to illness. The revision was helpful since it deleted existing language "vacation, and the like" which was vague. However, many child care providers require payments during a child's absence to maintain a space for when the child returns. There may be other legitimate reasons besides illness for a child's inability to be present at the child care facility. These

reasons may include travel time to attend a funeral in the family or hospitalization for an injury. Maintaining a child's place in a facility is crucial to maintaining access and continuity in child care. We recommend that the Department review whether this provision should include other limited and specific reasons for absences beyond illness.

**10. Section 168.82. Time frames for authorization of payment.—Clarity; Reasonableness.**

Some of the CCIS agencies expressed concerns with the time frames in this new section. Based upon a recent review of this proposed section, the Department indicates that the provisions in this new section are not appropriate for Chapter 168 and it will delete this new section in its entirety from the final-form regulation. If the Department does not make this change, it needs to explain how the time frames in this section were determined and why they are reasonable.

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**Department of Education**  
**Regulation #6-300**  
**(IRRC #2550)**

**Keystone Educational Accountability Best Management Practices Standards**

**August 30, 2006**

We submit for your consideration the following comments on the proposed rulemaking published in the July 1, 2006 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Department of Education (Department) to respond to all comments received from us or any other source.

**1. Regulations as a binding norm.—Legislative Intent; Reasonableness.**

Act 80 of 2003 (Act) requires the Department, in consultation with stakeholders, to develop a system for reviewing the financial management practices of school districts based on a series of best financial management practices standards adopted for specific areas of district programs and operations. The Act also requires the Secretary of the Department to promulgate the standards as regulations. Regulations establish binding, enforceable norms, but the provisions of this regulation do not. Therefore, the regulation is inconsistent with the intent of the General Assembly.

More specifically we offer the following comments on § 405.1, relating to purpose:

*Subsection (a)*

The last three sentences of this subsection state the following:

Districts conduct a self-assessment and then are subsequently evaluated by external reviewers every 6 years. Based upon that external review, a district that is deemed to be in compliance with the standards in this chapter will be certified as Keystone Districts by the Secretary. The reviews shall occur under Article XXV-A of the Public School Code of 1949.

We have two concerns. First, these sentences do not relate to the purpose of the regulations, but rather are substantive and should be placed in the main body of this chapter.

Second, this regulation fails to establish the processes for both the self-assessment and the external review. The Department has indicated that requirements for conducting the self-assessment and review will be developed at a later date, but these requirements will not be promulgated as a regulation. Instead, the Department stated that it will disseminate the details through non-regulatory documents such as guidance documents. This is problematic because non-regulatory documents cannot be used to enforce standards contained in regulation. Therefore, the detail of how self-assessments and reviews will occur should be placed in the regulation.

Specific actions that school districts, the Department and any entity involved with performing reviews are expected to take should also be included.

In addition, the regulation should include specific time frames in which those actions must be taken. This would allow all parties involved with the review and assessment process to know exactly what must be accomplished and when it must be accomplished.

*Subsection (b)*

This subsection states the following:

The indicators set forth in each best practices management standard in this chapter are to help assess whether a district is meeting each standard. The indicators represent the kinds of activities a district would be undertaking if the district were using a particular best practice. The indicators listed in this chapter are not exclusive, and literal compliance with each is not required to qualify for Keystone certification.

As stated above, regulations establish binding, enforceable norms. The provisions included in this subsection are merely recommendations and, therefore, should be deleted.

If the Department decides to retain these provisions, they must be amended to indicate what the minimum requirements are for achieving Keystone certification. This would allow the Department to meet the legislative intent of the Act, which requires the establishment of standards as regulations.

**2. Lack of a definitions section.—Reasonableness; Clarity.**

This chapter lacks a definitions section. Key terms or phrases that are used throughout this chapter should be defined. For instance, the following should be defined:

- Administrative and instructional
- Technology
- Board
- Coordinated Review Effort (CRE)
- Cost control systems
- District
- Educational service delivery
- Fund/grant/project accounting
- Generally accepted contracting procedures
- Green building designs
- Human resource services
- Keystone certification
- Keystone Districts
- Performance accountability

- Personnel systems and benefits
- Professional development
- School Meal Initiative for Healthy Children (SMI) review
- Stakeholders
- Subsidy-related data systems
- Total Cost of Ownership (TCO) analysis

**3. Section 405.2. Management structures standards.—Need; Clarity.**

*Paragraph (2)*

The phrase “(either in-house or on contract)” under Subparagraph (i) is not needed and should be deleted.

*Paragraph (3)*

Under Paragraph (3)(iv), the board, superintendent and staff are to be held accountable for adhering to established policies and procedures and for achieving Federal, State, district and school goals. How does the Department intend for these people to be “held accountable”?

**4. Section 405.3. Performance accountability standards.—Reasonableness.**

Paragraph (2)(iii) requires districts to make available evaluation results to the board and stakeholders. Paragraph (2)(iv) requires districts to receive comments from stakeholders. We recommend that the public also be included in these paragraphs.

**5. Section 405.4. Cost control systems standards.—Clarity.**

Paragraph (1) requires the district to review its financial operations. The final-form regulation should indicate how often the review must be done.

**6. Section 405.6. Personnel systems and benefits standards.—Reasonableness; Clarity.**

Commentators are concerned that provisions under this section conflict with subjects that are part of existing collective bargaining agreements. Would the requirement for districts to meet the standards of this section violate existing collective bargaining agreements or restrict any future good faith negotiations with employee bargaining units?

Also, what is meant by “applicable comparisons or benchmarks” under Paragraph (5)(ii)?

**7. Section 405.9. Transportation standards.—Clarity.**

*Paragraph (2)*

Timely submission of required data to multiple agencies of the Commonwealth is listed as an indicator of compliance under Paragraph (2)(i). We have two questions. First, what is the required data? Second, to what agencies must the data be submitted?

*Paragraph (4)*

Both students and drivers are to be “held accountable” for failure to comply with standards, policies and procedures. How does the Department intend for them to be held accountable by the district?

**8. Reference to other requirements.—Clarity.**

There are numerous places throughout the regulation that reference Federal, State or local requirements but do not provide citations to those requirements. The Department should add these requirements to the text of the regulation or provide citations to the appropriate provi-

sions. These sections include: 405.2(3)(iv), 405.5(1)(i), 405.6(2)(i), (3)(i) and (iv) and (5)(iv), 405.9(3)(vi), 405.10(4) and 405.11(2) and (2)(ii).

**9. Miscellaneous clarity.**

The following terms and phrases appear throughout the regulation:

- actively
- appropriate
- as needed/necessary
- clearly
- consistently
- effectively (or variations of)
- efficiently (or variations of)
- fully
- generally
- including, but not limited to
- ongoing
- periodically
- readily
- regularly
- reasonable
- routinely
- timely
- useful

These terms and phrases are vague and should be replaced with definite terms that establish binding norms.

Department of Public Welfare  
Regulation #14-504  
(IRRC #2552)

**Licensure/Approval Appeal Procedure**

**September 6, 2006**

We submit for your consideration the following comments on the proposed rulemaking published in the July 8, 2006 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Department of Public Welfare (Department) to respond to all comments received from us or any other source.

**1. General—Reasonableness; Need; Feasibility.**

DPW is replacing the uncodified Chapter 9003 administrative procedure regulations, relating to licensure and approval appeals filed by Department-certified facilities and agencies, with the General Rules of Administrative Practice and Procedure (GRAPP), 1 Pa. Code, Part II. We have several questions and recommendations. First, has the Department considered codifying Chapter 9003 with revisions determined to be appropriate? These procedures have been in place since 1977 and commentators and other interested parties appear to be very comfortable with them.



Second, several facilities commented that the ten-day appeal period allotted under the GRAPP is simply too short a timeframe for weighing the ramifications of an action taken by the Department and determining whether to appeal. We recommend that the Department consider preserving the 30-day appeal period currently allowed under Chapter 9003.

Third, we agree with the Pennsylvania Association of Resources for People with Mental Retardation (PAR), that there are many provisions in the GRAPP that may not be applicable to appeals filed by human resource programs. The Department should consider adopting only those provisions of the GRAPP that are directly pertinent to these appeals.

Finally, we also agree with PAR that Section 25.20 of the GRAPP appears to bypass the Bureau of Hearings and Appeals, as it provides that appeals of staff action be taken directly to the agency head. Is it the Department's intent that licensure and approval appeals be taken directly to the Secretary?

ALVIN C. BUSH,  
*Chairperson*

[Pa.B. Doc. No. 06-1824. Filed for public inspection September 15, 2006, 9:00 a.m.]

## INSURANCE DEPARTMENT

Richard D. Archuleta, M. D.; Prehearing

**Appeal of Richard D. Archuleta, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-08-023**

On or before September 14, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's July 20, 2006, 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 October 5, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before October 2, 2006. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before September 21, 2006, 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 September 28, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1825. Filed for public inspection September 15, 2006, 9:00 a.m.]

Richard P. Caputo; Prehearing

**Richard P. Caputo; Order To Show Cause; Doc. No. SC06-06-040**

A prehearing telephone conference initiated by this office is scheduled for August 30, 2006. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before August 28, 2006. A date for a hearing shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before August 18, 2006, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answers to petitions to intervene, if any, shall be filed on or before August 25, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1826. Filed for public inspection September 15, 2006, 9:00 a.m.]

Lisa Marie Chism-Fraire, CNM; Prehearing

**Appeal of Lisa Marie Chism-Fraire, CNM under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-08-015**

On or before September 8, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's July 7, 2006, 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 September 29, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before September 22, 2006. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before September 15, 2006, 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 September 22, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1827. Filed for public inspection September 15, 2006, 9:00 a.m.]

### First Priority Health; Blue Care HMO Nongroup Conversion; Rate Filing

On August 15, 2006, the Insurance Department received from First Priority a filing requesting to increase the rates by 2.3% and to adjust the cost sharing for subscribers in the nongroup conversion product. Without the benefit adjustments the rate increase requested would have been 9.1%.

The proposed effective date is January 1, 2007. The filing will impact approximately 828 subscribers and generate additional revenue of \$88,300 annually.

Unless formal administrative action is taken prior to November 7, 2006, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) 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 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1828. Filed for public inspection September 15, 2006, 9:00 a.m.]

### Kumaresan Ganabathi, M. D.; Prehearing

#### Appeal of Kumaresan Ganabathi, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-08-029

On or before September 26, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's May 17, 2006, 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 October 17, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before October 13, 2006. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before October 3, 2006, 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 October 10, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1829. Filed for public inspection September 15, 2006, 9:00 a.m.]

### IPCO, LLC; Prehearing

#### Appeal of IPCO, LLC under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 06-021(F); Doc. No. UT06-07-017

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

A prehearing telephone conference shall be held on September 6, 2006. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102 on or before August 23, 2006. Answers to petitions to intervene, if any, shall be filed on or before August 30, 2006.

A date for a hearing shall be determined, if necessary, at the prehearing/settlement telephone conference.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1830. Filed for public inspection September 15, 2006, 9:00 a.m.]

### List of Approved Guide Source Method Vendors; Notice No. 2006-09

Under the authority of the Motor Vehicle Physical Damage Appraisers Act (63 P. S. §§ 851—863), the Insurance Commissioner hereby lists guide source providers approved to calculate the replacement value of total loss or unrecovered vehicles under the Motor Vehicle Physical Damage Appraisers regulation, 31 Pa. Code § 62.3(e)(1)(i) (relating to applicable standards for appraisal).

A listing of approved guide source method providers will be published annually in the *Pennsylvania Bulletin*. In the interim, an updated listing may be obtained by contacting the Insurance Department, Bureau of Consumer Services, 1209 Strawberry Square, Harrisburg, PA 17120. Requests for this information may also be submitted to [ra-in-consumer@state.pa.us](mailto:ra-in-consumer@state.pa.us) or telephone toll free (877) 881-6388 or faxed to (717) 787-8585.

**Approved Guide Source Vendors**

Automobile Red Book (including the  
Older Used Car Publication),  
formerly Automobile Blue Book  
Primedia Price Digests  
P. O. Box 12901  
Overland Park, KS 66282-2901  
(800) 654-6776  
www.pricedigests.com

NADA Official Used Car Guide (including the  
Older Used Car Publication)  
8400 Westpark Drive  
McLean, VA 22102  
(800) 544-6232  
www.nada.com/b2b

Autobid, Inc.  
722 Illinois Street  
Joplin, Missouri 64801  
(800) 875-2217  
www.autobid.com

CCC Information Services, Inc.  
444 Merchandise Mart  
Chicago, Illinois 60654-1005  
(800) 621-8070  
www.cccis.com

Audatex  
formerly ADP Claims Solution  
Group, Inc.  
6111 Bollinger Canyon Road  
Suite 200  
San Ramon, CA 94583  
(925) 866-1100  
www.audatex.com

This document supersedes the notices published at 36 Pa.B. 2482 (May 20, 2006) and shall remain in effect until a subsequent notice is published in the *Pennsylvania Bulletin*.

(*Editor's Note:* For a final rulemaking affecting this notice, see 29 Pa.B. 5511 (October 23, 1999).)

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1831. Filed for public inspection September 15, 2006, 9:00 a.m.]

**Memorial Hospital; Prehearing**

**Appeal of Memorial Hospital under the Medical  
Care Availability and Reduction of Error (MCARE)  
Act (40 P. S. §§ 1303.101—1303.910);  
Doc. No. MM06-07-024**

On or before September 7, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's June 27, 2006, 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 September 28, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before September 22, 2006. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before September 14, 2006, 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 August 21, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1832. Filed for public inspection September 15, 2006, 9:00 a.m.]

**Memorial Hospital, Michael Boyek, M. D., Gary Merritts, M. D.; Prehearing**

**Appeal of Memorial Hospital, Michael Boyek, M. D.,  
Gary Merritts, M. D. under the Medical Care  
Availability and Reduction of Error (MCARE) Act  
(40 P. S. §§ 1303.101—1303.910);  
Doc. No. MM06-07-020**

On or before August 24, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's July 7, 2006, 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 September 15, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before September 8, 2006. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene, or notices of intervention, if any, must be filed on or before August 31, 2006, 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 September 7, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1833. Filed for public inspection September 15, 2006, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of Act 68, 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg, Philadelphia and Pittsburgh. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

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

Appeal of Ryan Buck; file no. 06-266-20381; State Farm Insurance Company; doc. no. PH06-07-031; September 18, 2006, 10 a.m.

Appeal of Jennifer McMichael; file no. 06-188-20270; Westfield Insurance Co.; doc. no. P06-08-011; September 28, 2006, 10 a.m.

The following hearings will be held in the Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Karen Antonelli; file no. 05-266-21888; First Liberty Insurance Co.; doc. no. PH06-08-034; September 19, 2006, 9 a.m.

Appeal of Robert D. and Christine I. Cartwright; file no. 06-210-22288; Liberty Mutual Insurance Company; doc. no. P06-08-026; September 19, 2006, 3 p.m.

Appeal of Joseph C. Rogers, M. D.; file no. 06-210-21116; American Home Assurance Co.; doc. no. P06-07-022; September 19, 2006, 11 a.m.

The following hearing will be held in the Pittsburgh Regional Office, Room 304, State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Thomas Allison; file no. 06-119-19350; Allstate Insurance Co.; doc. no. P06-08-010; September 26, 2006, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

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

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator, (717) 705-4194.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1834. Filed for public inspection September 15, 2006, 9:00 a.m.]

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

The following insurer has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with the company's termination of the insured's policy. The administrative hearings will be held in the Insurance Department's regional office in Harrisburg. 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 Erie Insurance Company; file no. 06-183-51513; Bruce D. Gerstemeier; doc. no. P06-07-028; September 20, 2006, 1 p.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.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

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

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid,

service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator, (717) 705-4194.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1835. Filed for public inspection September 15, 2006, 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 companies' termination of the insureds' policies. The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg and Philadelphia. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

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

Appeal of Phillip G. Miller; file no. 06-188-23124; Millville Mutual Insurance Co.; doc. no. P06-08-033; October 11, 2006, 10 a.m.

Appeal of John and Barbara Weingart; file no. 06-171-21529; Harleysville Insurance Company; doc. no. P06-07-027; October 3, 2006, 2 p.m.

The following hearings will be held in the Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Randy Mims; file no. 06-267-21803; Allstate Insurance Company; doc. no. P06-08-032; September 19, 2006, 4 p.m.

Appeal of Roger G. Suppan; file no. 06-119-19614; Donegal Mutual Insurance Company; doc. no. P06-06-043; September 19, 2006, 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.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

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

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1836. Filed for public inspection September 15, 2006, 9:00 a.m.]

### Emil P. Sfedu, M. D.; Prehearing

#### Appeal of Emil P. Sfedu, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-08-017

On or before September 7, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's July 20, 2006, 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 September 28, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before September 22, 2006. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before September 14, 2006, 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 August 21, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1837. Filed for public inspection September 15, 2006, 9:00 a.m.]

### Chandrakant Shah, M. D.; Prehearing

#### Appeal of Chandrakant Shah, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-08-040

On or before September 26, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's August 11, 2006, 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 October 18, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before October 13, 2006. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before October 3, 2006, 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 October 10, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1838. Filed for public inspection September 15, 2006, 9:00 a.m.]

### Sharon Regional Health Systems; Prehearing

#### **Appeal of Sharon Regional Health Systems under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-07-018**

On or before August 24, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's June 20, 2006, 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 September 15, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before September 8, 2006. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before August 31, 2006, 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 September 7, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1839. Filed for public inspection September 15, 2006, 9:00 a.m.]

### Gurmit Singh, M. D.; Prehearing

#### **Appeal of Gurmit Singh, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-08-030**

On or before September 26, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's August 14, 2006, 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 October 17, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before October 13, 2006. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before October 3, 2006, 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 October 10, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1840. Filed for public inspection September 15, 2006, 9:00 a.m.]

### Soldiers and Sailors Memorial Hospital; Prehearing

#### **Appeal of Soldiers and Sailors Memorial Hospital under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-08-041**

On or before September 26, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's August 8, 2006, 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 October 17, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before October 13, 2006. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before October 3, 2006, 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 October 10, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1841. Filed for public inspection September 15, 2006, 9:00 a.m.]

### United Healthcare Insurance Company Application for Approval of Revised Rates for AARP Group Prestandardized Medicare Supplement Policy Forms M1—M7 and MA; Rate Filing

United HealthCare Insurance Company has filed for approval increased rates for its AARP Group Prestandardized Medicare Supplement policy forms. The filing requests an aggregate rate increase of 10.4% for insured members whose coverage does not include prescription drug benefits and 9.5% for insureds whose coverage includes prescription drug benefits.

These rate adjustments will affect approximately 14,376 insureds and will generate approximately \$3.0 million in additional premium annually. The company requests that the revised rates take effect on January 1, 2007.

Unless formal administrative action is taken prior to November 22, 2006, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) 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 Michael Gurgiolo, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [mgurgiolo@state.pa.us](mailto:mgurgiolo@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1842. Filed for public inspection September 15, 2006, 9:00 a.m.]

**United Healthcare Insurance Company; Application for Approval of Revised Rates for AARP Group Standardized Medicare Supplement Policy Forms Number G-36000-4, Plans A—L; Rate Filing**

United HealthCare Insurance Company has filed for approval increased rates for its AARP group standardized Medicare supplement policy forms. The filing requests rate increases that average 4.6% and which vary by standardized benefit package within a range of 0.0—11.9%.

These rate adjustments will affect approximately 99,257 insureds in this Commonwealth and will generate approximately \$8.8 million in additional premium annually. The company requests that the revised rates take effect on January 1, 2007. The requested rate adjustment percentages by standard plan are as follows (plans H, I and J have separate percentages shown for insureds who retained and eliminated prescription drug, or Rx, benefits):

Plan A	3.0%
Plan B	3.1%
Plan C	3.3%
Plan D	2.9%
Plan E	2.9%
Plan F	3.2%
Plan G	3.2%
Plan H (with Rx)	11.8%
Plan H (without Rx)	11.8%
Plan I (with Rx)	11.2%
Plan I (without Rx)	11.9%
Plan J (with Rx)	8.2%
Plan J (without Rx)	9.3%
Plan K	0.0%
Plan L	0.0%

Unless formal administrative action is taken prior to November 22, 2006, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) 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 Michael Gurgiolo, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [mgurgiolo@state.pa.us](mailto:mgurgiolo@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1843. Filed for public inspection September 15, 2006, 9:00 a.m.]

**United Services Automobile Association and USAA Casualty Insurance Company; Homeowners Rate and Rule Revision; Rate Filing**

On August 17, 2006, the Insurance Department (Department) received from United Services Automobile Association and USAA Casualty Insurance Company a filing for a rate level and rule revision for homeowners insurance.

United Services Automobile Association requests an overall 3.9% decrease amounting to \$1.164 million annually, to be effective January 1, 2007.

USAA Casualty Insurance Company requests an overall 3.9% decrease amounting to \$716,000 annually, to be effective January 1, 2007.

Unless formal administrative action is taken prior to October 16, 2006, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) 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."

A copy of the filing is 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 Xiaofeng Lu, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [xlu@state.pa.us](mailto:xlu@state.pa.us) within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1844. Filed for public inspection September 15, 2006, 9:00 a.m.]

**Jeannie Wagner; Prehearing****Appeal of Jeannie Wagner under 40 P. S.  
§§ 991.2101—991.2193; Geisinger Health Plan;  
Doc. No. HC06-08-009**

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 September 25, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before September 20, 2006. The hearing shall occur on October 12, 2006, at 10 a.m. in Room 200, Administrative Hearing Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before September 15, 2006, 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 September 22, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1845. Filed for public inspection September 15, 2006, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

**Documents Filed But Not Published**

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

*Executive Board*

Resolution #CB-06-174, Dated July 6, 2006. Authorizes the side letters with AFSCME, PSSU, FOSCEP, PSRA and UGSOA, which provide for specific employment conditions in the event of a 2006-07 budget impasse.

*Governor's Office*

Management Directive No. 530.11—Benefit Rights of Permanent and Nonpermanent Employees, Amended July 25, 2006.

Administrative Circular No. 06-13—Availability—Commonwealth Telephone Directory, Dated July 18, 2006.

MARY JANE PHELPS,  
*Director*  
*Pennsylvania Bulletin*

[Pa.B. Doc. No. 06-1846. Filed for public inspection September 15, 2006, 9:00 a.m.]

## MILK MARKETING BOARD

**Hearing and Presubmission Schedule for All Milk Marketing Areas; Over-Order Price**

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on October 31, 2006, at 9:30 a.m. in Room 202 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning the applicable Class I over-order prices on milk purchased by Pennsylvania milk dealers from Pennsylvania producers and distributed as Class I milk by Pennsylvania milk dealers in this Commonwealth and outside this Commonwealth. The Board will also receive testimony and exhibits concerning the applicable Class I over-order prices on milk purchased from Pennsylvania producers by out-of-State milk dealers and distributed as Class I milk by out-of-State milk dealers in this Commonwealth and outside the Commonwealth.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on September 22, 2006, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25; or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on September 22, 2006, notification of their desire to be included as a party. Parties may indicate in their notices of appearance if alternate means of service, such as, e-mail or fax, are acceptable.

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 4 p.m. on September 25, 2006, each petitioning party shall file with the Board, in person or by mail, one original and eight copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on October 19, 2006, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.



3. By 4 p.m. on October 25, 2006, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

The Board may exclude witnesses or exhibits of a party that fails to comply with the above requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

Parties that wish to offer in evidence documents on file with the Board, public documents, records in other proceedings before the Board, or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 1 p.m. on October 23, 2006.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

KEITH BIERLY,  
*Secretary*

[Pa.B. Doc. No. 06-1847. Filed for public inspection September 15, 2006, 9:00 a.m.]

#### Hearing and Presubmission Schedule; Milk Marketing Area No. 4

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 4 on November 1, 2006, commencing at 11:30 a.m. in Room 202 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 4. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the second quarters of calendar years 2005 and 2006; consideration of skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; in-store handling costs; and a reasonable rate of return to milk dealers and stores. In accordance with OGO A-937, evidence and testimony will be considered regarding the heating fuel adjuster in Area No. 4. In accordance with OGO A-939, evidence and testimony will be considered regarding the diesel fuel cost adjuster in Area No. 4.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board

on or before 4 p.m. on October 6, 2006, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form on notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on October 6, 2006, notification of their desire to be included as a party. Parties may indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable.

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 4 p.m. on October 13, 2006, each party shall file with the Board, in person or by mail, one original and eight copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on October 27, 2006, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents, or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on October 20, 2006.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

KEITH BIERLY,  
*Secretary*

[Pa.B. Doc. No. 06-1848. Filed for public inspection September 15, 2006, 9:00 a.m.]

#### Hearing and Presubmission Schedule; Milk Marketing Area No. 1

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 1 on November 1, 2006, beginning at 9:30 a.m. in Room 202 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 1. Evidence will be limited to the following:

annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the second quarters of calendar years 2005 and 2006; consideration of skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; and a reasonable rate of return to milk dealers. In accordance with OGO A-937, evidence and testimony will be considered regarding the heating fuel adjuster in Area No. 1. In accordance with OGO A-939, evidence and testimony will be considered regarding the diesel fuel cost adjuster in Area 1.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on October 6, 2006, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on October 6, 2006, notification of their desire to be included as a party. Parties may indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable.

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 4 p.m. on October 13, 2006, each party shall file with the Board, in person or by mail, one original and eight copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on October 27, 2006, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents, or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on October 20, 2006.

The filing address for the Board is the Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

KEITH BIERLY,  
*Secretary*

[Pa.B. Doc. No. 06-1849. Filed for public inspection September 15, 2006, 9:00 a.m.]

### Hearing and Presubmission Schedule; Milk Marketing Area No. 2

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 2 on November 1, 2006, commencing at 10:30 a.m. in Room 202 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 2. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the second quarters of calendar years 2005 and 2006; consideration of skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; in-store handling costs; and a reasonable rate of return to milk dealers and stores. In accordance with OGO A-937, evidence and testimony will be considered regarding the heating fuel adjuster in Area No. 2. In accordance with OGO A-939, evidence and testimony will be considered regarding the diesel fuel cost adjuster in Area No. 2.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on October 6, 2006, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on October 6, 2006, notification of their desire to be included as a party. Parties may indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable.

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 4 p.m. on October 13, 2006, each party shall file with the Board, in person or by mail, one original and eight copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on October 27, 2006, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents, or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on October 20, 2006.

The filing address for the Board is Pennsylvania Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

KEITH BIERLY,  
*Secretary*

[Pa.B. Doc. No. 06-1850. Filed for public inspection September 15, 2006, 9:00 a.m.]

## OFFICE OF THE BUDGET

### Commonwealth Financing Authority Certification

I, Michael J. Masch, Secretary of the Budget, hereby certify in accordance with and as required by section 1543(e) of the act of April 1, 2004 (P. L. 163, No. 22), 64 Pa.C.S. § 1543(e), that:

(1) sufficient surplus revenue will exist in the General Fund for Commonwealth Fiscal Years 2007-2008 and 2008-2009 to pay any liabilities which will be incurred by the Commonwealth during those Fiscal Years if the Commonwealth Financing Authority incurs an additional \$250,000,000 of indebtedness; and,

(2) the aggregate amount of liabilities which will be incurred by the Commonwealth for its Fiscal Years 2007-2008 and 2008-2009 as a result of the activities of the Commonwealth Financing Authority are \$85,165,000 and \$115,039,000 respectively.

MICHAEL J. MASCH,  
*Secretary*

[Pa.B. Doc. No. 06-1851. Filed for public inspection September 15, 2006, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Merger

**A-110150F0035 and A-311233F0002. Duquesne Light Company and DQE Communications Network Services, LLC.** Application of Duquesne Light Company and DQE Communications Network Services, LLC for approval of the acquisition of their parent company, Duquesne Light Holdings, Inc. by 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 October 2, 2006. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Duquesne Light Company and DQE Communications Network Services, LLC

*Through and By Counsel:* Michael W. Gang, Esquire, Andrew S. Tubbs, Esquire, Post & Schell, PC, 12th Floor, 17 North Second Street, Harrisburg, PA 17101-1601

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-1852. Filed for public inspection September 15, 2006, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by October 10, 2006. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

### Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

**A-00123071. Leroy Gevin** (16499 South Townline Road, Linesville, Crawford County, PA 16424)—persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Crawford, Erie and Mercer, to points in Pennsylvania, and return.

**A-00123072. Zane Fenster** (19961 Airport Road, Conneautville, Crawford County, PA 16406)—persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Crawford, to points in Pennsylvania, and return.

**A-00123074. Ronald Feldmiller** (3477 Lake Road, Atlantic, Crawford County, PA 16111)—persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Crawford, to points in Pennsylvania, and return.

**Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.**

**A-00112473, F.2. B.H.P.H., Inc.** (Route 309, Box 384, Tamaqua, PA 18252)—persons, in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the City of Tamaqua and within an airline radius of 35 statute miles of the limits of said city, to points in Pennsylvania, and return.

**A-00115789, F.2. Adamo Limousine, Ltd.** (1520 Walnut Street, Allentown, PA 18102)—persons, in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Lehigh, Northampton and Montgomery, 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-00123087. James Mahon Moving & Trucking, Inc.**, a corporation of the State of New Jersey (281 Route 206 South, Branchville, Sussex County, NJ 07826)—household goods in use, from points in the County of Pike, to points in Pennsylvania, and vice versa. *Attorney:* Sanford D. Beecher, Esquire, Beecher, Rose & Klemeyer, 402 Broad Street, Milford, PA 18337-9998.

**Application of the following for approval to begin operating as a broker for transportation of persons as described under the application.**

**A-00123085. Robert M. Dellinger, Jr.** (1877 Ashcombe Drive, Dover, York County, PA 17315)—for the right to begin to operate as a broker, to arrange for the transportation of persons, between points in Pennsylvania.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-1853. Filed for public inspection September 15, 2006, 9:00 a.m.]

### Water Service

**A-212285F0139. Pennsylvania-American Water Company.** Application of Pennsylvania-American Water Company for approval of the right to offer, render, furnish or supply water service for private fire protection for Clarion Boards, Inc. in a portion of Paint Township, Clarion County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before October 2, 2006. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Pennsylvania-American Water Company

*Through and By Counsel:* Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-1854. Filed for public inspection September 15, 2006, 9:00 a.m.]

### Water Service

**A-212285F0140. Pennsylvania-American Water Company.** Application of Pennsylvania-American Water Company for approval of the right to offer, render, furnish or supply water service to the public in additional portions of Silver Spring Township, Cumberland County, Pennsylvania.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before October 2, 2006. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Pennsylvania-American Water Company

*Through and By Counsel:* Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-1855. Filed for public inspection September 15, 2006, 9:00 a.m.]

### Water Service

**A-212285F0141. Pennsylvania-American Water Company.** Application of Pennsylvania-American Water Company for approval of the right to offer, render, furnish or supply water service to the public in additional portions of Buffalo and Canton Townships, Washington County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before October 2, 2006. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Pennsylvania-American Water Company

*Through and By Counsel:* Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-1856. Filed for public inspection September 15, 2006, 9:00 a.m.]

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## STATE BOARD OF COSMETOLOGY

**Bureau of Professional and Occupational Affairs v.  
Juana Taveras; Doc. No. 0333-45-06**

On July 18, 2006, Juana Taveras, of Philadelphia, Philadelphia County, was assessed a civil penalty of \$500, based on her practice of cosmetology without a license.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represent the final State Board of Cosmetology (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 06-1857. Filed for public inspection September 15, 2006, 9:00 a.m.]

## STATE ETHICS COMMISSION

### Public Meeting

Under 65 Pa.C.S. §§ 1101—1113 (relating to the Public Official and Employee Ethics Act) (act), the State Ethics Commission (Commission) is required to hold at least two public hearings each year to seek input from persons and organizations who represent any individual subject to the provisions of the act and from other interested parties.

The Commission will conduct a public meeting at the Courtyard Marriott, 1730 University Drive, State College, PA 16801 on October 5, 2006, beginning at 9 a.m. for purposes of receiving input and for the conduct of other agency business. Public officials, public employees, organizations and members of the general public may attend.

Persons seeking to testify or present a statement, information or other comments in relation to the act, the regulations of the Commission or agency operations should contact Claire J. Hershberger at (717) 783-1610 or (800) 932-0936. Written copies of statements should be provided at the time of the meeting.

JOHN J. CONTINO,  
*Executive Director*

[Pa.B. Doc. No. 06-1858. Filed for public inspection September 15, 2006, 9:00 a.m.]